

Description and information about Administrative Regulations filed on July 19, 2022:

These emergency and ordinary administrative regulations were filed on July 19, 2022:

1. 907 KAR 4:020E. Kentucky Children’s Health Insurance Program Medicaid Expansion Title XXI of the Social Security Act.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the Kentucky Children’s Health Insurance Program (KCHIP) eligibility criteria, quality assurance and utilization review, covered services, the approval process, and grievance and appeal rights. KCHIP offers health care coverage to children whose parents’ income exceeds the income thresholds for the Medicaid Program but is under 218 percent of the federal poverty level. The amendment to this administrative regulation moves all KCHIP children under the requirements of this administrative regulation, clarifies how a five (5) percent income disregard is to be calculated, and deletes references to certain repealed legislation.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on September 26, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 19, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

2. 907 KAR 4:020. Kentucky Children’s Health Insurance Program Medicaid Expansion Title XXI of the Social Security Act.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the Kentucky Children’s Health Insurance Program (KCHIP) eligibility criteria, quality assurance and utilization review, covered services, the approval process, and grievance and appeal rights. KCHIP offers health care coverage to children whose parents’ income exceeds the income thresholds for the Medicaid Program but is under 218 percent of the federal poverty level. The amendment to this administrative regulation moves all KCHIP children under the requirements of this administrative regulation, clarifies how a five (5) percent income disregard is to be calculated, and deletes references to certain repealed legislation.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on October 24, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by October 17, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until October 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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3. 907 KAR 4:030E. Kentucky Children’s Health Insurance Program Phase III Title XXI of the Social Security Act.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the Kentucky Children’s Health Insurance Program (KCHIP) Phase III eligibility criteria, quality assurance and utilization review, covered services, the approval process, and grievance and appeal rights. The KCHIP Phase III program offers health care coverage to participants whose income exceeds the income thresholds for the Medicaid Program but is under 218 percent of the federal poverty level. The amendment to this administrative regulation introduces an option for pregnant recipients to receive KCHIP services up to the limits of KCHIP Phase III eligibility. The amendment also reflects the current program by expanding the KCHIP Phase III program to

218 percent of the federal poverty level. An amendment is also made to delete a subsection addressing exceptions to covered services.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on September 26, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 19, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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4. 907 KAR 4:030. Kentucky Children’s Health Insurance Program Phase III Title XXI of the Social Security Act.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the Kentucky Children’s Health Insurance Program (KCHIP) Phase III eligibility criteria, quality assurance and utilization review, covered services, the approval process, and grievance and appeal rights. The KCHIP Phase III program offers health care coverage to participants whose income exceeds the income thresholds for the Medicaid Program but is under 218 percent of the federal poverty level. The amendment to this administrative regulation introduces an option for pregnant recipients to receive KCHIP services up to the limits of KCHIP Phase III eligibility. The amendment also reflects the current program by expanding the KCHIP Phase III program to 218 percent of the federal poverty level. An amendment is also made to delete a subsection addressing exceptions to covered services.

C. The administrative regulation may be accessed at the LRC website here:

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D. A public hearing on this administrative regulation shall, if requested, be held on October 24, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting

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5. 907 KAR 20:020E. Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes provisions related to Medicaid eligibility income standards except for Medicaid eligibility categories for which the modified adjusted gross income standard is the income standard. The amendment changes the administrative regulation by implementing a state plan amendment (SPA) required by 2022 Ky. Acts ch. 223 to extend Medicaid coverage to new mothers for one year following the birth of a child.

C. The administrative regulation may be accessed at the LRC website here:
<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on September 26, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 19, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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6. 907 KAR 20:020. Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes provisions related to Medicaid eligibility income standards except for Medicaid eligibility categories for which the modified adjusted gross income standard is the income standard. The amendment changes the administrative regulation by implementing a state plan amendment (SPA) required by 2022 Ky. Acts ch. 223 to extend Medicaid coverage to new mothers for one year following the birth of a child.

C. The administrative regulation may be accessed at the LRC website here:

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D. A public hearing on this administrative regulation shall, if requested, be held on October 24, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by October 17, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until October 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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7. 907 KAR 20:100E. Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the provisions and requirements regarding Medicaid eligibility for individuals whose eligibility standard is the modified adjusted gross income (or MAGI). The amendment changes the

administrative regulation by implementing a state plan amendment (SPA) required by 2022's SB 178 to extend Medicaid coverage to new mothers for one year following the birth of a child. Clarifying language is also included about the household size of the pregnant person.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on September 26, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 19, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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8. 907 KAR 20:100. Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards.

A. This administrative regulation was filed on July 19, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the provisions and requirements regarding Medicaid eligibility for individuals whose eligibility standard is the modified adjusted gross income (or MAGI). The amendment changes the administrative regulation by implementing a state plan amendment (SPA) required by 2022's SB 178 to extend Medicaid coverage to new mothers for one year following the birth of a child. Clarifying language is also included about the household size of the pregnant person.

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