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State/Territory Name: **Kentucky**

State Plan Amendment (SPA)#: **24-0008**

This file contains the following documents in the order listed

- 1) Approval Letter
- 2) Form CMS 179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 East 12th Street, Suite 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

September 17, 2024

Lisa Lee
Commissioner, Department for Medicaid Services
Commonwealth of Kentucky
Cabinet for Health and Human Services
275 East Main Street, 6 West A
Frankfort, KY 40601

RE: Kentucky State Plan Amendment (SPA) Transmittal Number 24-0008

Dear Commissioner Lee:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 24-0008. This amendment creates a new specialty Rural Emergency Hospital under clinic services.

We conducted our review of your submittal according to statutory requirements in 42 CFR 485.500-485.546. This letter informs you that Kentucky's Medicaid SPA TN 24-0008 was approved on September 16, 2024, effective April 1, 2024.

Enclosed are copies of Form CMS-179 and approved SPA pages to be incorporated into the Kentucky State Plan.

If you have any questions regarding this State Plan Amendment, please have a member of your staff contact Keri Toback at (312) 353-1754 or by email at keri.toback@cms.hhs.gov.

Sincerely,

James G. Scott, Director
Division of Program Operations

Enclosures

cc: Erin Bickers, KY DMS

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2. STATE

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL
SECURITY ACT

XIX

XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

5. FEDERAL STATUTE/REGULATION CITATION

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY _____ \$ _____

b. FFY _____ \$ _____

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable)

9. SUBJECT OF AMENDMENT

10. GOVERNOR'S REVIEW (Check One)

GOVERNOR'S OFFICE REPORTED NO COMMENT
COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

15. RETURN TO



12. TYPED NAME

13. TITLE

14. DATE SUBMITTED

FOR CMS USE ONLY

16. DATE RECEIVED

17. DATE APPROVED

09/16/2024

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

21. TITLE OF APPROVING OFFICIAL

22. REMARKS

9. Clinic Services

Coverage for clinic services is limited to services provided by the following clinics and includes:

1. Mental health centers licensed in accordance with applicable state laws and regulations. However, services rendered by community mental health centers to skilled nursing or intermediate care facility patients/residents are not covered.
2. Family planning clinics.
3. Clinics engaging in screening for the purposes of the early and periodic screening, diagnosis, and treatment component of the Medicaid Program.
4. Out-patient surgical clinics.
5. Other clinics authorized under 42 CFR 440.90.
6. Rural Emergency Hospital (REH) is allowed to provide:
 - Emergency department services
 - Observation and care and
 - Additional outpatient medical and health services if elected by the REH, that do not exceed an annual per patient average length of stay of 24 hours.

REHs are prohibited from providing inpatient services, except those furnished in a distinct part licensed as a skilled nursing facility to furnish post-hospital extended care services.

Since REHs provide emergency department services, they must comply with:

- The Emergency Medical Treatment and Labor Act at section 1867 of the Act
- Accompanying regulations in 42 CFR 489.24
- Related requirements at 42 CFR 489.20(l), (m), (q), and (r)

The following are eligible to convert to a RHE if they were enrolled and certified to participate in Medicare as of December 27, 2020:

- Critical Access Hospitals (CAH)
- A subsection (d) hospital in section 1886(d)(1)(B) of the Social Security Act with not more than 50 beds located in a county in a rural area (as defined in section 1886(d)(2)(D) of the Act) (referred to as rural hospital)
- A subsection (d) hospital (as so defined) with not more than 50 beds that was treated as being in a rural area pursuant to section 1886(d)(8)(E) of the Act (referred to as rural hospital)

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