



STATEMENT OF CONSIDERATION RELATING TO
907 KAR 3:010.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Health Care Policy

Not Amended After Comments

I. A public hearing on 907 KAR 3:010 was not requested, and therefore, not held. However, written comments were received during the public comment period.

II. The following individuals submitted comments during the public comment period:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Patrick T. Padgett, Executive Vice President	Kentucky Medical Association
Rebecca Randall, Vice President, Operations	WellCare Health Plans of Kentucky

III. The following individuals from the promulgating agency responded to comments received regarding 907 KAR 3:010.

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Lisa Lee, Commissioner	Department for Medicaid Services, Commissioner's Office
Veronica Judy-Cecil, Senior Deputy Commissioner	Department for Medicaid Services, Commissioner's Office
Dr. Judy Theriot, Medical Director	Department for Medicaid Services, Commissioner's Office
Dr. Fatima Ali, Pharmacy Director	Department for Medicaid Services, Commissioner's Office
Dr. Reyna Vangilder, Associate Pharmacy Director	Department for Medicaid Services, Commissioner's Office

Dr. April Prather, Associate Pharmacy Director	Department for Medicaid Services, Commissioner's Office
Erica Davis, Maternal and Child Health Branch Manager	Department for Medicaid Services Division of Health Care Policy
Jonathan Scott, Regulatory and Legislative Advisor	Department for Medicaid Services, Commissioner's Office

IV. SUMMARY OF COMMENTS AND AGENCY'S RESPONSES

(1) Subject: Scope of term "not readily available"

(a) Comment: Rebecca Randall, Vice President, Operations, WellCare Health Plans of Kentucky, submitted comments asking what situations DMS considers to fall into the category of "not readily available" when a provider may need to utilize vaccine stock that is not from the Vaccines for Children Program (VFC).

(b) Response: It is the department's position that a vaccine is not "readily available" unless it is on-site or otherwise capable of being administered during or immediately after a scheduled encounter with a recipient. If a recipient would need to wait longer than fifteen minutes or return at a later date in order for a vaccine delivery to be made to the provider, then the vaccine is not "readily available" to the provider or the recipient. The department will not be amending the administrative regulation in response to the comment.

(2) Subject: Complex Evaluation and Management Visits

(a) Comment: Patrick T. Padgett, Executive Vice President, Kentucky Medical Association, submitted comments detailing a history of the restrictions of complex evaluation and management visits. The commenter discusses KMA's longstanding advocacy for removing this requirement and states the KMA's strong support for the removal of this barrier.

(b) Response: The department appreciates this comment. The department would also point out that the federal government has recently changed the importance and anticipated volume of these specific Current Procedural Terminology (CPT) codes by changing Medicare coding guidelines. The department is pleased to be making these changes to assist Medicaid providers and to coincide with the federal changes. The department will not be amending the administrative regulation in response to the comment.

V. SUMMARY OF STATEMENT OF CONSIDERATION AND ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The Department for Medicaid Services (DMS) has considered the comments received regarding 907 KAR 3:010. This administrative regulation will not be amended after comments.