

Description and information about Administrative Regulations filed for November 15 filing deadline:

1. 907 KAR 23:020. Reimbursement for outpatient drugs.

A. This Amended After Comments administrative regulation was filed with the Legislative Research Commission on November 12, 2021.

B. Summary of Administrative Regulation: 907 KAR 23:020. Reimbursement for outpatient drugs. This amendment implements 2020's SB 50 and the department's awarded request for proposals as required by that legislation. The administrative regulation is amended to clarify when the professional dispensing fee can be assessed, clarify clotting factor reimbursement, and establish professional dispensing fees for compounded drugs. Finally, the regulation is amended to remove cost-sharing and comply with Senate Bill 55's removal of all co-pays.

Amended After Comments Version: The Amended After Comments version of the administrative regulation is amended to clarify that a professional dispensing fee is not needed when a usual and customary charge is paid for an outpatient pharmacy prescription. In addition, the regulation is amended to clarify that both in-house and contract 340B pharmacy reimbursement do not include the 340B ceiling price in the lowest of logic methodology. In addition, clotting factor reimbursement is now addressed in Section 2 of the administrative regulation, as a result, Section 4(8) became redundant and is being deleted. Finally, additional citations have been included in the "Relates To" and "Statutory Authority" sections.

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

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

D. Information about public hearing and public comment period for this administrative regulation. This regulation was updated following a public comment period. This administrative regulation will receive public hearings at the Administrative Regulations Review Subcommittee (ARRS) and the appropriate Legislative Research Commission committee of jurisdiction. The ARRS agenda can be accessed here: <https://apps.legislature.ky.gov/CommitteeDocuments/3/> .

2. 907 KAR 10:815. Per diem inpatient hospital reimbursement.

A. This Amended After Comments administrative regulation was filed with the Legislative Research Commission on November 12, 2021.

B. Summary of Administrative Regulation: 907 KAR 10:815. Per diem inpatient hospital reimbursement. The amendment establishes that certain psychiatric access hospitals can participate in 907 KAR 10:840's Hospital Rate Improvement Program, provided that certain conditions relating to maintained psychiatric admissions are met. The amendment also removes a form – titled the KMAP-4 – that is no longer used, but still submitted.

The Amended After Comments version of the administrative regulation clarifies that any psychiatric access hospital that participates in the HRIP program must comply with the qualifying hospital requirements established in DMS' administrative regulation that addresses the HRIP program.

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

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

D. Information about public hearing and public comment period for this administrative regulation. This regulation was updated following a public comment period. This administrative regulation will receive public hearings at the Administrative Regulations Review Subcommittee (ARRS) and the appropriate Legislative Research Commission committee of jurisdiction. The ARRS agenda can be accessed here: <https://apps.legislature.ky.gov/CommitteeDocuments/3/> .

3. 907 KAR 17:005. Definitions for 907 KAR Chapter 17.

A. This ordinary administrative regulation was filed with the Legislative Research Commission on November 12, 2021.

B. Summary of Administrative Regulation: 907 KAR 17:005. Definitions for 907 KAR Chapter 17. The amendment to 907 KAR 17:005 removes the phrase “Medicaid Works individual” to reflect the ending of that program, and “primary care center” is removed to reflect the removal of licensure for that facility type.

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 January 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 January 14, 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 January 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. 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.

4. 907 KAR 17:010. Managed care organization requirements and policies relating to enrollees.

A. This ordinary administrative regulation was filed with the Legislative Research Commission on November 12, 2021.

B. Summary of Administrative Regulation: 907 KAR 17:010. Managed care organization requirements and policies relating to enrollees. The amendment to this administrative regulation removes references to the Medicaid Works program to reflect the ending of that program. Medicaid Works recipients are being transferred into the expansion Medicaid population. In addition, a website link has been updated.

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 January 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 January 14, 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 January 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. 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.

5. 907 KAR 20:001. Definitions for 907 KAR Chapter 20.

A. This ordinary administrative regulation was filed with the Legislative Research Commission on November 12, 2021.

B. Summary of Administrative Regulation: 907 KAR 20:001. Definitions for 907 KAR Chapter 20. The amendments to this regulation amend the definition of “fair market value” to include the price that is brought at a public auction conducted by a licensed auctioneer. In addition, “Medicaid Works individual” is removed to reflect the ending of that program, and “primary care center” is removed to reflect the removal of licensure for that facility type.

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 January 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 January 14, 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 January 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. 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.

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 ordinary administrative regulation was filed with the Legislative Research Commission on November 12, 2021.

B. Summary of Administrative Regulation: 907 KAR 20:020. Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals. The amendment to this administrative regulation removes references to the Medicaid Works program to reflect the ending of that program. Medicaid Works recipients are being transferred into the expansion Medicaid population. The amendment also updates the income eligibility chart to reflect the current values used by DMS for non-MAGI individuals.

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 January 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 January 14, 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 January 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. 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.