

**Description and information about Administrative Regulations filed on
September 12, 2022:**

These Ordinary and Amended after Comment administrative regulations, and a Statement of Consideration were filed on September 12, 2022:

1. 907 KAR 3:010E. Reimbursement for physicians' services.

A. This administrative regulation was filed on September 12, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes reimbursement requirements for physician and provider services. The amendments to this administrative regulation clarify that only providers enrolled in the Vaccines for Children Program cannot receive reimbursement for the cost of the vaccine if the vaccine is readily available in the enrolled provider's facility. In addition, DMS is making a provider friendly modification that will allow for additional evaluation and management codes to be utilized by providers over the course of a year. This amendment will allow for evaluation and management services to comply with a recent Centers for Medicare and Medicaid Services reorganization of evaluation and management codes. Finally, the supplemental payment schedule is amended to reflect current practice and federal approval by becoming an annual and not a quarterly payment.

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 December 21, 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 December 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 December 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.

2. 907 KAR 1:680. Vaccines for Children Program.

A. This administrative regulation was filed on September 12, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the provisions relating to vaccines provided through the Vaccines for Children Program. The amendment modifies this regulation to comport with modern practice realities relating to the Vaccines for Children Program (VCF). The regulation is amended to make participation permissive and to allow for reimbursement to certain providers regardless of the provider's participation in the VCF program.

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 November 28, 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 November 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 November 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.

3. 907 KAR 1:082. Coverage provisions and requirements regarding rural health clinic services.

A. This administrative regulation was filed on September 12, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the coverage provisions and requirements regarding Medicaid program rural health clinic (RHC) services. The amendments to the regulation define new terms “adult peer support specialist”, “approved behavioral health practitioner”, “approved behavioral health practitioner under supervision”, “ASAM Criteria”, “certified alcohol and drug counselor”, “co-occurring disorder”, “family peer support specialist”, “in-person”, “licensed clinical alcohol and drug counselor”, “licensed clinical alcohol and drug counselor associate”, “medication assisted treatment”, “registered alcohol and drug peer support specialist”, “registered behavior technician”,

“withdrawal management”, and “youth peer support specialist”. The regulation is further amended to combine the service description with the providers who can perform the service. This is consistent with recent changes made to the service descriptions in 907 KAR Chapter 15. The regulation is also amended to require compliance with the appropriate level of care of the ASAM Criteria when treating substance use disorder for several types of services. The regulation is also amended to allow for telehealth in several additional services, if the telehealth service is appropriate pursuant to 907 KAR 3:170. Services such as comprehensive community support services and therapeutic rehabilitation programs are expanded. New services of peer support, partial hospitalization, withdrawal management, medication assisted treatment, and applied behavior analysis are introduced and are now reimbursable when performed within rural health clinics. In addition, laboratory services are now allowed to be reimbursable if the RHC has the appropriate certificate. Finally, the documentation requirement for providers is being increased to within 72 hours of the date that the individual provided the service instead of on the same day that the service was provided.

The Amended After Comments version of the administrative regulation modifies the concept of “direct contact” to require “direct consultation”. In addition, all Advisory Committee on Immunization Practice (ACIP) vaccines can now be requested by recipients.

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

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

D. 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/> .

4. 907 KAR 1:104. Reimbursement for advanced practice registered nurse services.

A. The Statement of Consideration was filed on September 12, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the reimbursement provisions and requirements regarding services provided to Medicaid recipients who are not enrolled with a managed care organization by individual advanced practice registered nurses (APRNs) enrolled in the Medicaid program or APRN provider groups enrolled in the Medicaid program. The amendment changes the administrative regulation to allow certified registered nurse anesthetist services and related services to be reimbursed at 100% of the amount on the Medicaid Physician Fee Schedule.

The Administrative Regulation was not Amended after Comments. A Statement of Consideration was filed.

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/> .