

13A.3444 Unenforceability of proposed emergency and ordinary amendments of 907 KAR 1:026, 907 KAR 1:038, and 907 KAR 1:632 as of March 29, 2023.

- (1) The General Assembly finds that proposed emergency and ordinary amendments of the following administrative regulations were found deficient pursuant to KRS 13A.030, on or after April 14, 2022, and before March 30, 2023, as evidenced by the records of the Legislative Research Commission:
 - (a) 907 KAR 1:026, Dental Services' Coverage Provisions and Requirements;
 - (b) 907 KAR 1:038, Hearing Program Coverage Provisions and Requirements; and
 - (c) 907 KAR 1:632, Vision Program Coverage Provisions and Requirements.
- (2) Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding:
 - (a) The proposed emergency amendments referenced in subsection (1) of this section shall be null, void, and unenforceable as of March 29, 2023; and
 - (b)
 1. If the proposed ordinary amendments referenced in subsection (1) of this section have not been adopted on or before the March 29, 2023, the proposed ordinary amendments shall expire as of March 29, 2023; or
 2. If the proposed ordinary amendments referenced in subsection (1) of this section have been adopted on or before March 29, 2023, the administrative regulations, including any subsequently filed amendments, shall be null, void, and unenforceable as of March 29, 2023.
- (3) Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating administrative regulations that are identical to, or substantially the same as, the proposed amendments referenced in subsection (1) of this section for a period beginning on January 3, 2023, and concluding on June 1, 2024.
- (4) The proposed amendments referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.

Effective: March 29, 2023

History: Created 2023 Ky. Acts ch. 137, sec. 2, effective March 29, 2023.

Legislative Research Commission Note (3/29/2023). 2023 Ky. Acts ch. 127, sec. 4, provides that: "The Department for Medicaid Services shall reimburse providers utilizing the fee schedule in effect as of January 1, 2023, for services rendered or initiated prior to the effective date of this Act. Nothing in Section 2 of this Act [this statute] shall be construed to prohibit or prevent the Department for Medicaid Services from covering the services that were initiated prior to the effective date of this Act."

Legislative Research Commission Note (3/29/2023). 2023 Ky. Acts ch. 127, sec. 5, provides that: "Nothing in Section 2 of this Act [this statute] shall be construed to prohibit or prevent the Department for Medicaid Services from increasing reimbursement rates after the effective date of this Act for the dental, hearing, and vision services that were covered before January 1, 2023."