

**Technical Amendment
March 20, 2020**

902 KAR 21:010. Eligibility for the Kentucky Physicians Care (KPC) program.

RELATES TO: KRS 211.400, 211.402

STATUTORY AUTHORITY: KRS 194A.050(1), 211.400, 211.402

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary for the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.402(5) requires the cabinet to promulgate administrative regulations to establish eligibility criteria and implement the provisions of KRS 211.400 and 211.402 for the Kentucky Physicians Care Program. This administrative regulation establishes the eligibility requirements for the Kentucky Physicians Care (KPC) program.

Section 1. Definitions. (1) "Applicant" means an individual or family applying for the Kentucky Physicians Care Program.

(2) "Cabinet" is defined by KRS 194A.005(1) and KRS 216B.015(6).

(3) "Cabinet approved site" means an organization that has been approved by the cabinet to be a satellite site to provide eligibility determination for KPC applicants: including:

- (a) Free or charitable clinics;
- (b) Local health departments;
- (c) Federally qualified health centers;
- (d) Hospitals;
- (e) University health systems; and
- (f) Social service agencies.

(4) "Health professional" means a person that has a license that is not suspended or revoked under disciplinary proceedings in any jurisdiction as a:

- (a) Physician, which is defined by KRS 311.720(9);
 - (b) Physician assistant, which is defined by KRS 311.840(3);
 - (c) Advanced practice registered nurse, which is defined by KRS 314.011(7); or
 - (d) Dentist, which is defined by KRS 313.010(10).
- (5) "KPC" means Kentucky Physicians Care.

(6) "Resource limit" means a cash resource including those in a savings or checking account and the following liquid assets:

- (a) Stocks;
- (b) Bonds;
- (c) Certificates of deposit;
- (d) Property value assessments for rental properties; and
- (e) Similar other liquid assets.

Section 2. Application. An applicant may apply to enroll in the KPC program at a local:

- (1) Department for Community Based Services office; or
- (2) Cabinet approved site.

Section 3. Eligibility Requirements for Oral Health Services. In order to be eligible for KPC oral health services, an individual shall:

- (1) Be a Kentucky resident;
- (2) Have a gross income at or below 100 percent of the federal poverty level;

- (3) Be ages eighteen (18) to sixty-four (64);
- (4) Have a resource limit of \$2,000 or less;
- (5) Not qualify for government medical assistance programs;
- (6) Not be covered by a health benefit plan as defined under Subtitle 17A of KRS Chapter 304;
- (7) Submit the KPC PA-47 form; and
- (8) Submit the Authorization to Use and Disclose Protected Health Information for Auditing Purposes.

Section 4. Eligibility Requirements for Prescription Assistance. In order to be eligible for KPC prescription assistance services, an individual shall:

- (1) Be a Kentucky Resident;
- (2) Have a gross income limit as determined by each participating pharmaceutical manufacturer for prescription assistance;
- (3) Not qualify for Medicare, Medicaid, or other governmental medical assistance programs, including Medicare Part D;
- (4) Be ages eighteen (18) to sixty-four (64);
- (5) Not have prescription drug benefits that cover the requested prescription medication;
- (6) Submit the KPC PA-47 form; and
- (7) Submit the Authorization to Use and Disclose Protected Health Information for Auditing Purposes.

Section 5. Eligibility Determination. (1) The cabinet shall require an applicant enrolling in the KPC program to provide proof of eligibility.

- (2) Proof of eligibility shall include:
 - (a) Proof of Income, which shall be determined by one (1) of the following:
 1. A check stub indicating the applicant's most recent income;
 2. A W-2 form or income tax records from the previous year;
 3. A letter from an applicant's employer on company letterhead indicating the applicant's monthly salary;
 4. An IRS 1040C form for self-employment;
 5. A Social Security Administration Benefits Statement SSA-1099 form;
 6. A notarized letter from a non-relative stating that the applicant has no income;
 7. A DCBS form PAFS-700, Verification of Employment and Wages;
 8. A DCBS form PAFS-702, Income Verification;
 9. A current DCBS Food Stamp approval letter that indicates the applicant's income; or
 10. A copy of the applicant's unemployment benefits pay-stub;
 - (b) Proof of Kentucky residency, which shall be determined by a:
 1. Valid Kentucky Driver's License with a current Kentucky address;
 2. Valid Kentucky state issued ID card with a current Kentucky address;
 3. One (1) of the following current utility bills with the name and address submitted on the KPC-PA 47:
 - a. Electric bill;
 - b. Water bill;
 - c. Gas bill;
 - d. Cable bill; or
 - e. Utility bill;
 4. Current rental or mortgage contract with the name and address submitted on the KPC PA-47; or

5. Facility issued picture identification card from a center that provides services to homeless populations;

(c) Proof of income resources, if applicable, including:

1. Savings and checking account statements;
2. Property value assessments for rental property, which shall include income from a part of the applicant's home;
3. Stocks;
4. Bonds;
5. Certificates of Deposit; and
- 6.[4.] Other income resources; and

(d) If applicable, documentation demonstrating that the medication requested for assistance is not covered by the applicant's insurance plan. The prescription coverage shall not permit either the name brand or generic of the medication requested for assistance through the KPC program.

Section 6. Referrals. (1) An individual determined to be eligible for the KPC program may call the Health Care Access toll-free hotline, 1-800-633-8100, for information and referral services.

(2) KPC may refer the individual to a participating volunteer:

- (a) Health professional; or
- (b) Pharmacy.

(3) If a participating health provider is not available in the individual's locality or the services requested are not available under the KPC program, KPC may refer an individual to a:

- (a) Health care organization;
- (b) Free clinic; or
- (c) Community health center.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "KPC PA-47", 3/2014; and

(b) "Authorization to Use and Disclose Protected Health Information for Auditing Purposes", 4/2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, First Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (41 Ky.R. 1261; Am. 1567; eff. 2-5-2015; TAm eff. 3-20-2020.)