

907 KAR 1:260. Coordination of benefits between the Medicaid Program and the Crime Victims Compensation Board.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194A.030(2), 194.050(1), 205.520(3), EO 2004-726

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726, effective July 9, 2004, reorganized the Cabinet for Health Services and placed the Department for Medicaid Services and the Medicaid Program under the Cabinet for Health and Family Services. The Cabinet for Health and Family Services has responsibility to administer the program of Medical Assistance (hereinafter called "Medicaid"). KRS 205.520(3) empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the methods and principles that will be used to determine the extent of Medicaid liability in situations involving Medicaid eligible individuals who are applicants for, or recipients of, award or grants from the Crime Victims Compensation Board (hereinafter called "the board").

Section 1. General Principles. (1) The Medicaid Program is the payor of last resort and complies with the requirement shown in 907 KAR 1:005, Nonduplication of payments. Any provisions contained in this administrative regulation are subordinate to the provisions of 907 KAR 1:005 and shall not be construed in a manner which contravenes the policies contained in 907 KAR 1:005.

(2) The cabinet recognizes that the Crime Victims Compensation Board ("the board") has discretion in the making of awards or grants, and that until an award or grant is made by the board, third-party liability pursuant to 907 KAR 1:005 cannot be presumed to exist.

(3) In the event the board makes a grant or award to a Medicaid eligible individual for Medicaid covered services, the amount payable by the Medicaid program shall be reduced by the amount of the assumed third-party obligation; if the board makes no grant or award for Medicaid covered services, Medicaid program payments for covered services shall be made in accordance with usual program policy.

Section 2. Procedures to Ensure Nonduplication of Payments. The following methodology shall be used by the Medicaid program to ensure that duplication of claims between Medicaid and the board is reduced to the greatest extent possible.

(1) When the board notifies the cabinet of a claim(s) which has been filed, the cabinet shall determine if the crime victim(s) is covered under the Medicaid program and advise the board appropriately.

(2) When the board notifies the cabinet of all itemized medical charges for which a Medicaid eligible victim is seeking compensation, the cabinet shall advise the board as to whether the medical service is covered under the Medicaid program. (10 Ky.R. 1230; eff. 6-28-1984; 11 Ky.R. 292; eff. 9-11-1984; 856; eff. 12-11-1984; 1208; eff. 3-12-1985; 1682; eff. 6-4-1985; 12 Ky.R. 284; eff. 9-10-1985; 1084; eff. 1-3-1986; 1546; eff. 4-17-1986; Recodified from 904 KAR 1:260, 5-2-1986; 18 Ky.R. 1646; eff. 1-10-1992; Crt eff. 7-23-2018.)