

CABINET FOR HEALTH AND FAMILY SERVICES
Office for Children with Special Health Care Needs
(New Administrative Regulation)

911 KAR 1:090. Appeals.

RELATES TO: KRS Chapter 13B, Chapters 311, 319, 334A, 42 U.S.C. 9902, 42 C.F.R. 435.603, KRS 194A.030, 200.460 - 200.499, 205.520(3), 205.5606(1), 200.654(13), 205.6317, 211.645, 211.647, 213.046(16), 216.2970, 334A.020(5)

STATUTORY AUTHORITY: KRS Chapter 13B, and 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet, to implement programs mandated by federal law, or to qualify for federal funds. This administrative regulation establishes appeal rights for eligibility, procedures for application, assignment of pay category, minimum monthly payments, fees, and reporting requirements for OCSHCN patients and diagnostic centers.

Section 1. Appeal Rights. An individual, provider, or entity who is affected by an adverse action in KAR Chapter 911, except those actions heard according to 911 KAR 1:060, may request an administrative hearing with the Cabinet for Health and Family Services Office of the Ombudsman and Administrative Review. A request for an administrative hearing shall be:

- (1)
 - (a) Mailed to the Office of the Ombudsman and Administrative Review, Quality Advancement Branch, 275 E. Main Street, 2 E-O, Frankfort, Kentucky 40621,
 - (b) Emailed to CHFS Listens Inbox at CHFS.Listens@ky.gov, or
 - (c) FAXED to (502) 564-9523, and
- (2) Received within thirty (30) calendar days from the date of the written notice of the adverse action.
- (3) The administrative hearing will be conducted in accordance with KRS Chapter 13B.

IVANORA ALEXANDER, Executive Director
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 1, 2022

FILED WITH LRC: November 14, 2022 at 2:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 23, 2023, 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 16, 2023, 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, 2023. 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, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; CHFSregs@ky.gov.