

CABINET FOR HEALTH AND FAMILY SERVICES
Office for Children with Special Health Care Needs
(Amended at ARRS Committee)

911 KAR 1:090. Appeals.

RELATES TO: KRS ~~fChapter f13B,~~ 194A.030, 200.460 - 200.499, 200.654(13), 205.520(3), 205.5606(1), 205.6317, 211.645, 211.647, 213.046(16), 216.2970,~~fChapters f311, 319, 334A, 42 C.F.R. 435.603,~~ 42 U.S.C. 9902f, ~~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 ~~fChapter 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. *KRS 194A.030 authorizes the Office for Children with Special Health Care Needs (OCSHCN) to promulgate administrative regulations as may be necessary to implement and administer its responsibilities under KRS 200.460 to 200.490.* 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 ~~Title fChapter~~ 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;~~f~~

(b) Emailed to CHFS Listens Inbox at CHFS.Listens@ky.gov;~~f~~ or

(c) FAXED to (502) 564-9523;~~f~~ and

(2) Received within thirty (30) calendar days from the date of the written notice of the adverse action.

(3) The administrative hearing ~~shall~~~~with~~ be conducted in accordance with KRS Chapter 13B.

(49 Ky.R. 1391, 1801; eff. 3-16-2023.)

FILED WITH LRC: February 14, 2023

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; email CHFSregs@ky.gov.