

## **902 KAR 21:020. Kentucky Colon Cancer Screening Program.**

RELATES TO: KRS 205.520, 214.540, 214.542, 214.543, 304.17A-257, 42 U.S.C. 9902(2)

STATUTORY AUTHORITY: KRS 194A.050(1), 214.542(6)

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. KRS 214.542(6) requires the Department for Public Health to promulgate administrative regulations to implement the Kentucky Colon Cancer Screening Program. This administrative regulation establishes the eligibility criteria, services, and requirements for participation in the colon cancer screening program.

### Section 1. Definitions.

- (1) "Applicant" means an individual desiring services paid in part by the screening program.
- (2) "Contractor" means a person or facility that agrees to the terms of participation of the screening program in contract and ensures services are delivered pursuant to the screening program terms.
- (3) "Department" is defined by KRS 214.540(1)(a).
- (4) "Program" is defined by KRS 214.540(1)(b).

### Section 2. Eligibility Criteria.

- (1) In order to receive a service established in Section 3 of this administrative regulation, an applicant shall:
  - (a) Meet the eligibility for screening pursuant to American Cancer Society Colorectal Cancer Screening Guidelines;
  - (b) Be a legal resident of Kentucky;
  - (c) Have an individual income at or below 300 percent of the federal poverty level, established annually by the United States Department of Health and Human Services pursuant to 42 U.S.C. 9902(2); and
  - (d) If covered by health insurance, have an out-of-pocket maximum that is five (5) percent or more of the individual's annual income.
- (2) A service received without prior authorization from the screening program shall be covered.

Section 3. Services. If funding is available, the services to be paid in part by the program shall include colon cancer screening tests and may include:

- (1) Referral, examination, and rescreening for individuals for whom further examination or treatment is indicated by the colon cancer screening;
- (2) Surveillance; and
- (3) Treatment.

### Section 4. Contractor Responsibility. A contractor shall:

- (1) Complete a KCCSP 101, Kentucky Colon Cancer Screening Program Eligibility and Enrollment, with the applicant;
- (2) Review the completed KCCSP 102, Kentucky Colon Cancer Screening Program Affidavit;
- (3) Determine applicant eligibility pursuant to Section 2 of this administrative regulation;
- (4) If the applicant is eligible, provide service or referral for service; and
- (5) Report program data into the data collection system pursuant to Section 5 of this administrative regulation.

### Section 5. Fees.

(1) A nominal fee up to five (5) dollars may be charged for colon cancer screening services as specified by the Department for Public Health.

(2) A contractor shall have approval of the department before charging an applicant fee.

Section 6. Data Collection System. The contractor shall submit to the department:

(1) The total number of colon cancer screening services specified in Section 3 conducted; and

(2) The applicant demographic information as documented on the KCCSP 101 form.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) FormKCCSP 101, "Kentucky Colon Cancer Screening Program Eligibility and Enrollment", 11/2018; and

(b) FormKCCSP 102, "Kentucky Colon Cancer Screening Program Affidavit", 11/2018.

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(New 43 Ky.R. 1348, 1592, 1767; eff. 5-5-2017; TAm eff. 5-1-2018; 46 Ky.R. 719; eff. 11-1-2019.)