

**441.053 Required use of the Department of Corrections' pharmacy plan and medical, dental, and psychological care access plan -- Waivers -- Appeal -- Reimbursement not to exceed Medicaid rate.**

- (1) Except as provided in subsection (2) of this section, each jail, regional jail, holdover, or other correctional facility owned or operated by a unit of local government, combination of units of local government, or regional jail authority shall utilize the Department of Corrections' contract pharmacy plan.
- (2)
  - (a) Except as provided in paragraph (b) of this subsection, the Department of Corrections shall, on a yearly basis, waive the requirement of subsection (1) of this section if the unit of local government, combination of units of local government, or regional jail authority proves to the Department of Corrections that the unit of local government, combination of units of local government, or regional jail authority has contracted with another vendor and that:
    1. The prescription plan covers pharmacy services, drugs, and medicine in a manner which is equal to or superior to the Department of Corrections' contract pharmacy plan; and
    2. The cost of the prescription plan is equal to or less in total cost, including the product cost and all other costs associated with the delivery of the drugs, than the Department of Corrections' contract pharmacy plan.
  - (b) If a unit of local government, combination of units of local government, or regional jail authority contracts with a private provider of comprehensive health services for inmates, then that private provider may elect not to use the Department of Corrections' contract pharmacy plan and a waiver under this subsection shall not be required.
- (3) Except as provided in subsection (4) of this section, each jail, regional jail, holdover, or other correctional facility owned or operated by a unit of local government, combination of units of local government, or regional jail authority shall utilize the Department of Corrections' contract medical, dental, and psychological care access plan, and the administrative service fee for the plan shall be paid by the Department of Corrections subject to the limits of 2007 Ky. Acts ch. 128, sec. 5.
- (4) The Department of Corrections may, on a yearly basis, waive the requirement of subsection (3) of this section if the unit of local government, combination of units of local government, or regional jail authority proves to the Department of Corrections that the unit of local government, combination of units of local government, or regional jail authority has contracted with another vendor and that:
  - (a) The medical, dental, and psychological care access plan provides services and access which is equal to or superior to the Department of Corrections' contract medical, dental, and psychological care access plan; and
  - (b) The cost of the medical, dental, and psychological care access plan is equal to or less in cost than the Department of Corrections' contract medical, dental, and psychological care access plan.
- (5) A unit of local government, combination of units of local government, or regional

jail authority may appeal a decision of the Department of Corrections denying a waiver under subsection (2) or (4) of this section to the secretary of justice and public safety.

- (6) No program specified in this section shall require or permit reimbursement at a rate in excess of the Kentucky Medicaid program for the same or similar services or products but may permit a lesser rate of reimbursement.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 36, sec. 1, effective July 15, 2024. -- Amended 2015 Ky. Acts ch. 111, sec. 1, effective June 24, 2015. -- Amended 2011 Ky. Acts ch. 2, sec. 76, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 64, sec. 1, effective July 15, 2010. -- Created 2007 Ky. Acts ch. 128, sec. 4, effective June 26, 2007.

**Legislative Research Commission Note (6/26/07).** 2007 Ky. Acts chs. 24, 47, and 85 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2007 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.