

### **205.6312 Cost-sharing requirements.**

- (1) The Department for Medicaid Services and each managed care organization contracted by the department to provide Medicaid services pursuant to this chapter shall establish cost-sharing requirements for Medicaid enrollees in accordance with this section.
- (2) Unless otherwise required under federal law, including 42 U.S.C. sec. 1396o(k), cost-sharing requirements established under this section shall only apply to Medicaid enrolled individuals:
  - (a) With a family income that exceeds one hundred percent (100%) of the federal poverty line; and
  - (b) Who are enrolled in the Medicaid program under 42 U.S.C. sec. 1396a(a)(10)(A)(i)(VIII).
- (3) In accordance with 42 U.S.C. sec. 1396o(k)(2)(B)(i), the following services shall not be subject to cost-sharing requirements established under this section unless otherwise required by federal law:
  - (a) Any care, item, or service described in 42 U.S.C. sec. 1396o(a)(2)(B) et seq.;
  - (b) Primary care services;
  - (c) Mental health care services;
  - (d) Substance use disorder services;
  - (e) Any services provided by a:
    1. Federally-qualified health center, as defined in 42 U.S.C. sec. 1396d(1)(2);
    2. Certified community behavioral health clinic, as defined in 42 U.S.C. sec. 1396d(jj)(2); or
    3. Rural health clinic, as defined in 42 U.S.C. sec. 1396d(1)(1); and
  - (f) Any other service exempted from cost-sharing requirements under federal law.
- (4)
  - (a) Except as provided in paragraph (b) of this subsection and subsections (3) and (5) of this section, beginning October 1, 2028, for care or an item or service furnished to a Medicaid enrolled individual described in subsection (2) of this section, the cost-sharing requirement established under this subsection shall be in the form of a copayment requirement equal to five dollars (\$5).
  - (b) The cost-sharing requirements established under this subsection for any prescription drugs shall be in the form of a copayment requirement equal to one dollar (\$1).
- (5) The total aggregate amount of cost sharing imposed under this section for all individuals in a family shall not exceed five percent (5%) of the family's income on a monthly or quarterly basis, as determined by the secretary.

**Effective:** April 14, 2026

**History:** Amended 2026 Ky. Acts ch. 179, sec. 2, effective April 14, 2026. -- Amended 2021 Ky. Acts ch. 62, sec. 1, effective June 29, 2021. -- Amended 2003 Ky. Acts ch. 46, sec. 1, effective March 12, 2003. -- Amended 2002 Ky. Acts ch. 53, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 371, sec. 30, effective July

15, 1996. -- Created 1994 Ky. Acts ch. 512, sec. 73, effective July 15, 1994.