

**205.5622 Kentucky Pharmaceutical Assistance Program -- Contingency for establishment -- Purpose -- Eligibility -- Enrollment priority.**

- (1) The Kentucky Pharmaceutical Assistance Program may be established, contingent upon approval from the Centers for Medicare and Medicaid Services.
- (2) If established, the program shall be administered by the department. The program shall coordinate prescription drug coverage with the prescription drug benefit under the MMA. A person shall be eligible for drug benefits under this program if the person:
  - (a) Is a resident who is:
    1. Sixty-five (65) years of age or older; or
    2. Disabled and receiving a Social Security benefit and is enrolled in the Medicare program;
  - (b) Has a household income at or below one hundred fifty percent (150%) of the federal poverty guidelines;
  - (c) Meets the asset test;
  - (d) Is not a member of a Medicare Advantage Plan that provides a prescription drug benefit; and
  - (e) Is not a member of a retirement plan that is receiving a benefit under the MMA.
- (3)
  - (a) The department shall give initial enrollment priority to the Medicaid dual eligible population. A second enrollment priority shall be offered to Medicare eligible applicants who have annual household incomes up to one hundred fifty percent (150%) of the federal poverty guidelines and who meet the asset test.
  - (b) Enrollment for Medicaid dual eligible persons shall take effect no later than October 1, 2005. Medicaid dual eligible persons may be automatically enrolled into the program, except that they may choose to opt out of the program. The department shall determine the procedures for automatic enrollment into and election out of the program. Applicants meeting the qualifications set forth in KRS 205.5621 to 205.5625 may begin enrolling into the program at a time and in a manner as determined by the department.
- (4) An individual or married couple meeting the eligibility requirements in subsection (1) of this section and not Medicaid dual eligible may apply for enrollment in the program by submitting an application to the department that attests to the age, residence, household income, and liquid assets of the individual or couple.

**Effective:** June 20, 2005

**History:** Created 2005 Ky. Acts ch. 136, sec. 7, effective June 20, 2005.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts ch. 136, sec. 7 contained two manifest clerical or typographical errors that have been corrected in this statute in codification pursuant to KRS 7.136(1)(h). The first error is that two subsections were numbered as "(2)," the second of which should be "(3)," and subsection (3) in the Act has been corrected as subsection (4) as a result. The second error is that 2005 Ky. Acts ch. 136, sec. 7 had a citation to "Sections 6 to 11 of this

Act" in the subsection erroneously numbered as "(2)," which is now "(3)" in this statute. It is clear that "Sections 6 [codified as KRS 205.5621] to 10 [codified as KRS 205.5625] of this Act" was intended, since there was no Section 11 in the enacted version.