

1 AN ACT relating to public assistance.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Within ninety (90) days of the effective date of this Act, the cabinet shall:*

6 *(a) Begin utilizing a single electronic benefit transfer card for each beneficiary*
7 *of cash assistance programs administered by the cabinet regardless of*
8 *which cash assistance programs the individual qualifies for; and*

9 *(b) Promulgate administrative regulations necessary to carry out this section.*

10 *(2) Subsection (1)(a) of this section shall not apply to any foster care, kinship care,*
11 *fictive kin care, or relative placement payments made by the cabinet.*

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
13 READ AS FOLLOWS:

14 *(1) As used in this section:*

15 *(a) "Alcoholic beverage" has the same meaning as in KRS 241.010;*

16 *(b) "Cash recipient of public assistance benefits" means any individual who*
17 *receives cash assistance via an electronic benefit transfer card or any other*
18 *form of cash assistance under Title IV of the federal Social Security Act, the*
19 *Supplemental Nutrition Assistance Program, or any other public assistance*
20 *program administered by the cabinet;*

21 *(c) "Tobacco product" has the same meaning as in KRS 438.305; and*

22 *(d) "Vapor product" has the same meaning as in KRS 438.305.*

23 *(2) A cash recipient of public assistance benefits shall not use any portion of the*
24 *benefits to purchase alcoholic beverages, tobacco products, vapor products, or*
25 *lottery tickets, or to purchase any goods or services in a casino, an establishment*
26 *that provides adult-oriented entertainment in which performers disrobe or*
27 *perform in an unclothed state, a tattoo or body piercing facility, or a retail*

1 establishment the primary purpose of which is the sale of alcoholic beverages or
2 tobacco products.

3 (3) If a cash recipient of public assistance benefits uses an automatic teller machine,
4 or any other means or device, to withdraw cash using an electronic benefit
5 transfer card issued by the cabinet, that cash may only be used for goods and
6 services necessary for the welfare of the family, including food, clothing,
7 housing, utilities, childcare, transportation, medicines, and medical supplies.

8 (4) Any person who violates subsection (2) or (3) of this section shall be subject to the
9 following sanctions:

10 (a) Upon the first violation, the recipient shall be disqualified from receiving
11 public assistance benefits by means of a direct cash payment or an
12 electronic benefits transfer access card for one (1) month;

13 (b) Upon the second violation, the recipient shall be disqualified from receiving
14 public assistance benefits by means of a direct cash payment or an
15 electronic benefits transfer access card for three (3) months; and

16 (c) Upon the third violation, the recipient shall be permanently disqualified
17 from receiving public assistance benefits by means of a direct cash payment
18 or an electronic benefits transfer access card.

19 (5) If a custodial parent of a dependent child is disqualified from receiving public
20 assistance benefits pursuant to this section, the dependent child's or other adult
21 family member's eligibility for public assistance shall not be affected, and the
22 custodial parent may choose to designate another person as a protective payee to
23 receive benefits for the minor child. The designated person shall be an adult
24 immediate family member of the dependent child, if such a person is available.
25 The designated person shall be approved by the cabinet.

26 (6) The cabinet shall:

27 (a) Through any means practical, inform all applicants for and recipients of

1 public assistance benefits of the restrictions and sanctions contained in this
2 section;

3 (b) Monitor the use of electronic benefit transfer cards to withdraw cash and
4 investigate cases in which it believes cash benefits may be being used in
5 violation of subsection (3) of this section; and

6 (c) Promulgate administrative regulations necessary to implement this section.

7 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) The General Assembly hereby affirms the mission of the Supplemental Nutrition
10 Assistance Program to supplement the food budgets of needy families so that they
11 can purchase healthy food and move toward self-sufficiency. To that end, the
12 General Assembly recommends that Supplemental Nutrition Assistance Program
13 beneficiaries use at least seventy-five percent (75%) of their monthly benefits to
14 purchase healthy foods, including fresh fruits, fresh vegetables, and whole
15 grains, and that beneficiaries utilize the Kentucky Double Dollars program to
16 enhance the purchasing power of their Supplemental Nutrition Assistance
17 Program benefits by purchasing fresh produce from local farmers' markets.

18 (2) In order to improve access to Supplemental Nutrition Assistance Program
19 benefits and reduce administrative costs, within ninety (90) days after the
20 effective date of this Act, the cabinet shall:

21 (a) Establish a transitional benefit alternative as described in 7 C.F.R. secs.
22 273.26 to 273.32;

23 (b) Request an Elderly Simplified Application Project demonstration waiver
24 from the United States Department of Agriculture Food and Nutrition
25 Service;

26 (c) Request a Standard Medical Deduction waiver from the United States
27 Department of Agriculture Food and Nutrition Service;

- 1 (d) Establish procedures to allow Supplemental Nutrition Assistance Program
 2 beneficiaries to recertify eligibility online;
 3 (e) Join and fully participate in the Supplemental Nutrition Assistance
 4 Program's National Accuracy Clearinghouse as established in 7 U.S.C. sec.
 5 2020(x); and
 6 (f) Prepare and pursue federal approval of a waiver from the United States
 7 Department of Agriculture Food and Nutrition Service relating to
 8 Supplemental Nutrition Assistance Program requirements established in 7
 9 C.F.R. sec. 273.24(c)(4).

- 10 (3) To the extent that surplus Supplemental Nutrition Assistance Program Education
 11 funds are available at the end of each federal fiscal year, the cabinet shall
 12 coordinate with the Department of Agriculture to provide support to expand
 13 access to farmers' markets across the Commonwealth.

14 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
 15 READ AS FOLLOWS:

- 16 (1) If at any time after the effective date of this Act, fifty percent (50%) of the general
 17 fund budget request for the provision of Medicaid services is needed to provide
 18 the state match required to support the expanded Medicaid population, the
 19 cabinet shall implement a community engagement program that requires
 20 individuals in the expanded Medicaid population, who have been in the expanded
 21 Medicaid population for one (1) year or more, to participate in at least eighty (80)
 22 hours qualifying activities each month.

- 23 (2) If the cabinet implements a community engagement program pursuant to
 24 subsection (1) of this section, the program shall utilize the requirements
 25 established in 7 C.F.R. sec. 273.7.

- 26 (3) As used in this section, "expanded Medicaid population" means individuals
 27 made eligible for Medicaid pursuant to Pub. L. No. 111-148.

1 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Within one hundred twenty (120) days of the effective date of this Act, the cabinet
4 shall design and develop a health insurance option for individuals who become
5 ineligible to participate in Medicaid due to an increase in income.

6 (2) An individual shall be eligible to participate in the health insurance option
7 designed and developed pursuant to this section for not more than twelve (12)
8 months from the date of original eligibility if he or she:

9 (a) Was eligible for Medicaid at any time on or after July 1, 2019;

10 (b) Earns between one hundred thirty-eight percent (138%) and two hundred
11 percent (200%) of the federal poverty level; and

12 (c) Meets all other Medicaid eligibility guidelines.

13 (3) (a) To the extent permitted under 42 U.S.C. sec. 18051, the health insurance
14 option designed and developed by the cabinet pursuant to this section shall
15 include monthly premiums and cost-sharing, as defined in KRS 304.17A-
16 164. The premiums and cost sharing requirements shall be established on a
17 sliding scale and shall increase by twenty-five percent (25%) with each
18 fifteen percent (15%) increase in income above one hundred thirty-eight
19 percent (138%) of the federal poverty level.

20 (b) The cabinet shall verify the income of an individual participating in the
21 health insurance option designed and developed pursuant to this section on
22 a quarterly basis and adjust premiums and cost sharing accordingly.

23 (4) (a) Notwithstanding the twelve (12) month eligibility limit established in
24 subsection (2) of this section, the cabinet may, on a case-by-case basis,
25 extend an individual's eligibility to participate in the health insurance
26 option for a period of not more than twelve (12) additional months.

27 (b) The cabinet shall, through the promulgation of administrative regulations,

1 establish the criteria for the extension of an individual's eligibility.

2 (5) The cabinet shall consult with the Department of Insurance to design and
3 develop the health insurance option required by this section.

4 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) Within ninety (90) days of the effective date of this Act and in each biennium
7 thereafter, the cabinet shall conduct an analysis of state expenditures to provide
8 services, support, and assistance under 42 U.S.C. secs. 601 et seq. The analysis
9 conducted pursuant to this section shall include identification of unobligated
10 funds and any actions necessary to access those funds.

11 (2) If the cabinet, through the analysis required by this section, identifies any
12 unobligated funds, allocation of those funds shall prioritize:

13 (a) The provision of prevention services for families at risk of entering the child
14 welfare system; and

15 (b) Additional work supports and supportive services as permitted under 42
16 U.S.C. secs. 601 et seq.

17 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
18 READ AS FOLLOWS:

19 The cabinet shall report to the Public Assistance Oversight and Advisory Committee on
20 efforts to implement Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, and 15 of this Act no
21 later than December 1, 2020, within one (1) year after the effective date of this Act, and
22 at any time thereafter upon request from the Public Assistance Oversight and Advisory
23 Committee.

24 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
25 READ AS FOLLOWS:

26 The Attorney General may, on behalf of the Commonwealth of Kentucky, have
27 jurisdiction to enforce this chapter. The Attorney General shall bring an action against

1 *the cabinet if all of the provisions of Sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, and 15 of*
 2 *this Act are not fully implemented as required.*

3 ➔Section 9. KRS 6.940 is amended to read as follows:

4 (1) There is hereby established a *Public Assistance*~~[Medicaid]~~ Oversight and Advisory
 5 Committee, consisting of ten (10) members appointed as follows: four (4) members
 6 of the Senate appointed by the President of the Senate; one (1) member of the
 7 minority party in the Senate appointed by the Minority Floor Leader in the Senate;
 8 four (4) members of the House of Representatives appointed by the Speaker of the
 9 House of Representatives; and one (1) member of the minority party in the House of
 10 Representatives appointed by the Minority Floor Leader in the House of
 11 Representatives.

12 (2) Members appointed from each chamber shall elect one (1) member from their
 13 chamber to serve as co-chair. The co-chairs shall have joint responsibilities for
 14 committee meeting agendas and presiding at committee meetings.

15 (3) The committee shall meet at least four (4) times annually.

16 (4) *The committee*~~[and]~~ shall provide oversight on the implementation *and*
 17 *administration* of *all public assistance programs*~~[Medicaid]~~ within the
 18 Commonwealth, including access to services *and benefits*, utilization of services,
 19 quality of services *and benefits*, and cost containment, *and examine strategies to*
 20 *promote participation in the workforce by public assistance beneficiaries.*

21 (5)~~(2)~~ A majority of the entire membership of the *Public Assistance*~~[Medicaid]~~
 22 Oversight and Advisory Committee shall constitute a quorum, and all actions of the
 23 committee shall be by vote of a majority of its entire membership.

24 ➔Section 10. KRS 205.200 is amended to read as follows:

25 (1) A needy aged person, a needy blind person, a needy child, a needy permanently and
 26 totally disabled person, or a person with whom a needy child lives shall be eligible
 27 to receive a public assistance grant only if he has made a proper application or an

1 application has been made on his behalf in the manner and form prescribed by
2 administrative regulation. No individual shall be eligible to receive public
3 assistance under more than one (1) category of public assistance for the same period
4 of time.

5 (2) The secretary shall, by administrative regulations, prescribe the conditions of
6 eligibility for public assistance in conformity with the public assistance titles of the
7 Social Security Act, its amendments, and other federal acts and regulations. The
8 secretary shall also promulgate administrative regulations to allow for between a
9 forty percent (40%) and a forty-five percent (45%) ratable reduction in the method
10 of calculating eligibility and benefits for public assistance under Title IV-A of the
11 federal Social Security Act. In no instance shall grants to families with no income
12 be less than the appropriate grant maximum used for public assistance under Title
13 IV-A of the federal Social Security Act. As used in this section, "ratable reduction"
14 means the percentage reduction applied to the deficit between the family's countable
15 income and the standard of need for the appropriate family size.

16 (3) The secretary may by administrative regulation prescribe as a condition of eligibility
17 that a needy child regularly attend school, and may further by administrative
18 regulation prescribe the degree of relationship of the person or persons in whose
19 home such needy child must reside.

20 (4) The secretary may by administrative regulation prescribe conditions for bringing
21 paternity proceedings or actions for support in cases of out of wedlock birth or
22 nonsupport by a parent in the public assistance under Title IV-A of the federal
23 Social Security Act program.

24 (5) Public assistance shall not be payable to or in behalf of any individual who has
25 taken any legal action in his own behalf or in the behalf of others with the intent and
26 purpose of creating eligibility for the assistance.

27 (6) The cabinet shall promptly notify the appropriate law enforcement officials of the

1 furnishing of public assistance under Title IV-A of the federal Social Security Act
2 in respect to a child who has been deserted or abandoned by a parent.

3 (7) No person shall be eligible for public assistance payments if, after having been
4 determined to be potentially responsible, and afforded notice and opportunity for
5 hearing, he refuses without good cause:

6 (a) To register for employment with the state employment service,

7 (b) To accept suitable training, or

8 (c) To accept suitable employment.

9 The secretary may prescribe by administrative regulation, subject to the provisions
10 of KRS Chapter 13A, standards of suitability for training and employment.

11 (8) To the extent permitted by federal law, scholarships, grants, or other types of
12 financial assistance for education shall not be considered as income for the purpose
13 of determining eligibility for public assistance.

14 (9) To the extent permitted by federal law, any money received because of a settlement
15 or judgment in a lawsuit brought against a manufacturer or distributor of "Agent
16 Orange" for damages resulting from exposure to "Agent Orange" by a member or
17 veteran of the Armed Forces of the United States or any dependent of such person
18 who served in Vietnam shall not be considered as income for the purpose of
19 determining eligibility or continuing eligibility for public assistance and shall not be
20 subject to a lien or be available for repayment to the Commonwealth for public
21 assistance received by the recipient.

22 **(10) For the purpose of determining eligibility for public assistance under Title IV of**
23 **the federal Social Security Act, the asset limit shall be two thousand five hundred**
24 **dollars (\$2,500).**

25 **(11) When determining whether an applicant for services or assistance provided under**
26 **this chapter meets the applicable income eligibility guidelines, the cabinet shall**
27 **only use the most recent income verification data available.**

1 *(12) If an individual traffics, sells, distributes, gives, or otherwise transfers an*
2 *electronic benefit transfer card issued by the department for money, service, or*
3 *other valuable consideration, the individual may be deemed ineligible for all*
4 *public assistance programs administered by the cabinet for a period of not more*
5 *than six (6) months for a first offense and may be deemed permanently ineligible*
6 *for all public assistance programs administered by the cabinet for subsequent*
7 *offenses.*

8 ~~(13)~~~~(10)~~ (a) Notwithstanding any other provision of Kentucky law, the following
9 shall be disregarded for the purposes of determining an individual's eligibility
10 for a means-tested public assistance program, and the amount of assistance or
11 benefits the individual is eligible to receive under the program:

- 12 1. Any amount in an ABLE account;
- 13 2. Any contributions to an ABLE account; and
- 14 3. Any distribution from an ABLE account for qualified disability
15 expenses.

16 (b) For purposes of this subsection:

- 17 1. "ABLE account" means an account established within any state having a
18 qualified ABLE program as provided in 26 U.S.C. sec. 529A, as
19 amended;
- 20 2. "Kentucky law" includes:
 - 21 a. All provisions of the Kentucky Revised Statutes;
 - 22 b. Any contract to provide Medicaid managed care established
23 pursuant to this chapter;
 - 24 c. Any agreement to operate a Medicaid program established
25 pursuant to this chapter; and
 - 26 d. Any administrative regulation promulgated pursuant to this
27 chapter; and

1 3. "Qualified disability expenses" means expenses described in 26 U.S.C.
2 sec. 529A of a person who is the beneficiary of an ABLE account.

3 ➔Section 11. KRS 205.2005 is amended to read as follows:

4 **(1)** Any public assistance recipient under Title IV of the federal Social Security Act and
5 any federal food stamp program recipient who ~~is~~~~has been~~ convicted of a **felony**
6 **offense under KRS Chapter 218A**~~[drug felony]~~ after August 22, 1996, may remain
7 eligible for the program benefits if the recipient ~~is~~~~has been~~ assessed as **having a**
8 **substance use disorder**~~[chemically dependent]~~ and is participating in or has
9 successfully completed a **substance use disorder**~~[chemical dependency]~~ treatment
10 program or is pregnant, and the recipient is otherwise eligible.

11 **(2) (a) Any public assistance recipient under Title XIX of the federal Social**
12 **Security Act and who is convicted of an offense under KRS Chapter 218A**
13 **on or after the effective date of this Act and whose sentence did not include**
14 **mandatory treatment for a substance use disorder, may remain eligible for**
15 **the program benefits if within ninety (90) days of release from incarceration**
16 **the recipient begins treatment, including but not limited to inpatient**
17 **treatment, outpatient treatment, group counseling, or individual counseling,**
18 **for a substance use disorder or is pregnant, and the recipient is otherwise**
19 **eligible.**

20 **(b) An individual who becomes ineligible to receive benefits under Title XIX of**
21 **the federal Social Security Act, pursuant to paragraph (a) of this**
22 **subsection, may regain eligibility by providing the Department for Medicaid**
23 **Services with proof that he or she has begun treatment for a substance use**
24 **disorder or becomes pregnant, and the recipient is otherwise eligible.**

25 **(c) For the purpose of this subsection, a beneficiary shall be considered to have**
26 **begun treatment if he or she has registered for or is on a waiting list for a**
27 **treatment program.**

1 ➔Section 12. KRS 205.231 is amended to read as follows:

- 2 (1) The secretary shall appoint one (1) or more impartial hearing officers to hear and
3 decide upon appealed decisions.
- 4 (2) Any applicant or recipient who is dissatisfied with the decision or delay in action on
5 his or her application for public assistance or the amount granted to him or her, or
6 who is deemed ineligible for public assistance benefits under Section 2, 4, 11, or
7 13 of this Act may appeal to a hearing officer, except that an appeal and a hearing
8 need not be granted if the sole issue is a federal or state law requiring an automatic
9 change adversely affecting some or all recipients of the Kentucky medical
10 assistance program so long as advance notice of the change, with an explanation of
11 appeal rights, is provided to all affected recipients. However, a recipient may appeal
12 whether the cabinet is accurately interpreting a change in federal or state law which
13 may adversely affect the recipient. On receipt of an appeal, an administrative
14 hearing shall be conducted in accordance with KRS Chapter 13B.
- 15 (3) The secretary may appoint an Appeal Board for Public Assistance composed of the
16 secretary and two (2) other members. The secretary shall be chairman, and he and
17 one (1) other member constitute a quorum.
- 18 (4) Any applicant or recipient who is dissatisfied with the decision of a hearing officer
19 may appeal to the appeal board in the manner and form prescribed by administrative
20 regulation. The board may on its own motion affirm, modify, or set aside any
21 decision of a hearing officer on the basis of the evidence previously submitted in the
22 case, or direct the taking of additional evidence, or may permit any of the parties to
23 the decision to initiate further appeals before it. The board may remove itself or
24 transfer to another hearing officer the proceedings on any appeal pending before a
25 hearing officer. The board shall promptly notify the parties to any proceedings of its
26 findings and decisions.
- 27 (5) The manner in which appeals are presented and hearings and appeals conducted

1 under subsection (4) of this section shall be in accordance with administrative
2 regulations promulgated by the secretary.

3 (6) After a decision by the appeal board, any party aggrieved by the decision may seek
4 judicial review of the decision by filing a petition in the Circuit Court of the county
5 in which the petitioner resides, in accordance with KRS 13B.140, 13B.150, and
6 13B.160.

7 ➔Section 13. KRS 205.725 is amended to read as follows:

8 (1) Whenever the cabinet receives an application for public assistance on behalf of a
9 needy dependent child or reviews the records of those currently receiving public
10 assistance on behalf of a needy dependent child and it appears to the satisfaction of
11 the cabinet that either or both parents have failed to provide support to the child, the
12 cabinet ~~shall~~^{may} take appropriate action under this chapter, or any other
13 appropriate state and federal laws and regulations, to assure that the responsible
14 parent or parents provide support to the child.

15 **(2) In order to remain eligible for public assistance, the custodial parent of a needy**
16 **dependent child shall, upon request, provide the cabinet with the name of the**
17 **needy dependent child's noncustodial parent and any other known information**
18 **that may assist the cabinet in fulfilling its obligations under subsection (1) of this**
19 **section and KRS 205.730.**

20 **(3) Subsections (1) and (2) of this section shall not apply if:**

21 **(a) The cabinet has reason to believe allegations of child abuse or domestic**
22 **violence and that the disclosure of information required by subsection (2) of**
23 **this section could be harmful to the custodial parent or the child;**

24 **(b) The cabinet believes that enforcing the provisions of subsections (1) and (2)**
25 **of this section may not be in the best interest of the child; or**

26 **(c) The custodial parent is the child's mother and she did not identify a father**
27 **on the child's birth certificate at the time of birth.**

1 ~~(4)~~⁽²⁾ As used in KRS 205.730, 205.735, 205.765, and 205.785, the term "child"
2 includes a child of an individual who is not receiving public assistance and who is
3 eligible to receive child support services in accordance with Title IV-D of the Social
4 Security Act.

5 ➔Section 14. KRS 441.045 is amended to read as follows:

- 6 (1) The county governing body shall prescribe rules for the government, security,
7 safety, and cleanliness of the jail and the comfort and treatment of prisoners,
8 provided such rules are consistent with state law. The county judge/executive may
9 inspect the jail at any reasonable time.
- 10 (2) Willful violation of the rules promulgated pursuant to subsection (1) of this section
11 shall be deemed a violation.
- 12 (3) Except as provided in subsections (4) and (5) of this section, the cost of providing
13 necessary medical, dental, and psychological care for indigent prisoners in the jail
14 shall be paid from the jail budget.
- 15 (4) The cost of providing necessary medical, dental, or psychological care for prisoners
16 of the United States government shall be paid as provided by contract between the
17 United States government and the county or as may otherwise be provided by
18 federal law.
- 19 (5) (a) The cost of providing necessary medical, dental, or psychological care,
20 beyond routine care and diagnostic services, for prisoners held pursuant to a
21 contractual agreement with the state shall be paid as provided by contract
22 between the state and county. The costs of necessary medical, dental, or
23 psychological care, beyond routine care and diagnostic services, of prisoners
24 held in the jail for which the county receives a per diem payment shall be paid
25 by the state.
- 26 (b) To the extent that federal law allows and federal financial participation is
27 available, for the limited purpose of implementing this section, the jail, the

1 department, or the department's designee is authorized to act on behalf of an
2 inmate for purposes of applying for Medicaid eligibility.

3 (6) The cost of providing necessary medical, dental, or psychological care for prisoners
4 held pursuant to a contractual agreement with another county or a city shall be paid
5 as provided by contract between the county or city and county.

6 (7) (a) When the cost of necessary medical, dental, or psychological care for a
7 prisoner exceeds one thousand dollars (\$1,000), as calculated by using the
8 maximum allowable costs to similar persons or facilities for the same or
9 similar services under the Kentucky Medical Assistance Program, the state
10 shall reimburse the county for that portion of the costs that exceeds one
11 thousand dollars (\$1,000). The reimbursement shall be subject to the
12 following terms and conditions:

- 13 1. The care is necessary as defined in subsection (10) of this section;
- 14 2. The prisoner is indigent as defined in subsection (8) of this section, or is
15 uninsured; and
- 16 3. No state reimbursement to the county for care provided by physicians,
17 hospitals, laboratories, or other health care providers shall exceed the
18 maximum payments allowed to similar persons or facilities for the same
19 or similar services under the Kentucky Medical Assistance Program,
20 except as provided in subsection (11) of this section.

21 (b) A county may assign its ability to receive payment from the state under this
22 subsection to the person providing the medical, dental, or psychological care
23 to the prisoner, which assignment shall be accepted by the provider for the
24 purposes of submitting billing directly to the state. The state shall pay or deny
25 a claim submitted to it within ninety (90) days of receiving the claim. The
26 county shall include with the assignment the information required by
27 subsection (8) of this section necessary to qualify the prisoner as indigent. The

1 provider shall bill for any other public or private health benefit plan or health
2 insurance benefits available to the prisoner prior to billing the state under this
3 subsection, and shall bill the state prior to billing the county. The county shall
4 retain ultimate payment responsibility as established under subsection (3) of
5 this section, and the provider may bill the county for payment after the
6 expiration of ninety (90) days from the date the provider submitted the claim
7 to the state for payment if the claim remains unpaid at that time.

8 (8) (a) The determination of whether a prisoner is indigent shall be made pursuant to
9 KRS 31.120, and may be evidenced by the affidavit of indigency required by
10 that statute or the appointment of a public defender under that statute. The
11 prisoner shall not be considered indigent, in the case of prisoner medical care,
12 if:

- 13 1. The prisoner has funds on his inmate account to cover all or a portion of
14 his medical expenses;
- 15 2. The prisoner's medical expenses are covered on a medical insurance
16 policy; or
- 17 3. The prisoner has the private resources to pay for the use of the medical
18 facilities.

19 (b) Prisoners who are later determined not to have been indigent, or who at a time
20 following treatment are no longer indigent, shall be required to repay the costs
21 of payments made pursuant to this section to the unit of government which
22 made the payment.

23 (9) The terms and conditions relating to any determination of nonindigency and
24 demands for repayment shall be under the same terms and conditions as are
25 provided under KRS Chapters 31 and 431 relating to similar circumstances in the
26 program for defense of indigents by the public advocate.

27 (10) For the purposes of this section, "necessary care" means care of a nonelective nature

1 that cannot be postponed until after the period of confinement without hazard to the
2 life or health of the prisoner.

3 (11) Any money appropriated for a given fiscal year to fund the state's obligation under
4 subsection (7) of this section which remains unspent at the end of the year shall not
5 lapse but shall be made available to satisfy, to the maximum extent possible, that
6 portion of each catastrophic claim made during said year above the threshold
7 amount for which the county did not receive state assistance pursuant to subsection
8 (7) of this section. In the event there is an insufficient surplus to satisfy said balance
9 of all such catastrophic claims which are made during that year, the state shall pay
10 to those qualified counties, on a per claim basis, an amount equal to each claim's
11 percentage of the total surplus. Should the surplus be sufficient to satisfy all such
12 catastrophic claims, the amount remaining, if any, shall not lapse but shall be
13 carried forward to the next fiscal year to be made available for future catastrophic
14 claims.

15 (12) Notwithstanding other provisions of this section to the contrary, a jail may impose a
16 reasonable fee for the use of jail medical facilities by a prisoner who has the ability
17 to pay for the medical care. These funds may be deducted from the prisoner's inmate
18 account. A prisoner shall not be denied medical treatment because he has
19 insufficient funds on his inmate account. This subsection shall not preclude other
20 recovery of funds as provided in this section.

21 (13) (a) Notwithstanding any other provision of this section to the contrary, a jail may
22 impose a reasonable fee for the use of jail medical facilities by a state prisoner
23 who has been placed in a local jail pursuant to a contract with the Department
24 of Corrections under KRS 532.100 or other statute, and who has the ability to
25 pay for medical care.

26 (b) Funds may be deducted from the state prisoner's inmate account at the jail.

27 (c) A state prisoner shall not be denied medical treatment because he or she has

1 insufficient funds in his or her inmate account.

2 (d) This subsection shall not preclude other recovery of funds as provided in this
3 section.

4 (e) This subsection does not authorize recovery of funds from a prisoner for
5 medical care which has been paid or reimbursed by the state pursuant to this
6 section.

7 (14) Except as provided in subsection (4) of this section, all payments for necessary
8 medical, dental, or psychological care for jail, regional jail, or holdover prisoners
9 shall be made at a rate not to exceed the Medicaid rate for the same or similar
10 services, which shall be paid within thirty (30) days under the provisions of KRS
11 65.140 of receiving a claim from the health facility or provider for the item or
12 service. This subsection shall not obligate the Medicaid program to pay for services
13 provided to a prisoner.

14 (15) (a) A peace officer or correctional officer having custody of a person shall not
15 release the person from custody so that the person may receive treatment from
16 a health care facility or health care provider, except pursuant to an order
17 issued by a court of competent jurisdiction which specifically names the
18 person to receive treatment.

19 (b) A peace officer or correctional officer having custody of a person may take the
20 person to a health care facility or health care provider for the purpose of
21 receiving treatment if a correctional officer remains with the person during the
22 time the person is on the premises of the health care facility or health care
23 provider, unless the facility or provider consents to the absence of the officer.

24 (c) A county, urban-county, consolidated local government, charter county,
25 unified local government, jail, regional jail, holdover, local detention center,
26 or other local correctional facility shall not be responsible for paying for the
27 medical or other health care costs of a person who is released by a court of

1 competent jurisdiction, except where the release is for the purpose of
 2 receiving medical or other health care services as evidenced by an order
 3 requiring the person to return to custody upon completion of treatment.

4 (d) When a county, urban-county, consolidated local government, charter county,
 5 unified local government, jail, regional jail, holdover, local detention center,
 6 or other local correctional facility is responsible for paying for medical or
 7 other health care costs under paragraph (c) of this subsection, payment shall
 8 be made only at the Medicaid rate for same or similar services.

9 (e) For the purposes of this subsection, "correctional officer" includes a:

- 10 1. Jailer or deputy jailer;
- 11 2. Director or other person in charge of a local detention center, local
 12 correctional facility, or regional jail; and
- 13 3. Correctional officer employed by a local detention center, local
 14 correctional facility, or regional jail.

15 **(16) (a) The jailer shall notify the Cabinet for Health and Family Services,**
 16 **Department for Community Based Services:**

17 **1. When a county prisoner, if not released within forty-eight (48) hours**
 18 **of arrest, is incarcerated; and**

19 **2. At least forty-eight (48) hours prior to a county prisoner's release from**
 20 **incarceration unless the county prisoner is ordered to be released in**
 21 **fewer than forty-eight (48) hours, in which case the county jailer shall**
 22 **immediately notify the Department for Community Based Services.**

23 **(b) For the purposes of this subsection, "county prisoner" means any prisoner**
 24 **not held pursuant to a contractual agreement with the state or the United**
 25 **States government.**

26 ➔Section 15. If the cabinet determines that a waiver or any other authorization
 27 from a federal agency is necessary prior to the implementation of any provision of Section

1 1, 2, 3, 4, 5, 6, 11, 12, or 15 of this Act, the cabinet shall, within 90 days after the
2 effective date of this Act, request the waiver or authorization and shall only delay full
3 implementation of those provisions for which a waiver or authorization was deemed
4 necessary until the waiver or authorization is granted.

5 ➔Section 16. The Program Review and Investigations Committee shall conduct
6 an in-depth analysis of Temporary Assistance for Needy Families (TANF) and Kentucky
7 Transition Assistance Program (K-TAP) spending by the Cabinet for Health and Family
8 Services and seek to identify alternative sources of funding for child welfare programs
9 and services currently funded by the federal TANF block grant and state maintenance-of-
10 effort dollars, including possible strategies for securing additional Title IV-E funds, so
11 that future K-TAP expenditures may be allocated in a manner that prioritizes assisting
12 recipients of public assistance in transitioning off of public assistance by finding and
13 maintaining stable employment.

14 ➔Section 17. Within 90 days of the effective date of this Act, the Cabinet for
15 Health and Family Services shall provide the following information to the Public
16 Assistance Oversight and Advisory Committee:

17 (1) An estimate of what the cost to the state would be to increase eligibility for
18 the Child Care Assistance Program to 200% of the federal poverty level; and

19 (2) An assessment of what the fiscal impact of discontinuing multiple copayments
20 for families with more than one child in the Child Care Assistance Program would be.

21 ➔Section 18. The Legislative Research Commission shall establish the Substance
22 Use Recovery Task Force to review all substance use recovery grants and efforts
23 underway in the Commonwealth.

24 ➔Section 19. The duties of the Substance Use Recovery Task Force shall include
25 but are not limited to:

26 (1) Examining the University of Kentucky HEALing grant, the Kentucky Opioid
27 Response Efforts, and any other substance use recovery grants or efforts in the

1 Commonwealth; and

2 (2) Making recommendations to the Legislative Research Commission, the Cabinet for
3 Health and Family Services, the Justice and Public Safety Cabinet, and the
4 Education Workforce Development Cabinet to establish pathways for reentry of
5 substance-involved individuals that may include engagement by social workers,
6 peer support, health care connections, and workforce development supports.

7 ➔Section 20. The Substance Use Recovery Task Force shall be composed of the
8 following members with final membership of the task force being subject to the
9 consideration and approval of the Legislative Research Commission:

10 (1) Four members of the House of Representatives appointed by the Speaker of the
11 House of Representatives, one of whom shall be designated by the Speaker of the
12 House of Representatives as a co-chair of the task force; and

13 (2) Four members of the Senate appointed by the President of the Senate, one of whom
14 shall be designated by the President of the Senate as a co-chair of the task force.

15 ➔Section 21. The Substance Use Recovery Task Force shall meet monthly during
16 the 2020 Interim of the General Assembly. The task force shall submit findings and
17 recommendations to the Legislative Research Commission for referral to the appropriate
18 committee or committees by December 1, 2020.

19 ➔Section 22. Provisions of Sections 16, 18, 19, 20, and 21 of this Act to the
20 contrary notwithstanding, the Legislative Research Commission shall have the authority
21 to alternatively assign the issues identified herein to an interim joint committee or a
22 subcommittee thereof, and to designate a study completion date.

23 ➔Section 23. Sections 16 to 22 of this Act shall have the same legal status as a
24 House Concurrent Resolution.

25 ➔Section 24. If any section, any subsection, or any provision of this Act is found
26 by a court of competent jurisdiction in a final, unappealable order to be invalid or
27 unconstitutional, the decision of the court shall not affect or impair any of the remaining

1 sections, subsections, or provisions of this Act.