

1 AN ACT relating to medical assistance payments.

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

3 ➔Section 1. KRS 205.634 is amended to read as follows:

4 (1) ~~[No medical assistance payments shall be made under this chapter to any out-of-~~
5 ~~state health facility or health service providing services within the geographic~~
6 ~~boundaries of the Commonwealth who does not have a certificate of need if the~~
7 ~~health facility or health service would be required to obtain a certificate of need~~
8 ~~under KRS Chapter 216B if the facility or service were located within the~~
9 ~~geographic boundaries of the Commonwealth.~~

10 ~~(2)~~ The Department for Medicaid Services and the Department for Community Based
11 Services shall not reimburse an out-of-state provider of residential care for children
12 whose care is paid by state general funds or state administered federal funds, unless
13 the Department for Medicaid Services or the Department for Community Based
14 Services or a designated agent thereof has determined that there is no provider
15 within the Commonwealth that is capable and willing to provide comparable
16 services at a comparable cost per child to those that would be delivered by the out-
17 of-state provider. An exception may be made if:

18 (a) The identified in-state resource is farther away from the child's parent or
19 guardian than a similar out-of-state resource; or

20 (b) The services offered by the out-of-state resource is deemed by either
21 department or a designated agent thereof to be more appropriate for the
22 individual child than the services offered by the in-state provider.

23 ~~(2)~~~~(3)~~ Prior to promulgating administrative regulations governing the determination
24 of the availability of providers of residential care within the Commonwealth, the
25 Department for Medicaid Services and the Department for Community Based
26 Services shall establish uniform conditions, requirements, and exceptions for the
27 determination of the availability of providers of residential care within the

1 Commonwealth.
2 ~~(3)~~~~(4)~~ Each department shall promulgate an administrative regulation in accordance
3 with KRS Chapter 13A that contains the uniform conditions, requirements, and
4 exceptions for the determination of the availability of providers of residential care
5 within the Commonwealth established under subsection ~~(2)~~~~(3)~~ of this section.