

1 AN ACT relating to health services.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For purposes of this section, "voluntarily" describes the action of a resident who*
6 *elects, of his or her own volition, to leave a facility described in subsection (2) of*
7 *this section against medical advice and who provides notice to the provider of that*
8 *decision.*

9 *(2) Any treatment center or program licensed as a chemical dependency treatment*
10 *service pursuant to KRS 216B.042 shall assist with alternative treatment*
11 *placement or provide transportation services to residents who wish to voluntarily*
12 *leave the treatment program if:*

13 *(a) After expressing the intent to voluntarily leave, the treatment center or*
14 *program informs a family member, guardian, or emergency contact of the*
15 *resident's desire to leave; and*

16 *(b) The resident's family member, guardian, or emergency contact does not*
17 *agree to transport the resident within twenty-four (24) hours.*

18 *(3) Transportation services shall include providing the resident access to:*

19 *(a) A ride-sharing service and purchasing of a one (1) way service to the*
20 *resident's hometown of record; or*

21 *(b) Public transportation, including but not limited to transporting the resident*
22 *to the nearest commercial bus station and purchasing a ticket to the*
23 *resident's hometown of record.*

24 *(4) The facilities described in subsection (2) of this section and law enforcement*
25 *officers shall only transport residents voluntarily leaving the facility to public*
26 *transportation locations, the location to meet the driver of a ride-sharing service,*
27 *the resident's local domicile, or to an alternative accepting treatment facility*

1 located within the Commonwealth.

2 (5) Prior to admitting a resident into the facility described in subsection (2) of this
3 section, the facility shall conduct a search of any outstanding warrants.

4 (6) A facility that is not licensed as a chemical dependency treatment service
5 pursuant to KRS 216B.042 shall be exempt from this section.

6 (7) (a) If a resident, required by court order to attend a treatment facility described
7 in subsection (2) of this section, leaves the facility prior to court approval or
8 prior to completing the conditions of the court order, the treatment facility
9 shall notify the court, county attorney, local law enforcement, and the
10 resident's family of the resident's exit.

11 (b) A probation officer or peace officer, acting on information provided by the
12 treatment facility under paragraph (a) of this subsection, who sees the
13 resident violate the terms of his or her conditional discharge or violate the
14 court order shall arrest the resident without a warrant and hold the resident
15 in incarceration until the judge who made the initial court order has a
16 hearing on the resident's violation of that court order.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) Any treatment center or program licensed as a chemical dependency treatment
20 service pursuant to KRS 216B.042 shall:

21 (a) Not recruit into their facility any out-of-state resident if the out-of-state
22 resident is enrolled in Medicaid; and

23 (b) Submit to the Department for Medicaid Services the recipient's proof of
24 residency when submitting a request for Medicaid reimbursement.

25 (2) Any out-of-state resident found to be ineligible for Medicaid services in Kentucky
26 as a result of failure to establish Kentucky as his or her domicile shall be required
27 to reimburse any Medicaid fees paid for on behalf of the out-of-state resident and

1 shall be fined not less than five hundred dollars (\$500) for each day the out-of-
2 state resident received Medicaid services in Kentucky at a treatment center or
3 program licensed as a chemical dependency treatment service pursuant to KRS
4 216B.042.

5 ➔Section 3. KRS 205.200 is amended to read as follows:

- 6 (1) A needy aged person, a needy blind person, a needy child, a needy permanently and
7 totally disabled person, or a person with whom a needy child lives shall be eligible
8 to receive a public assistance grant only if he or she has made a proper application
9 or an application has been made on his or her behalf in the manner and form
10 prescribed by administrative regulation. No individual shall be eligible to receive
11 public assistance under more than one (1) category of public assistance for the same
12 period of time.
- 13 (2) The secretary shall, by administrative regulations, prescribe the conditions of
14 eligibility for public assistance in conformity with the public assistance titles of the
15 Social Security Act, its amendments, and other federal acts and regulations. The
16 secretary shall also promulgate administrative regulations to allow for between a
17 forty percent (40%) and a forty-five percent (45%) ratable reduction in the method
18 of calculating eligibility and benefits for public assistance under Title IV-A of the
19 Federal Social Security Act. In no instance shall grants to families with no income
20 be less than the appropriate grant maximum used for public assistance under Title
21 IV-A of the Federal Social Security Act. As used in this section, "ratable reduction"
22 means the percentage reduction applied to the deficit between the family's
23 countable income and the standard of need for the appropriate family size.
- 24 (3) The secretary may by administrative regulation prescribe as a condition of
25 eligibility that a needy child regularly attend school, and may further by
26 administrative regulation prescribe the degree of relationship of the person or
27 persons in whose home such needy child must reside.

- 1 (4) The secretary may by administrative regulation prescribe conditions for bringing
2 paternity proceedings or actions for support in cases of out of wedlock birth or
3 nonsupport by a parent in the public assistance under Title IV-A of the Federal
4 Social Security Act program.
- 5 (5) Public assistance shall not be payable to or in behalf of any individual who has
6 taken any legal action in his or her own behalf or in the behalf of others with the
7 intent and purpose of creating eligibility for the assistance.
- 8 (6) The cabinet shall promptly notify the appropriate law enforcement officials of the
9 furnishing of public assistance under Title IV-A of the Federal Social Security Act
10 in respect to a child who has been deserted or abandoned by a parent.
- 11 (7) No person shall be eligible for public assistance payments if, after having been
12 determined to be potentially responsible, and afforded notice and opportunity for
13 hearing, he *or she* refuses without good cause:
- 14 (a) To register for employment with the state employment service,
15 (b) To accept suitable training, or
16 (c) To accept suitable employment.
- 17 The secretary may prescribe by administrative regulation, subject to the provisions
18 of KRS Chapter 13A, standards of suitability for training and employment.
- 19 (8) To the extent permitted by federal law, scholarships, grants, or other types of
20 financial assistance for education shall not be considered as income for the purpose
21 of determining eligibility for public assistance.
- 22 (9) To the extent permitted by federal law, any money received because of a settlement
23 or judgment in a lawsuit brought against a manufacturer or distributor of "Agent
24 Orange" for damages resulting from exposure to "Agent Orange" by a member or
25 veteran of the Armed Forces of the United States or any dependent of such person
26 who served in Vietnam shall not be considered as income for the purpose of
27 determining eligibility or continuing eligibility for public assistance and shall not be

1 subject to a lien or be available for repayment to the Commonwealth for public
2 assistance received by the recipient.

3 (10) (a) For the purpose of determining eligibility for medical assistance under Title
4 XIX of the Social Security Act, unless otherwise required by federal law, the
5 cabinet shall only accept self-attestation of income, residency, age, household
6 composition, caretaker or relative status, or receipt of other coverage as
7 verification of last resort prior to enrollment, and the cabinet shall not request
8 federal authorization or approval to waive or decline to periodically check any
9 available income-related data source to verify eligibility.

10 (b) This subsection shall not apply to any individual who is a resident of an
11 assisted living community as defined in KRS 194A.700 or to a long-term care
12 facility as defined in KRS 216A.010 or hospital licensed under KRS Chapter
13 216B that is using self-attestation to determine presumptive eligibility.

14 (c) If an individual for medical assistance under Title XIX of the Social Security
15 Act willingly and knowingly self-attests to falsified information related to
16 income, residency, age, household composition, caretaker or relative status, or
17 receipt of other coverage, the cabinet may fine the individual not more than
18 five hundred dollars (\$500) per offense.

19 (11) When determining whether an applicant for services or assistance provided under
20 this chapter meets the applicable income eligibility guidelines, the cabinet shall use
21 the most recent income verification data available and consider fluctuating
22 employment income data.

23 (12) If in the normal course of operations, the cabinet finds that an individual has
24 trafficked, sold, distributed, given, or otherwise transferred an electronic benefit
25 transfer card issued by the department for money, service, or other valuable
26 consideration, the cabinet, to the extent permitted under state and federal law:

27 (a) Shall through any means practical, including but not limited to garnishment of

1 future cash assistance benefits, seek recoupment from the individual of any
2 cash benefits trafficked, sold, distributed, given, or otherwise transferred; and

3 (b) May:

- 4 1. Upon the first violation, deem the individual ineligible for all public
5 assistance programs administered by the cabinet under this chapter for a
6 period of not more than six (6) months;
- 7 2. Upon the second violation, deem the individual ineligible for all public
8 assistance programs administered by the cabinet under this chapter for a
9 period of not more than twelve (12) months; and
- 10 3. Upon the third violation, deem the individual ineligible for all public
11 assistance programs administered by the cabinet under this chapter for a
12 period of not more than five (5) years.

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

- 17 1. Any amount in an ABLE account;
- 18 2. Any contributions to an ABLE account; and
- 19 3. Any distribution from an ABLE account for qualified disability
20 expenses.

21 (b) For purposes of this subsection:

- 22 1. "ABLE account" means an account established within any state having a
23 qualified ABLE program as provided in 26 U.S.C. sec. 529A, as
24 amended;
- 25 2. "Kentucky law" includes:
 - 26 a. All provisions of the Kentucky Revised Statutes:
 - 27 b. Any contract to provide Medicaid managed care established

- 1 pursuant to this chapter;
- 2 c. Any agreement to operate a Medicaid program established
- 3 pursuant to this chapter; and
- 4 d. Any administrative regulation promulgated pursuant to this
- 5 chapter; and
- 6 3. "Qualified disability expenses" means expenses described in 26 U.S.C.
- 7 sec. 529A of a person who is the beneficiary of an ABLE account.

8 **(14) (a) Residency shall not be established for an individual if the individual**
9 **relocates to Kentucky with the sole intention of establishing eligibility to**
10 **receive medical services under this chapter.**
11 **(b) Proof of residency shall include but not be limited to the possession of a**
12 **valid Kentucky operator's license or a copy of a deed or property tax bill,**
13 **utility agreement or utility bill, or rental housing agreement.**