

1 AN ACT relating to Medicaid.

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

3 ➔Section 1. KRS 205.520 is amended to read as follows:

4 (1) KRS 205.510 to 205.630 shall be known as the "Medical Assistance Act."

5 (2) The General Assembly of the Commonwealth of Kentucky recognizes and declares
6 that it is an essential function, duty, and responsibility of the state government to
7 provide medical care to its indigent citizenry; and it is the purpose of KRS 205.510
8 to 205.630 to provide such care.

9 (3) Further, it is the policy of the Commonwealth to:

10 (a) Take advantage of federal funds that may be available for medical assistance.
11 To qualify for federal funds, the secretary of the Cabinet for Health and
12 Family Services may, except as provided in KRS 205.5372, by regulation
13 comply with any requirement that may be imposed or opportunity that may be
14 presented by federal law. Nothing in KRS 205.510 to 205.630 is intended to
15 limit the secretary's power in this respect; and

16 (b) Provide Medicaid eligibility for all residents of the Commonwealth who may
17 be eligible for medical assistance under 42 U.S.C. sec.
18 1396a(a)(10)(A)(i)(VII) and (e)(14).

19 (4) It is the intention of the General Assembly to comply with the provisions of Title
20 XIX of the Social Security Act which require that the Kentucky Medical Assistance
21 Program recover from third parties which have a legal liability to pay for care and
22 services paid by the Kentucky Medical Assistance Program.

23 (5) The Kentucky Medical Assistance Program shall be the payor of last resort and its
24 right to recover under KRS 205.622 to 205.630 shall be superior to any right of
25 reimbursement, subrogation, or indemnity of any liable third party.

26 ➔Section 2. KRS 205.6312 is amended to read as follows:

27 Notwithstanding any state law to the contrary, the cabinet or a managed care organization

1 contracted by the cabinet to provide Medicaid services pursuant to this chapter shall ~~not~~
2 ~~institute~~ copayments, cost sharing, or similar charges to be paid by any medical
3 assistance recipients, their spouses, or parents, for any assistance provided pursuant to
4 this chapter, federal law, or any federal Medicaid waiver *only to the extent required*
5 *under federal law, including but not limited to 42 U.S.C. sec. 1396o(k).*

6 ➔Section 3. Within 30 days after the effective date of this Act, the Governor shall
7 commission an independent third-party analysis of the current Medicaid expansion and
8 the Kentucky Health Benefit Exchange. The analysis shall also investigate Kentucky's
9 uninsured rate, access to care, and any improvements in health indicators.

10 ➔Section 4. If the Cabinet for Health and Family Services or the Department for
11 Medicaid Services determines that a state plan amendment, waiver, or any other form of
12 authorization or approval from any federal agency to implement Section 1 or 2 of this Act
13 is necessary to prevent the loss of federal funds or to comply with federal law, the cabinet
14 or department:

15 (1) Shall, within 90 days after the effective date of this Act, request the necessary
16 federal authorization or approval to implement Sections 1 and 2 of this Act; and

17 (2) May only delay implementation of the provisions of Sections 1 and 2 of this
18 Act for which federal authorization or approval was deemed necessary until the federal
19 authorization or approval is granted.

20 ➔Section 5. Sections 1, 2, and 4 of this Act shall constitute the specific
21 authorization required under KRS 205.5372(1).