

1 AN ACT relating to Medicaid coverage for adult day health care and in-home
2 attendant care services.

3 WHEREAS, many elderly Kentuckians enrolled in the Medicaid program are in
4 need of and greatly benefit from in-home attendant care services to ensure their safety
5 and well-being at home; and

6 WHEREAS, while access to in-home attendant care services is critical to the safety,
7 well-being, and ability of elderly Kentuckians to age in place, they also benefit greatly
8 from access to adult day health care services; and

9 WHEREAS, adult day health care centers offer elderly Kentuckians an opportunity
10 for mental and psychological stimulation through regular interactions with other
11 individuals their own age; and

12 WHEREAS, when adult day health care services are not available, many elderly
13 individuals suffer isolation and loneliness even when receiving in-home attendant care
14 services; and

15 WHEREAS, adult day health care services offer additional personalized care and
16 engagement opportunities that can significantly improve mental health and health care
17 outcomes of service recipients; and

18 WHEREAS, the decision by the Department for Medicaid Services to establish a
19 single coverage limit for adult day health care services and in-home attendant care
20 services has forced many elderly Kentuckians to choose between adult day health care
21 services or in-home attendant care services; and

22 WHEREAS, access to adequate and necessary services and supports for the elderly
23 is critical to ensuring such individuals are able to age in place; and

24 WHEREAS, when elderly individuals are not able to access needed services and
25 support, they often have no choice but to seek care in a skilled nursing facility or assisted
26 living facility; and

27 WHEREAS, evidence suggests that health outcomes for elderly individuals are

1 improved when they are able to age in place and receive needed services and supports in
2 their home; and

3 WHEREAS, residential or institutionalized care is more costly and less cost-
4 efficient than adult day health care services and in-home attendant care services;

5 NOW, THEREFORE,

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

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

9 **(1) (a) The Department for Medicaid Services shall include coverage for adult day**
10 **health care services and in-home attendant, or personal care, services in**
11 **each 1915(c) waiver program administered by the department that enrolls**
12 **adult participants.**

13 **(b) Coverage required under this section shall include at least forty (40) hours**
14 **per week of adult day health care services, and separately at least forty (40)**
15 **hours per week of in-home attendant, or personal care, services.**

16 **(c) Coverage limits established in this section shall not provide for a single or**
17 **combined coverage limit for the two (2) services or in any way aggregate**
18 **coverage limits for adult day health care services and in-home attendant, or**
19 **personal care, services.**

20 **(2) The Department for Medicaid Services shall, within ninety (90) days after the**
21 **effective date of this Act, promulgate administrative regulations in accordance**
22 **with KRS Chapter 13A to implement this section.**

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

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

3 (2) May only delay implementation of the provisions of Section 1 of this Act for
4 which federal authorization or approval was deemed necessary until the federal
5 authorization or approval is granted.

6 ➔Section 3. Sections 1 and 2 of this Act shall constitute the specific authorization
7 required under KRS 205.5372(1).