

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).