

907 KAR 20:015. Medicaid right to apply and reapply for individuals whose Medicaid eligibility is not based on a modified adjusted gross income eligibility standard or who are not former foster care individuals.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 116.048, 194A.030(2), 194A.050(1), 205.502(3), 42 C.F.R. 435.906, 435.907, 435.909, 435.911, 435.912, 42 U.S.C. 1396a, b, d, w-3, 1973gg-10

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services has responsibility to administer the Medicaid Program. KRS 205.520(3) empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. KRS 116.048 designates the cabinet to have responsibility for the administration of public assistance programs as a voter registration agency in accordance with 42 U.S.C. 1973gg-10. This administrative regulation establishes the provisions relating to the procedure by which an application for Medicaid coverage is filed, except for individuals for whom a modified adjusted gross income is the Medicaid eligibility income standard or for former foster care individuals between the ages of nineteen (19) and twenty-six (26) years who aged out of foster care while receiving Medicaid coverage, and establishes the provisions and procedures necessary to provide an eligible Medicaid recipient the opportunity to register, or to decline from registering, to vote.

Section 1. Right to Apply or Reapply.

(1) Each individual wishing to do so shall have the opportunity to apply or reapply for Medicaid through the Department for Community Based Services.

(2)

(a) An individual applying on the basis of age, blindness, or disability shall not be eligible as a medically needy individual, under 907 KAR 20:005, if the individual's income and resources are within SSI limits.

(b) Denial of assistance by the Social Security Administration for SSI for technical reasons shall also be considered a denial for Medicaid benefits.

Section 2. Application Process.

(1) An application shall be considered to have been made:

(a) When the:

1. Individual or individual's authorized representative has signed, under penalty of perjury, the application prescribed by the Department for Community Based Services or the Social Security Administration, for SSI benefits; and

2. Application has been received; or

(b) Based on the date of contact with the Department for Community Based Services or the Social Security Administration for SSI benefits, by a person with a physical or mental impairment who needs special accommodation due to the impairment.

(2) If an applicant is unable to come to the office to apply, the applicant shall be advised that the applicant may:

(a) Apply via telephone;

(b) Designate an authorized representative to apply for the applicant using MAP-14, Authorized Representative; or

(c) Request a home visit to complete the application process.

(3) An applicant may be:

(a) Assisted by an individual of the applicant's choice in the application process; and

(b) Accompanied by this individual in all contacts with the agency.

(4) Deaf and hard of hearing services shall be provided in accordance with 920 KAR 1:070.

- (5) Interpreter services shall be provided for persons who do not speak English.

Section 3. Who May Sign an Application.

- (1) An application for Medicaid shall be signed by the individual requesting assistance, the relative with whom the child lives if the applicant is a child, or an authorized representative.
- (2) An application for Medicaid for a child in foster care or for a private child caring facility shall be signed by the:
 - (a) Representative of the agency to which the child is committed; or
 - (b) Representative of the facility in which the child is placed.

Section 4. Action on Applications.

- (1)
 - (a) A decision shall be made on each Medicaid application within forty-five (45) days, except for an application requiring a disability determination.
 - (b) An application requiring a disability determination shall be made within sixty (60) days.
- (2) An exception to the timeframes referenced in subsection (1) of this section shall be made if the:
 - (a) Applicant is cooperating but is unable to obtain necessary verification for an eligibility decision to be made; or
 - (b) Delay is beyond the control of staff (such as failure or delay on the part of the applicant or examining physician or because of some administrative or other emergency that could not be controlled by staff).
- (3) A case record shall document the cause for the delay.
- (4) Failure to process an application within the time frames referenced in this section shall not be used as the basis for denial.

Section 5. Voter Registration.

- (1) An applicant or recipient shall be provided the opportunity at the local Department for Community Based Services office to complete an application to register to vote or update the applicant's or recipient's current voter registration if the applicant or recipient is:
 - (a) Age eighteen (18) years or over;
 - (b) Present in the office at the time of the interview or when a change of address is reported; and
 - (c) Not registered to vote or not registered to vote at the applicant's or recipient's current address.
- (2) PAFS-706, Voter Registration Rights and Declination, shall be utilized to document an applicant or recipient's choice to:
 - (a) Register to vote;
 - (b) Not register to vote; or
 - (c) Indicate that the applicant or recipient is currently registered to vote.
- (3) The following individuals shall not be permitted to register to vote by the process established in this administrative regulation:
 - (a) An individual not included in the Medicaid application;
 - (b) A Medicaid payee only;
 - (c) An authorized representative of a Medicaid recipient; or
 - (d) An individual acting as a responsible party.
- (4) An individual providing voter registration services who seeks to unlawfully influence an applicant's political preference or party registration as prohibited by KRS 116.048(4) shall be subject to a penalty or penalties pursuant to KRS 116.995.
- (5) Forms and information utilized in the voter registration process shall:
 - (a) Remain confidential; and

- (b) Be used only for voter registration purposes.
- (6) Only Board of Elections officials may view forms and information utilized directly in the voter registration process.
- (7)
 - (a) Completion of the voter registration form is an application to apply to register to vote.
 - (b) The State Board of Elections shall:
 - 1. Approve or deny the application to register to vote; and
 - 2. Send a confirmation or denial notice to the applicant.

Section 6. Applicability. The provisions and requirements of this administrative regulation shall:

- (1) Apply to:
 - (a) Children in foster care;
 - (b) Aged, blind, or disabled individuals; and
 - (c) Individuals who receive supplemental security income benefits; and
- (2) Not apply to individuals whose Medicaid eligibility is determined:
 - (a) Using the modified adjusted gross income standard pursuant to 907 KAR 20:100; or
 - (b) Pursuant to 907 KAR 20:075.

Section 7. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Authorized Representative", MAP 14, 1/09; and
 - (b) PAFS-706, "Voter Registration Rights and Declination", 8/10.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
- (21 Ky.R. 2592; 22 Ky.R. 294; eff. 7-26-1995; Recodified from 907 KAR 1:610, 9-30-2013; 40 Ky.R. 1160; 1764; 2155; eff. 4-4-2014; Crt eff. 12-6-2019; TAm eff. 3-20-2020.)