205.6312 Medical recipients to pay allowable nominal copayments -- Administrative regulations.

(1) The cabinet shall institute nominal copayments or similar charges to be paid by medical assistance recipients, their spouses, or parents, under the provisions of Section 1916 of Title XIX of the Federal Social Security Act, 42 U.S.C. sec. 1396o.

(2) Copayments or similar charges shall not be imposed for the following services:

(a) All services provided to children under eighteen (18) years of age;

(b) All services furnished to pregnant women, if the services relate to the pregnancy or to any other medical condition which may complicate the pregnancy;

(c) Emergency services including hospital, clinic, office, or other facility services which are necessary to prevent the death or serious impairment of the individual;

(d) Services furnished to institutionalized individuals if the individual is required, as a condition of receiving services, to spend all but a minimal amount of income for personal needs;

(e) Services furnished for an individual who is receiving hospice care as defined under Section 1905 of Title XIX of the Federal Social Security Act, 42 U.S.C. sec. 1396d(o); and

(f) Other services excluded from cost sharing by federal law or regulation.

(3) Standard nominal copayments per service, not to exceed amounts allowable under Section 1916 of Title XIX of the Federal Social Security Act, 42 U.S.C. sec. 1396o shall be collected by the provider and charged for the following services:

(a) Ambulance services which are provided to recipients in need of nonemergency health transportation services;

(b) Nonemergency services delivered in a hospital emergency room; and

(c) Prescription and over-the-counter drugs, subject to the limitation under subsection (6) of this section.

(4) No provider participating in the Medical Assistance Program shall deny services to any eligible recipient due to the inability of a recipient to make the required copayment. This provision shall not excuse the recipient from liability for payment of the charge.

(5) The cabinet shall promulgate administrative regulations under KRS Chapter 13A to implement the provisions of this section.

(6) Any copayment for a prescription or over-the-counter drug shall not exceed one dollar ($1).

Effective: March 12, 2003

History: Amended 2003 Ky. Acts ch. 46, sec. 1, effective March 12, 2003. -- Amended 2002 Ky. Acts ch. 53, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 371, sec. 30, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 512, sec. 73, effective July 15, 1994.

2016-2018 Budget Reference. See State/Executive Branch Budget, 2016 Ky. Acts ch.

149, Pt. I, G, 3, b, (1) at 1072.

2016-2018 Budget Reference. See State/Executive Branch Budget, 2016 Ky. Acts ch. 149, Pt. I, G, 3, b, (13) at 1074.