

Description and information about Administrative Regulations filed on December 29, 2022:

This emergency and ordinary administrative regulation were filed on December 29, 2022:

1. 907 KAR 1:026E

A. This administrative regulation was filed on December 29, 2022

B. Summary of Administrative Regulation: : This administrative regulation establishes the Kentucky Medicaid program provisions and requirements regarding the coverage of dental services.

The amendment changes the administrative regulation by removing age limits throughout the administrative regulation. Previously, nearly all services in the administrative regulation were limited to individuals under the age of twenty-one (21). In addition, the term “direct provider contact” has been changed to “direct provider interaction” to better synchronize with the fuller introduction of telehealth required by 2018’s SB 112 and 2021’s HB 140. In addition, the usage of the term “locum tenens dentist” is removed because federal law limits the use of locum tenens professionals to physicians. Additional restrictions have also been included around the use of orthodontic braces and space maintainers. Finally, a hospital call, ambulatory surgical center call, or extended care facility call based on dental pain may now be subject to coverage. The department is also going to continue to enforce some age limited prior authorizations.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on February 27, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 20, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until February 28, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

2. 907 KAR 1:026

A. This administrative regulation was filed on December 29, 2022

B. Summary of Administrative Regulation: : This administrative regulation establishes the Kentucky Medicaid program provisions and requirements regarding the coverage of dental services.

The amendment changes the administrative regulation by removing age limits throughout the administrative regulation. Previously, nearly all services in the administrative regulation were limited to individuals under the age of twenty-one (21). In addition, the term “direct provider contact” has been changed to “direct provider interaction” to better synchronize with the fuller introduction of telehealth required by 2018’s SB 112 and 2021’s HB 140. In addition, the usage of the term “locum tenens dentist” is removed because federal law limits the use of locum tenens professionals to physicians. Additional restrictions have also been included around the use of orthodontic braces and space maintainers. Finally, a hospital call, ambulatory surgical center call, or extended care facility call based on dental pain may now be subject to coverage. The department is also going to continue to enforce some age limited prior authorizations.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on March 27, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by March 20, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until March 31, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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3. 907 KAR 1:038E

A. This administrative regulation was filed on December 29, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the Kentucky Medicaid Hearing Program’s service and coverage provisions and requirements.

The amendment changes the administrative regulation by removing an age limit of 21 on receiving vision services. This will allow adults to receive vision services within the

Medicaid program.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on February 27, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 20, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until February 28, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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4. 907 KAR 1:038

A. This administrative regulation was filed on December 29, 2022

B. Summary of Administrative Regulation: This administrative regulation establishes the Kentucky Medicaid Hearing Program's service and coverage provisions and requirements. The amendment changes the administrative regulation by removing an age limit of 21 on receiving vision services. This will allow adults to receive vision services within the Medicaid program.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on March 27, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by March 20, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until March 31, 2023. Send written notification of intent to attend the public hearing or written comments on the

proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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5. 907 KAR 1:632E

A. This administrative regulation was filed on December 29, 2022

B. Summary of Administrative Regulation: : This administrative regulation establishes Medicaid Program coverage policies and requirements regarding vision services. The amendment changes the administrative regulation by removing an age limit of 21 on receiving vision services. This will allow adults to receive vision services within the Medicaid program.

C. The administrative regulation may be accessed at the LRC website here:
<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. A public hearing on this administrative regulation shall, if requested, be held on February 27, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 20, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until February 28, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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6. 907 KAR 1:632

A. This administrative regulation was filed on December 29, 2022

B. Summary of Administrative Regulation: : This administrative regulation establishes Medicaid Program coverage policies and requirements regarding vision services.

The amendment changes the administrative regulation by removing an age limit of 21 on receiving vision services. This will allow adults to receive vision services within the Medicaid program.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

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