

Table of Contents

State/Territory Name: KY

State Plan Amendment (SPA) #: 22-0002

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form (with 179-like data)
- 3) Approved SPA Pages

KY - Submission Package - KY2022MS0001O - (KY-22-0002) - Eligibility

Summary Reviewable Units Versions Correspondence Log Analyst Notes Review Assessment Report **Approval Letter** Transaction Logs

News Related Actions

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Medicaid and CHIP Operations Group
601 East 12th Street
Suite 0300
Kansas City, MO 64106-2898



Center for Medicaid & CHIP Services

May 25, 2022

Lisa Lee
Commissioner
Kentucky Department for Medicaid Services
275 East Main Street
Frankfort, KY 40601

Re: Approval of State Plan Amendment KY-22-0002

Dear Commissioner Lee,

On March 17, 2022, the Centers for Medicare and Medicaid Services (CMS) received Kentucky State Plan Amendment (SPA) KY-22-0002, in which Kentucky proposed to adopt its option, as authorized by section 9812 of the American Rescue plan, to provide 12 months of postpartum medical assistance to individuals who were eligible and enrolled in Medicaid during their pregnancy. The SPA also proposed to elect the option under section 214 of the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 to provide eligibility to all lawfully residing pregnant individuals, including in the extended postpartum period, and to provide for a good faith extension of the reasonable opportunity period (ROP) for non-citizens.

We approve Kentucky State Plan Amendment (SPA) KY-22-0002 with an effective date(s) of April 01, 2022.

If you have any questions regarding this amendment, please contact Keri Rosenbloom at keri.toback@cms.hhs.gov.

Sincerely,
James G. Scott
Director, Division of Program Operations
Center for Medicaid & CHIP Services

KY - Submission Package - KY2022MS0001O - (KY-22-0002) - Eligibility

[Summary](#) [Reviewable Units](#) [Versions](#) [Correspondence Log](#) [Analyst Notes](#) [Review Assessment Report](#) [Approval Letter](#) [Transaction Logs](#)

[News](#) [Related Actions](#)

CMS-10434 OMB 0938-1188

Package Information

Package ID	KY2022MS0001O	Submission Type	Official
Program Name	N/A	State	KY
SPA ID	KY-22-0002	Region	Atlanta, GA
Version Number	5	Package Status	Approved
Submitted By	Erin Bickers	Submission Date	3/17/2022
Package Disposition		Approval Date	5/25/2022 2:30 PM EDT
Priority Code	P2		
Lead Division	DMEP		

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID KY2022MS0001O
Submission Type Official
Approval Date 5/25/2022
Superseded SPA ID N/A

SPA ID KY-22-0002
Initial Submission Date 3/17/2022
Effective Date N/A

State Information

State/Territory Name: Kentucky

Medicaid Agency Name: Kentucky Department for Medicaid Services

Submission Component

State Plan Amendment

Medicaid

CHIP

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID KY2022MS0001O
Submission Type Official
Approval Date 5/25/2022
Superseded SPA ID N/A

SPA ID KY-22-0002
Initial Submission Date 3/17/2022
Effective Date N/A

SPA ID and Effective Date

SPA ID KY-22-0002

Reviewable Unit	Proposed Effective Date	Superseded SPA ID
Citizenship and Non-Citizen Eligibility	4/1/2022	KY 13-006
Continuous Eligibility for Pregnant Women and Extended Postpartum Coverage	4/1/2022	New

Page Number of the Superseded Plan Section or Attachment (If Applicable):

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID	KY2022MS0001O	SPA ID	KY-22-0002
Submission Type	Official	Initial Submission Date	3/17/2022
Approval Date	5/25/2022	Effective Date	N/A
Superseded SPA ID	N/A		

Executive Summary

Summary Description Including Goals and Objectives Expand 12 months of extended postpartum coverage for individuals who are eligible and enrolled in Medicaid during their pregnancy.

Federal Budget Impact and Statute/Regulation Citation

Federal Budget Impact

	Federal Fiscal Year	Amount
First	2022	\$3400000
Second	2023	\$6800000

Federal Statute / Regulation Citation

Section 9812 of the American Rescue Plan Act of 2021, and is described at section 1902(e)(16) of the Social Security Act (the Act).

Supporting documentation of budget impact is uploaded (optional).

Name	Date Created	
No items available		

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID KY2022MS0001O
Submission Type Official
Approval Date 5/25/2022
Superseded SPA ID N/A

SPA ID KY-22-0002
Initial Submission Date 3/17/2022
Effective Date N/A

Governor's Office Review

- No comment
- Comments received
- No response within 45 days
- Other

Describe Governor assigned review to DMS

Medicaid State Plan Eligibility

Non-Financial Eligibility

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID	KY2022MS0001O	SPA ID	KY-22-0002
Submission Type	Official	Initial Submission Date	3/17/2022
Approval Date	5/25/2022	Effective Date	4/1/2022
Superseded SPA ID	KY 13-006		
	System-Derived		

- The state provides Medicaid to citizens and nationals of the United States and certain non-citizens who meet all other Medicaid eligibility requirements under the state plan, consistent with requirements of 42 CFR 435.406, including during a reasonable opportunity period pending verification of their citizenship, national status or satisfactory immigration status.

A. Citizens, Nationals and Eligible Non-Citizens

The state provides Medicaid eligibility to otherwise eligible individuals:

1. Who are citizens or nationals of the United States; or
2. Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (8 U.S.C. §1641) or who are non-citizens treated as refugees under other federal statutes for purposes of Medicaid eligibility, subject to the requirements at 8 U.S.C. §1612(b)(2), and are not restricted by section 403 of PRWORA (8 U.S.C. §1613); or who are non-citizens whose eligibility is required by 8 U.S.C. 1612(b)(2)(E) and (F); and
3. Who have declared themselves to be citizens or nationals of the United States, or non-citizens having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), 1902(ee) of the SSA and 42 CFR 435.406, 911, and 956.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

a. The agency provides for an extension of the reasonable opportunity period for non-citizens if the non-citizen is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

- Yes
 No

b. When a reasonable opportunity period is provided, the agency furnishes benefits to otherwise eligible individuals on the following date:

The date benefits are furnished is:

- i. The date of the application containing the declaration of citizenship or immigration status.
 ii. The first day of the month of application.

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID	KY2022MS0001O	SPA ID	KY-22-0002
Submission Type	Official	Initial Submission Date	3/17/2022
Approval Date	5/25/2022	Effective Date	4/1/2022
Superseded SPA ID	KY 13-006		
	System-Derived		

B. Optional Coverage of Qualified Non-Citizens

The state provides Medicaid coverage to all otherwise-eligible Qualified Non-Citizens whose eligibility is not restricted by section 403 of PRWORA (8 U.S.C. §1613).

- Yes
- No

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID	KY2022MS0001O	SPA ID	KY-22-0002
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Approval Date	5/25/2022	Effective Date	4/1/2022
Superseded SPA ID	KY 13-006		
	System-Derived		

C. Coverage of Lawfully Residing Individuals

The state elects the option to provide Medicaid coverage to otherwise eligible individuals, lawfully residing in the United States, as provided in section 1903(v)(4) of the Act.

Yes

No

1. Pregnant women

2. Individuals under a specified age:

a. Individuals under age 21

b. Individuals under age 20

c. Individuals under age 19

3. An individual is considered to be lawfully residing in the United States if he or she is lawfully present and otherwise meets the eligibility requirements in the state plan.

4. An individual is considered to be lawfully present in the United States if he or she is:

a. A qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);

b. A non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));

c. A non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;

d. A non-citizen who belongs to one of the following classes:

i. Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;

ii. Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;

iii. Granted employment authorization under 8 CFR 274a.12(c);

iv. Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;

v. Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;

vi. Granted Deferred Action status;

vii. Granted an administrative stay of removal under 8 CFR 241;

viii. Beneficiary of approved visa petition who has a pending application for adjustment of status;

e. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who:

i. Has been granted employment authorization; or

ii. Is under the age of 14 and has had an application pending for at least 180 days;

f. Has been granted withholding of removal under the Convention Against Torture;

g. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);

h. Is lawfully present in American Samoa under the immigration laws of American Samoa; or

i. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b)).

j. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (a) through (i) of this definition.

k. Other

Description:

Exceptions: Individuals granted an administrative stay of removal under 8 CFR 241, described under C.4.d.vii., above, are not considered to be lawfully present; • Individuals granted employment authorization under 8 CFR 274a.12(c)(35) and (c) (36), described under paragraph C.4.d.iii, are not considered to be lawfully present unless they have an immigration status considered lawfully present under paragraph 4.a. through i.

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID	KY2022MS0001O	SPA ID	KY-22-0002
Submission Type	Official	Initial Submission Date	3/17/2022
Approval Date	5/25/2022	Effective Date	4/1/2022
Superseded SPA ID	KY 13-006		
	System-Derived		

D. Emergency Coverage

The state assures that it provides limited Medicaid services for treatment of an emergency medical condition, not related to an organ transplant procedure, as defined in 1903(v)(3) of the Social Security Act and implemented at 42 CFR 440.255, to the following individuals who meet all Medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status and/or present an SSN:

1. Qualified non-citizens subject to the 5 year waiting period described in 8 U.S.C. 1613(a)
2. Non-qualified non-citizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with 1903(v)(4) and implemented at 435.406(b).

E. Additional Information (optional)

Medicaid State Plan Eligibility

Eligibility and Enrollment Processes

Continuous Eligibility for Pregnant Women and Extended Postpartum Coverage

MEDICAID | Medicaid State Plan | Eligibility | KY2022MS0001O | KY-22-0002

Package Header

Package ID	KY2022MS0001O	SPA ID	KY-22-0002
Submission Type	Official	Initial Submission Date	3/17/2022
Approval Date	5/25/2022	Effective Date	4/1/2022
Superseded SPA ID	New User-Entered		

The state provides continuous eligibility for pregnant individuals and extended postpartum coverage in accordance with the following provisions:

A. Mandatory Continuous Eligibility for Pregnant Women

The state provides continuous eligibility to pregnant individuals who were eligible and enrolled under the state plan, without regard to any changes in income that otherwise would result in ineligibility, through the last day of the month in which a 60-day postpartum period (beginning on the last day of the pregnancy) ends. This extension does not apply to pregnant individuals eligible only during a period of presumptive eligibility.

B. Optional 12-Month Postpartum Continuous Eligibility for Pregnant Women

The state provides continuous eligibility to pregnant individuals who were eligible and enrolled under the state plan while pregnant (including during a period of retroactive eligibility) through the last day of the month in which a 12-month postpartum period (beginning on the last day of the pregnancy) ends. The 12-month postpartum continuous eligibility option applies for the period beginning on the effective date of this reviewable unit and is available through March 31, 2027 (or other date as specified by law).

Yes

No

1. This extension does not apply to pregnant individuals eligible only during a period of presumptive eligibility.
2. Full benefits are provided for a pregnant or postpartum individual under this option. This includes all items and services covered under the state plan (or waiver) that are not less in amount, duration, or scope than, or are determined by the Secretary to be substantially equivalent to, the medical assistance available for an individual described in subsection 1902 (a)(10)(A)(i) of the Act.
3. Continuous eligibility is provided to pregnant individuals eligible and enrolled under the state plan through the end of the 12-month postpartum period who would otherwise lose eligibility because of a change in circumstances, unless:
 - a. The individual requests voluntary termination of eligibility;
 - b. The individual ceases to be a resident of the state;
 - c. The Medicaid agency determines that eligibility was determined incorrectly at the most recent determination or redetermination of eligibility because of agency error or fraud, abuse or perjury attributed to the individual; or
 - d. The individual dies.

C. Additional Information (optional)

PRA Disclosure Statement: Centers for Medicare & Medicaid Services (CMS) collects this mandatory information in accordance with (42 U.S.C. 1396a) and (42 CFR 430.12); which sets forth the authority for the submittal and collection of state plans and plan amendment information in a format defined by CMS for the purpose of improving the state application and federal review processes, improve federal program management of Medicaid programs and Children's Health Insurance Program, and to standardize Medicaid program data which covers basic requirements, and individualized content that reflects the characteristics of the particular state's program. The information will be used to monitor and analyze performance metrics related to the Medicaid and Children's Health Insurance Program in efforts to boost program integrity efforts, improve performance and accountability across the programs. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1188. The time required to complete this information collection is estimated to range from 1 hour to 80 hours per response (see below), including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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