

**199.5954 State medical assistance for special-needs adoptee.**

- (1) A child with special needs residing in this state, who is the subject of an adoption assistance agreement with another state, shall be entitled to receive medical assistance from this state upon the filing in the Department for Community Based Services, Cabinet for Health and Family Services, a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the Department for Medicaid Services, Cabinet for Health and Family Services, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.
- (2) The Department for Medicaid Services, Cabinet for Health and Family Services shall consider recipients of medical assistance pursuant to this section as any other recipient of medical assistance under the laws of this state and shall process and make payment on claims on account of the recipient in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.
- (3) The Department for Medicaid Services, Cabinet for Health and Family Services shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the Department for Community Based Services, Cabinet for Health and Family Services, for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefor. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third-party medical contract or arrangement held by the child or the adoptive parents. The Cabinet for Health and Family Services shall make regulations implementing this subsection. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among other things, the regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.
- (4) The submission of any claim for payment or reimbursement for services or benefits pursuant to this section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading, or fraudulent shall be punishable as perjury and shall also be subject to a fine not to exceed ten thousand dollars (\$10,000) or imprisonment for not more than two (2) years, or both such fine and imprisonment.
- (5) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 188, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 14, sec. 20, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 151, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 247, sec. 3, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 80, sec. 5, effective July 15, 1986.