

#### **205.460 Essential services -- Funding -- Collection of fees and contributions.**

- (1) The cabinet shall fund, directly or through a contracting entity or entities, in each district, a program of essential services which shall have as its primary purpose the prevention of unnecessary institutionalization of functionally impaired elderly persons. The cabinet may use funds appropriated under this section to contract with public and private agencies, long-term care facilities, local governments, and other providers to provide core and essential services. The cabinet may provide core and essential services when such services cannot otherwise be purchased.
- (2) In providing essential services, all existing community resources available to functionally impaired elderly persons shall be utilized. Additional services may be provided, but shall not be funded from funds appropriated under this section. Volunteers may be used where practicable to provide essential services to functionally impaired elderly persons. The cabinet or contracting entity shall provide or arrange for the provision of training and supervision of volunteers to ensure the delivery of quality services. The cabinet or contracting entity shall provide or arrange for appropriate insurance coverage to protect volunteers from personal liability while acting within the scope of their volunteer duties. In providing essential services under this section, the cabinet shall provide services to meet the needs of the minority elderly as identified by the cabinet pursuant to KRS 205.201.
- (3) Entities contracting with the cabinet to provide essential services under KRS 205.455 and this section shall provide a minimum of fifteen percent (15%) of the funding necessary for the support of program operations. No local match is required for assessment and case management. Local contributions, whether materials, commodities, transportation, office space, personal services, or other types of facilities services, or funds may be evaluated and counted toward the fifteen percent (15%) local funding requirements.
- (4) When possible, funding for core services may be obtained under:
  - (a) The Comprehensive Annual Social Services Program plan under Title XX of the Social Security Act;
  - (b) The Medical Assistance Plan under Titles XVIII and XIX of the Social Security Act;
  - (c) The State Plan on Aging under the Older Americans Act; or
  - (d) Veteran's benefit programs under the provisions of 38 U.S.C. secs. 1 et seq., as amended.

The cabinet may seek federal waivers if necessary to enable the use of funds provided through Titles XVIII and XIX of the Social Security Act for the provision of essential services.

- (5) Providers contracting with the cabinet to provide essential services shall be responsible for the collection of fees and contributions for services in accordance with administrative regulations promulgated by the cabinet. Providers are authorized to assess and collect fees for services rendered in accordance with those administrative regulations. To help pay for essential services received, a

functionally impaired elderly person shall pay an amount of money based on an overall ability to pay in accordance with a schedule of fees established by the cabinet. Fees shall reflect the degree to which the cabinet or contracting entity uses volunteers in the provision of services. Where essential services are provided by volunteers, fees shall only be assessed in an amount that will cover the cost of materials and other goods used in the provision of services. The cost of materials and other goods used by volunteers shall be reasonably similar to the cost of goods when paid personnel are used. Fees shall not be required of any person who is "needy aged" as defined in KRS 205.010; however, voluntary contributions may be encouraged. This subsection shall not apply to programs utilizing federal funds when administrative regulations require contributions to revert to the original funding source.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 246, sec. 5, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 280, sec. 2, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 169, sec. 2, effective July 15, 1982.