

1 AN ACT relating to reproductive health care.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 205.592 is amended to read as follows:

4 (1) Except as provided in subsection (2) of this section, pregnant women~~[,]~~ ***and*** new  
5 mothers up to twelve (12) months postpartum, ***regardless of citizenship or national***  
6 ***origin,*** and children up to age one (1) shall be eligible for participation in the  
7 Kentucky Medical Assistance Program if:

8 (a) They have family income up to but not exceeding one hundred ~~[and]~~ eighty-  
9 five percent (185%) of the nonfarm income official poverty guidelines as  
10 promulgated by the Department of Health and Human Services of the United  
11 States as revised annually; and

12 (b) They are otherwise eligible for the program.

13 (2) The percentage established in subsection (1)(a) of this section may be increased to  
14 the extent:

15 (a) Permitted under federal law; and

16 (b) Funding is available.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO  
18 READ AS FOLLOWS:

19 ***(1) As used in this section, unless the context requires otherwise:***

20 ***(a) "Eligible individual" means an individual who:***

21 ***1. Is not pregnant;***

22 ***2. Has a family combined income up to, but not exceeding, two hundred***  
23 ***sixty percent (260%) of the nonfarm income official poverty guidelines***  
24 ***as promulgated by the United States Department of Health and***  
25 ***Human Services; and***

26 ***3. a. Is eligible for the Kentucky Medical Assistance Program; or***

27 ***b. Would otherwise be eligible for the Kentucky Medical Assistance***

1                   Program, except that the individual is not a citizen of the United  
2                   States and is not considered an eligible noncitizen pursuant to 8  
3                   U.S.C. sec. 1611 or 1612;

4           **(b) "Family planning services" means all the following services, regardless of**  
5           **an individual's age, sex, or gender identity, or the age, sex, or gender**  
6           **identity of the individual's partner, including but not limited to:**

7           **1. All contraceptive drugs, devices, and other products approved by the**  
8           **United States Food and Drug Administration, including:**

9           **a. Over-the-counter contraceptive drugs, devices, and products;**  
10           **and**

11           **b. A twelve (12) month supply of self-administered contraceptive**  
12           **drugs, devices, and supplies, unless the individual requests a**  
13           **smaller supply or the prescribing provider restricts the enrollee**  
14           **to a smaller supply;**

15           **2. Voluntary sterilization procedures;**

16           **3. Activities that enable individuals to determine the number and spacing**  
17           **of their children and to select the means by which this may be**  
18           **achieved;**

19           **4. The consultations, examinations, and medical services that are**  
20           **necessary to prescribe, dispense, insert, deliver, distribute, administer,**  
21           **or remove contraceptive drugs, devices, and other products; and**

22           **5. Follow-up visits to evaluate or manage problems associated with**  
23           **contraceptive drugs, devices, or products; and**

24           **(c) "Family planning-related services" means educational, medical, and social**  
25           **services, including but not limited to:**

26           **1. Medically necessary evaluations or preventive services such as tobacco**  
27           **utilization screening, counseling, testing, and cessation services;**

- 1           2. Cervical cancer screening and prevention;
- 2           3. Diagnosis of treatment of a sexually transmitted infection and
- 3           medication and supplies to prevent a sexually transmitted infection;
- 4           and
- 5           4. Any other medical diagnosis, treatment, or preventive service that is
- 6           routinely provided as part of a family planning visit.
- 7   (2) The cabinet shall establish a family planning program within the Department for
- 8   Medicaid Services to provide family planning services and family planning-
- 9   related services to eligible individuals.
- 10 (3) In administering this program, the cabinet shall not:
- 11       (a) Infringe upon an eligible individual's choice of contraceptive drug, device,
- 12       or product by requiring prior authorization, step therapy, or other
- 13       utilization control techniques for medically appropriate contraceptive drugs,
- 14       devices, or products approved by the United States Food and Drug
- 15       Administration;
- 16       (b) Impose any cost-sharing requirements for enrolled individuals; or
- 17       (c) Deny coverage based on the sex, sexual orientation, or gender identity of
- 18       the eligible individual, or the sex, sexual orientation, or gender identity of
- 19       the eligible individual's partner.
- 20 (4) The Department for Medicaid Services shall:
- 21       (a) Promulgate administrative regulations in accordance with KRS Chapter
- 22       13A, and amend any contract with a managed care organization as is
- 23       necessary, to implement this section; and
- 24       (b) Collaborate with the Division of Health Benefit Exchange within the
- 25       cabinet, health care consumer advocates, family planning providers, and
- 26       other interested stakeholders to establish a comprehensive community
- 27       education and outreach campaign to provide culturally and linguistically

1                   *accessible information to facilitate participation in the program, including*  
2                   *but not limited to enrollment procedures, program services, and benefit*  
3                   *utilization.*

4                   ➔Section 3. If the Cabinet for Health and Family Services or the Department for  
5 Medicaid Services determines that a waiver or any other authorization from a federal  
6 agency is necessary prior to the implementation of any provision of Sections 1 and 2 of  
7 this Act, the cabinet or department shall, within 90 days after the effective date of this  
8 Act, request the waiver or authorization and shall only delay full implementation of those  
9 provisions for which a waiver or authorization was deemed necessary until the waiver or  
10 authorization is granted.