

**205.8459 Emergency service.**

- (1) Any provider presented with a request for an emergency service, for a nonlife-threatening condition or a condition that would not result in irreparable harm, by a Medicaid recipient participating in a managed care program but not in a restricted Medicaid status, shall not provide the service on an emergency basis unless the provider first makes a reasonable effort to contact the recipient's designated managed care primary physician for prior approval. Any provider presented with a request for an emergency service, due to a life-threatening condition or a condition that would result in irreparable harm, by a Medicaid recipient participating in a managed care program but not in a restricted Medicaid status, may provide the service without prior approval from the recipient's designated managed care primary physician.
- (2) For the purposes of implementing KRS 205.8455, 205.8457, and this section, the Department for Medicaid Services, in consultation with the Recipient Utilization Review Committee, shall in conformity with the federal Emergency Medical Treatment and Active Labor Act (42 U.S.C. sec. 1395dd, as amended) and any other applicable federal law, and in administrative regulation promulgated pursuant to KRS Chapter 13A, define an emergency service, irreparable harm, immediate grave bodily harm, life-threatening condition, and nonlife-threatening condition.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 96, sec. 5, effective July 15, 1994; and ch. 316, sec. 5, effective July 15, 1994.

**Legislative Research Commission Note (7/15/94).** This statute was enacted by identical sections in two bills (1994 Ky. Acts chs. 96 & 316) which have been codified together.