

**205.178 Enrollment or benefit tracking agency to receive information on recipients of Medicaid and food stamp benefits -- Memorandum of understanding with departments providing information -- Independent vendors -- Multistate cooperative -- Review when information indicates change in circumstances affecting recipient's eligibility -- Waiver of federal requirements relating to food stamps -- Rules and regulations -- Report. (Effective January 1, 2019)**

- (1) At a regularly scheduled interval, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information from the Kentucky Lottery Corporation concerning individuals enrolled as recipients in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, including but not limited to changes in income or resources.
- (2) On at least a monthly basis, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information from the Vital Statistics Branch concerning individuals enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility.
- (3) On at least a quarterly basis, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information from the Kentucky Division of Unemployment Insurance concerning individuals enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, including but not limited to changes in employment or wages.
- (4) On at least a quarterly basis, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall receive and review information concerning individuals enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, including but not limited to potential changes in residency as identified by out-of-state electronic benefit transfer transactions.
- (5)
  - (a) Notwithstanding any other provision of law to the contrary, each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall enter into a memorandum of understanding with any department, agency, or division for information detailed in this section.
  - (b) Notwithstanding any other provision of law to the contrary, any department, agency, or division for information detailed in this section, including but not limited to the Kentucky Lottery Corporation, the Vital Statistics Branch, the Division of Unemployment Insurance, and the Department for Community Based Services, shall enter into any necessary memoranda of understanding with the enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program requesting an agreement pursuant to paragraph (a) of this subsection.
- (6) Each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet may contract with one (1) or more

independent vendors to provide additional data or information which may indicate a change in circumstances that may affect eligibility.

- (7) Each enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet shall explore joining any multistate cooperative to identify individuals who are also enrolled in public assistance programs outside of this state.
- (8) If an enrollment or benefit tracking agency associated with the Medicaid program or the food stamps program of the cabinet receives information concerning an individual enrolled in the Medicaid program or the food stamps program that indicates a change in circumstances that may affect eligibility, the enrollment or benefit tracking agency or other appropriate agency shall review the individual's case.
- (9) The food stamps program of the cabinet shall not seek, apply for, accept, or renew any waiver of requirements established under 7 U.S.C. sec. 2015(o) unless there is an economic downturn resulting in an unemployment rate of ten percent (10%) or more or the Cabinet for Health and Family Services determines an increase in the unemployment rate in any particular county is severe enough to necessitate a waiver.
- (10) The cabinet shall promulgate all rules and regulations necessary for the purposes of carrying out this section.
- (11) On or before December 1 of each year, the Cabinet for Health and Family Services shall submit a report relating to the number of individuals discovered utilizing services inappropriately, the number of individuals who were removed from one (1) or more public assistance programs as a result of a review pursuant to this section, and the amount of public funds preserved in total and by public assistance program and aggregated by prior years. This report shall be forwarded to the Interim Joint Committees on Health and Welfare and Family Services and Appropriations and Revenue of the Legislative Research Commission.

**Effective:** January 1, 2019

**History:** Created 2018 Ky. Acts ch. 141, sec. 1, effective January 1, 2019.

**Legislative Research Commission Note** (1/19/2019). In subsections (2) and (5)(b) of this statute, a reference to "the Department for Vital Statistics" has been corrected in codification to read "the Vital Statistics Branch." The Reviser of Statutes has made this correction under the authority of KRS 7.136.