

**205.178 Enrollment or benefit tracking agency to receive information on recipients of Medicaid and Supplemental Nutrition Assistance Program 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 Supplemental Nutrition Assistance Program -- Rules and regulations -- Report.**

- (1) At a regularly scheduled interval, each enrollment or benefit tracking agency associated with the Medicaid program or the Supplemental Nutrition Assistance 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 Supplemental Nutrition Assistance 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 Supplemental Nutrition Assistance Program of the cabinet shall receive and review information from the Vital Statistics Branch concerning individuals enrolled in the Medicaid program or the Supplemental Nutrition Assistance 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 Supplemental Nutrition Assistance Program of the cabinet shall receive and review information from the Kentucky Office of Unemployment Insurance concerning individuals enrolled in the Medicaid program or the Supplemental Nutrition Assistance 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 Supplemental Nutrition Assistance Program of the cabinet shall receive and review information concerning individuals enrolled in the Medicaid program or the Supplemental Nutrition Assistance 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) Notwithstanding any other provision of law to the contrary:
  - (a) Each enrollment or benefit tracking agency associated with the Medicaid program or the Supplemental Nutrition Assistance Program of the cabinet shall enter into a memorandum of understanding with any department, agency, or division for information detailed in this section; and
  - (b) 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 Office 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 Supplemental Nutrition Assistance 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 Supplemental Nutrition Assistance Program of the cabinet may contract in accordance with KRS Chapter 45A with one (1) or more independent vendors to provide additional data or information that may indicate a change in circumstances that may affect eligibility.
- (7) Each enrollment or benefit tracking agency associated with the Medicaid program or the Supplemental Nutrition Assistance 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 Supplemental Nutrition Assistance Program of the cabinet receives information concerning an individual enrolled in the Medicaid program or the Supplemental Nutrition Assistance 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)
  - (a) Unless expressly required by federal law or as permitted by this subsection, the cabinet shall not seek, apply for, accept, or renew any waiver of work requirements established by the Supplemental Nutrition Assistance Program under 7 U.S.C. sec. 2015(o) without first obtaining specific authorization from the General Assembly to do so. The cabinet may, without first obtaining specific authorization from the General Assembly, request:
    1. A waiver of Supplemental Nutrition Assistance Program work requirements for a county in which the unemployment rate is equal to or greater than ten percent (10%);
    2. A waiver of Supplemental Nutrition Assistance Program work requirements in a county in which the cabinet determines that other economic conditions are severe enough to necessitate a waiver; or
    3. A statewide waiver of Supplemental Nutrition Assistance Program work requirements if the state's unemployment rate is equal to or greater than ten percent (10%).
  - (b) The cabinet shall not exercise the state's option under 7 U.S.C. sec. 2015(o)(6).
  - (c) The cabinet may assign individuals who are subject to work requirements under 7 U.S.C. sec. 2015(d)(1) to an employment and training program as defined in 7 U.S.C. sec. 2015(d)(4).
- (10) The cabinet shall, in accordance with KRS Chapter 13A, promulgate all rules and administrative regulations necessary for the purposes of carrying out this section.
- (11) Upon request from the Legislative Research Commission, 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.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 211, sec. 15, effective July 14, 2022. -- Amended 2020 Ky. Acts ch. 36, sec. 13, effective July 15, 2020. -- Amended 2019 Ky. Acts ch. 146, sec. 54, effective June 27, 2019. -- 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.