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Representative Addia Wuchner
Co-Chair
Interim Joint Committee on Health
and Welfare and Family Services

Representative Kimberly Poore Moser
Co-Chair
Medicaid Oversight and Advisory Committee

July 2, 2018

Dear Senators and Representatives,

This letter is intended to provide you with updated information regarding Kentucky HEALTH following the wrongly decided court order from this past Friday. What follows are various updates on questions you and your colleagues may have. I thought it might be helpful to have as much info as possible in one document.

More information and updates will likely occur in the coming week. In the meantime, please feel free to reach out to me with any questions.

Sincerely,

Brandon James Smith
Executive Director



Attachment 1: Official Statement from the Cabinet for Health and Family Services

**Commonwealth of Kentucky
Cabinet for Health and Family Services**

FOR IMMEDIATE RELEASE

Contact: Doug Hogan
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Kentucky HEALTH Statement

FRANKFORT, Ky. (June 29, 2018) - The following is a statement from Cabinet for Health and Family Services (CHFS) Secretary Adam Meier on Friday's court ruling regarding Kentucky HEALTH, the Commonwealth's innovative 1115 Medicaid Waiver:

"The Court's ruling invalidates Kentucky HEALTH on a very narrow basis. The Court concluded that the HHS Secretary simply failed to consider the impact of Kentucky HEALTH on Medicaid coverage. While we disagree with the Court's ruling, which delays implementation of Kentucky HEALTH, we look forward to working with CMS to quickly resolve the single issue raised by the Court so that we can move forward with Kentucky HEALTH. Without prompt implementation of Kentucky HEALTH, we will have no choice but to make significant benefit reductions.

Kentucky HEALTH is an innovative, thoughtfully crafted program that will strengthen Medicaid by engaging beneficiaries in their own health outcomes. Able-bodied Kentuckians deserve to have a stake in their health and will benefit from the dignity that comes from career training, education, and volunteer opportunities that are available as part of Kentucky HEALTH's community engagement program. We will fight to preserve these opportunities for our citizens so that we can proceed with the only viable path forward for expanded Medicaid in Kentucky."

--Adam Meier, Secretary, Cabinet for Health and Family Services (CHFS)

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The Cabinet for Health and Family Services is home to most of the state's human services and healthcare programs, including the Department for Medicaid Services, the Department for Community Based Services the Department for Public Health, the Department for Aging and Independent Living and the Department for Behavioral Health, Developmental and Intellectual Disabilities. CHFS is one of the largest agencies in state government, with nearly 8,000 full- and part-time employees located across the Commonwealth focused on improving the lives and health of Kentuckians.

Attachment 2: Kentucky HEALTH Team e-mail and website update



Update on Kentucky HEALTH

Based on a recent legal decision, changes to Medicaid under Kentucky HEALTH will not begin on July 1, 2018 as planned. Please see below for FAQ for your stakeholders.

What does this mean for me?

At this time, your medical benefits will continue as they are today with no change. However, if you received a notice saying you could access vision and dental services through a My Rewards Account, you will not have access to dental and vision benefits. The legal decision has stopped the ability to use the My Rewards dollars in order to purchase dental and vision services.

What do I need to do?

You are not required to do anything at this time. You and your eligible family members can continue to access medically necessary and preventive healthcare services. If you have already paid your premium, you will further information from your Managed Care Organization.

You can still participate!

The Kentucky HEALTH program offers support and resources for those interested in improving their incomes and health. This ruling does not threaten the opportunities Kentucky HEALTH has already created. We look forward to offering these new resources to Kentuckians on a voluntary basis.

You can log on to CitizenConnect.ky.gov to take free online courses about health skills, life skills, and work skills. You can also visit KCC.ky.gov to find a career center near you, where a coach can help you find training, education, and job opportunities in your area.

Thank you for allowing us to be a part of your healthcare team.

Attachment 3: Q&A Document

Below you will find an updated version of the Q&A document that has been provided to our call center front line staff. This may be useful if you receive similar questions from your colleagues or constituents.

Question	Answer
Why isn't Kentucky HEALTH going live July 1, 2018?	Based upon a June 29, 2018 Federal Court ruling, changes to Medicaid under Kentucky HEALTH will not begin on July 1, 2018 as planned. The Commonwealth of Kentucky has halted the Kentucky HEALTH implementation that was to become effective Sunday, July 1, 2018.
Is Kentucky HEALTH cancelled?	No. Based on a Court Ruling it has been halted for further review by the Secretary of Health and Human Services and Centers for Medicare and Medicaid Services
How is the state notifying members of this change?	At this time, the State has posted a Kentucky HEALTH update on their website, kentuckyhealth.ky.gov . Additional notifications are planned for this week. Click on Kentucky HEALTH for more information.
Are any of my benefits changing? Are my dental and vision benefits the same as they were?	At this time, your medical benefits will continue as they are today with no change. However, if you received a notice saying you could access vision and dental services through a My Rewards Account, you will not have coverage for routine dental and routine vision benefits. The legal decision has stopped the ability to use the My Rewards dollars in order to purchase dental and vision services.
If I have an appointment with a doctor, will my benefits be correct?	Yes
Are premium invoices sent to me valid or will new invoices be sent to me?	Please disregard any invoice received. Also, do not send in payments for an invoice you got in the mail.
Should I still pay my premium for future months?	At this time, you should not get any additional invoices. Based on direction received from the Commonwealth of Kentucky, we are not currently accepting payments for Kentucky HEALTH members. We also are not sending any new invoices until directed by the Commonwealth.
Will I be reimbursed if I've already made my premium payment? Will you be sending me a refund?	At this time, we await guidance from the Commonwealth of Kentucky on payments collected from members, such as yourself. We understand your concern and will work to have a process in place as soon as possible. We hope to have an update soon to share with members who have paid their premium.
Do I have copayments now? If so, what does that mean?	A copayment is an amount you are required to pay as your share of the cost for a medical service like a doctor's visit or a prescription. The requirement to make copayments was a state change that was separate from Kentucky HEALTH. All MCOs will now charge copayments.

<p>What benefits now have a copayment?</p>	<p>Benefits that require a copayment include:</p> <p>Service or Item Copayment Amount</p> <p>Preferred and non-preferred generic drug \$1.00</p> <p>Preferred brand name drug that does not have a generic equivalent \$4.00</p> <p>Non-preferred brand name drug \$4.00</p> <p>Chiropractor \$3.00</p> <p>Dental – for members not enrolled in the Alternative Benefit Plan \$3.00</p> <p>Podiatry \$3.00</p> <p>Optometry – for members not enrolled in the Alternative Benefit Plan \$3.00</p> <p>General ophthalmological services – for members not enrolled in the Alternative Benefit Plan \$3.00</p> <p>Office visit for care by a physician, physician’s assistant, advanced registered nurse practitioner, certified pediatric and family nurse practitioner, nurse midwife, or any behavioral health professional \$3.00</p> <p>Physician service \$3.00</p> <p>Visit to a rural health clinic, primary care center, or federally qualified health center \$3.00</p> <p>Outpatient hospital service \$4.00</p> <p>Emergency room visit for a non-emergency service \$8.00</p> <p>All Inpatient hospital admission \$50.00</p> <p>Physical therapy, speech therapy, occupational therapy \$3.00</p> <p>Durable medical equipment \$4.00</p> <p>Ambulatory surgical center \$4.00</p> <p>Laboratory, diagnostic, or x-ray service \$3.00</p> <p>Exemptions may apply but are not limited to: Foster children, preventive services, pregnant women, terminally ill and hospice care, emergency services, and some family planning services.</p>
<p>Can the Kentucky HEALTH member ID card I received still be used? Is it valid if I see my doctor or go to a pharmacy after July 1, 2018?</p>	<p>Yes. You can use the Kentucky HEALTH ID card.</p>
<p>When I received my Kentucky HEALTH new member kit, it included a member handbook request card. Will I receive that soon to better understand what my benefits are and what this all means?</p>	<p>You will receive a member handbook that explains your benefits. Our goal is to send you a handbook as soon as we can.</p>
<p>If my doctor submitted a medically frail attestation, is it still valid when the program goes live? Can my doctor still submit an</p>	<p>The Medically Frail designation is one aspect of Kentucky HEALTH that has been halted by the State. Please disregard any notification or designation of Medically Frail you received.</p>

attestation for when Kentucky HEALTH goes live?	
I received a letter in late June about Medically Frail status and got a call about this too. Am I still considered “Medically Frail” status?	Having a Medically Frail status was part of the Kentucky HEALTH plan that has been halted as a result of the June 29 Federal Court ruling. Note: Any notification or designation of “Medically Frail” is not valid at this time.
Will I continue to accrue My Rewards for wellness exams? Can I still participate in online courses for My Rewards?	MyRewards is part of Kentucky HEALTH that has been halted by the Court ruling. MyRewards benefits can not be used for services at this time. You will continue to earn dollars for qualifying activities.
Will my doctor know that Kentucky HEALTH did not go live July 1, 2018?	The State posted an “Important Update About Kentucky HEALTH” on its website, kentuckyhealth.ky.gov . Click on Kentucky HEALTH for more information.
If/when Kentucky HEALTH resumes, how will I be notified? Will it start immediately?	If more changes to Kentucky HEALTH occur, we will notify members as soon as is possible. Your health care is our top priority.
How will I be notified when I need to comply with Kentucky HEALTH requirements?	The State has posted a Kentucky HEALTH update on its website, kentuckyhealth.ky.gov . Click on Kentucky HEALTH for more information.
Does this ruling have the potential to adversely affect Kentucky Medicaid in general?	Not at this time.
How is the State communicating this change to health care providers?	The State posted an “Important Update About Kentucky HEALTH” on its website, kentuckyhealth.ky.gov . Click on Kentucky HEALTH for more information.
Will Kentucky Health-Net display the correct information now that Kentucky HEALTH isn’t going live July 1, 2018?	Yes
Will Managed Care Organizations (MCOs) still be able to waive copayments (as they did before July 1, 2018)?	Copayments were approved for use at the time when the Medicaid benefits changed to Managed Care. The requirement to make copayments was a state change that was separate from Kentucky HEALTH. All MCOs will now charge copayments.

How will I know when Kentucky HEALTH gets underway/resumes?	A legal ruling was made on June 29, 2018 to stop Kentucky HEALTH for now. The program was sent back to the Secretary of Health and Human Services and Center for Medicare and Medicaid Services for more review. At this time, your benefits are still in managed care and do not include preventive vision and dental services. Communication will be posted on Medicaid's Webpage, and your MCOs, as soon as more information becomes available.
Can I submit clinical attestations for "Medically Frail"?	At this time, no Medicaid enrollees will be identified as Medically Frail.
Is the implementation of Kentucky HEALTH still happening?	Based on a recent legal decision, changes to Medicaid under Kentucky HEALTH will not begin on July 1, 2018 as planned.
How long has the implementation of Kentucky HEALTH been delayed?	At this time, the State is awaiting information from the Centers for Medicare and Medicaid Services. The state and your MCO will provide you with information as soon as it becomes available.
What does this mean for me?	As of July 1, 2018, your medical benefits will continue as they are with no change. You and your eligible family members can continue to access medically necessary and preventive healthcare services. However, if you received a notice saying you could access vision and dental services through a My Rewards Account, you will not have access to preventive dental and vision benefits.
Does this mean I don't have to pay a premium for my coverage?	At this time, no premiums are due.
Can I still participate in Kentucky HEALTH?	The Kentucky HEALTH program offers support and resources for those interested in improving their incomes and health. This ruling does not threaten the opportunities Kentucky HEALTH has already created. You can log on to www.CitizenConnect.ky.gov to take free online courses about health skills, life skills and work skills. You can also visit www.KCC.ky.gov to find a career center near you, where a coach can help you find training, education and job opportunities in your area.
Do I still have to work 80 hours per month to keep my health benefits?	Since the implementation of Kentucky HEALTH has been temporarily stopped and will not go into effect on July 1, you do not need to fulfill the 80 hour per month requirements (PATH).
What if I paid my premium already?	Additional information will be forthcoming regarding premium reimbursement.