



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

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Mark D. Birdwhistell
Secretary

Glenn Jennings
Commissioner

March 6, 2007

TO: All Pharmacy (54) Providers
Provider Letter Number: A-476

RE: Federal Poverty Level Indicator

Dear *KyHealth Choices* Provider:

The Deficit Reduction Act of 2005 mandates that members who are at or below 100% of the federal poverty level cannot be refused services for non-payment of co-pay amounts. This legislation applies to all Medicaid participating providers.

If a member is at or below 100% of the federal poverty level, a provider cannot refuse to provide services for non-payment of co-pay amounts. If the member is above 100% of the federal poverty level, a provider may refuse to provide services if this is the current business practice for all patients. However, if a member presents with a condition that could result in harm to the member if the condition is left untreated, the pharmacist must dispense a 72-hour emergency supply of each required medication. The member may later return to the pharmacy with the required cost sharing to obtain the remainder of the prescription(s).

Effective March 20, 2007, Kentucky Medicaid will add a poverty level indicator point of sale message. The message will read "Dispense Regardless of Co-Pay Collection". This message will signal the pharmacy that the member may not be refused services.

(Please see reverse side)

KyHealth Choices Provider

March 6, 2007

Page two

The co-pay amount will continue to appear for members with the poverty level indicator. This allows the pharmacist to collect the correct co-pay amount *if* the member has the ability to pay. The co-pay amount will continue to accumulate as part of the patient's annual out-of-pocket maximum regardless of whether or not it is collected.

If you have any questions regarding the usage of the poverty indicator, please call the Technical Call Center at 800-432-7005.

Sincerely,

Glenn Jennings

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