Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Children with Special Health Care Needs Program.

28-4-403. Financial eligibility.

(a) (1) The uniform standard for determining eligibility shall be the annual margin as calculated in paragraph (a)(2). If the annual margin is zero or below, the person shall be eligible for financial assistance for medical treatment. If the annual margin is above zero, the person shall not be eligible for financial assistance, except as provided in subsections (d) and (e). The factors to be used in calculating the annual margin shall be the following items:

(A) family income;

(B) cash assets;

(C) family living allowance;

(D) anticipated specialized health care expenditures for the eligible person and other family members; and

(E) the health benefits available under insurance coverage for the eligible person.

(2) The annual margin shall be calculated by the following method:

(A) Add the amount of the family income to the amount of cash assets above the maximum allowed under subsection (c); and

(B) subtract from the total of paragraph (a)(2)(A) the following:

(i) the family living allowance as determined in subsection (b); and

(ii) the amount of the anticipated health care expenditures for the person that will not be paid by the person's health insurance coverage.

(b) The family living allowance shall be 185 percent of the poverty guidelines updated annually in the federal register by the U.S. department of health and human services under the authority of section 673(2) of the omnibus budget reconciliation act of 1981 effective July 1, following the publication.

(c) The maximum cash assets allowed a family shall be 15 percent of the family living allowance.

(d) If within 12 months after application the family spends down the annual margin to zero or below per subsection (e) through the family's actual or obligated expenditures for medical care for any family member, the person shall be, at that time, financially eligible for assistance for the remainder of the 12-month period. These expenditures shall be in addition to any expenditure or reimbursement made by a health insurance carrier or other third party payor.

(e) In order to spend the annual margin down to zero, the family shall agree to pay the following expenses:

(1) medical expenses and travel expenses related to medical treatment or health support services, supplies or equipment; or

(2) a portion of actual or anticipated medical expenses, and travel expense related to medical treatment or a portion of health support services, supplies or equipment as documented in the health care plan.

(Authorized by K.S.A. 65-5a08; implementing K.S.A. 65-5a12; effective, E-82-10, April 27, 1981; effective May 1, 1982; amended, T-85-41, Dec. 19, 1984; amended May 1, 1985; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended Dec. 26, 1989; amended Sept. 12, 1997.)

***** Authenticated Kansas Administrative Regulation *****