

Kentucky

In recent years, the Kentucky legislature has enacted significant health care reforms designed to increase the availability of health insurance within the state. Over the strenuous objections of the health insurance industry, the state has created health care alliances consisting of public employees and private citizens and imposed modified community rating on insurers to limit the amount charged to sick and elderly clients on account of their health conditions.

In contrast, state efforts to ensure health care coverage for the indigent uninsured have lagged far behind. In 1985, when NHELP completed its first manual on state and local responsibility for indigent health care, Kentucky had no statewide program of health care coverage for indigent residents who did not qualify for Medicaid.¹ However, the state was considering proposals to require private hospitals to provide a fair share of uncompensated care and the General Assembly had formed an Indigent Care Study Commission charged with making recommendations to the state legislature.²

In the intervening years, the Kentucky Health Policy Board, which had responsibility for overseeing the state's health insurance reforms, was charged with recommending to the General Assembly a plan for the implementation of a universal access plan for all Kentuckians.³ Now, a year after the board's dissolution, Kentucky still has no statewide system of health care coverage for its indigent uninsured. In fact, apart from Medicaid, the only comprehensive indigent care mandate contained in state law is for inmates housed in penal institutions.

I. Government Funded Health Care

State law contains few provisions that call for the use of state funds to finance indigent care. Under state law, the Cabinet of Human Resources is charged with making breast cancer screening available to women whose economic condition or geographic location limits access to screening facilities.⁴ State officials may adopt a schedule of fees for state funded screening based upon ability to pay.

The state has established a program for the diagnosis and treatment of hemophilia patients who are unable to pay for the full costs of treatment on a continuing basis.⁵

¹Michael Dowell, MANUAL ON STATE AND LOCAL RESPONSIBILITY TO PROVIDE INDIGENT HEALTH CARE at 243 (National Health Law Program, August 1985).

²*Id.*

³Former Ky. Rev. Stat. § 219.2905(2)(a). In 1996, the Health Policy Board was repealed as part of compromise legislation designed to preserve some of the reforms contained in Kentucky's health reform legislation.

⁴Ky. Rev. Stat. § 214.50 *et seq.*

⁵Ky. Rev. Stat. § 200.500 *et seq.*

In addition, counties are required to provide necessary medical, dental and psychological care for jail inmates.⁶ While non-indigent inmates may be charged for the costs of this care, indigent inmates must be treated without charge. The state is required to reimburse the county for the cost of treating state prisoners housed at county facilities and for annual costs of inmate care that exceed \$2,500. In addition, the state is required to provide needed psychiatric care to jail inmates.⁷

Apart from these indigent care programs, the state provides funding for various health services that assist the indigent. Under state law, the Cabinet of Human Resources is charged with responsibility for operating a system of clinics and x-ray facilities for the control of tuberculosis.⁸ The state also provides assistance to local health clinics in maintaining their tuberculosis facilities. In addition, the University of Kentucky maintains a rural health program that places residents and students in underserved geographical areas.⁹

II. State Requirements for Private Care for the Indigent

Under state law, a person who has been determined to be in need of emergency care may not be denied admission to a hospital based solely upon her inability to pay.¹⁰

⁶Ky. Rev. Stat. § 441.050 *et seq.*

⁷Ky. Rev. Stat. § 447.047.

⁸Ky. Rev. Stat. § 215.520 *et seq.*

⁹Ky. Rev. Stat. § 164.935 *et seq.*

¹⁰Ky. Rev. Stat. § 216B.400.