



PUBLIC PROTECTION CABINET

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The following guidance is to advise the reader of the current position of the Kentucky Department of Insurance (“the Department”) on the specified issue.

FROM: Sharon P. Clark, Commissioner

RE: COVID-19 Testing

DATE: September 23, 2021


The Kentucky Department of Insurance (“Department”) issues this guidance pursuant to Executive Order 2020-220, State of Emergency Relating to Insurance, which was approved and extended by House Joint Resolution 1 (2021 Special Session). This guidance will be in effect immediately until it is withdrawn by the Commissioner or until such time as the State of Emergency ends, whichever comes first.

On January 31, 2020, in response to the outbreak of the COVID-19 virus, the Secretary for the United States Department of Health and Human Services declared a national public health emergency; this declaration was most recently renewed on April 20, 2021. Additionally, on March 13, 2020, President Trump declared a national state of emergency which was extended by President Biden on February 24, 2021. On March 9, 2020, Governor Andy Beshear issued Executive Order 2020-220 giving the Commissioner of Insurance the authority to temporarily waive, suspend, and/or modify the operation of any statute or administrative regulation currently in place under the purview of the Kentucky Department of Insurance in order to best serve the interest of the public health, safety, and welfare during the state of emergency related to COVID-19 declared on March 6, 2020. In House Joint Resolution 1 (S.S. 2021), the General Assembly extended the State of Emergency until January 15, 2022, and also specifically approved and extended Executive Order 2020-220.

The Department recognizes the impact that the COVID-19 pandemic and, in particular, the Delta variant has had on the citizens of the Commonwealth of Kentucky. Further, the Department recognizes the need for the citizens of the Commonwealth to have access to COVID-19 testing to assist in preventing the spread of the COVID-19 virus and its variants. Therefore, in accordance with Executive Order 2020-220 and the blanket testing order issued by the Kentucky Cabinet for Health and Family Services, Department of Public Health on July 8, 2021, to the extent not required by existing state and federal guidance, the Department is encouraging insurers to consider the following:

1. Waiving cost-sharing, including copayments, coinsurance, and deductibles for testing for COVID-19, including but not limited to any administration and laboratory fees, regardless of the network participation of the servicing provider; and
2. Waiving medical management requirements, including but not limited to, prior authorization requirements, for testing for COVID-19 regardless of the network participation of the servicing provider.

Nothing in this guidance is intended to discourage insurers from investigating or reporting fraudulent activity with regard to COVID-19 testing.



Sharon P. Clark, Commissioner
Kentucky Department of Insurance

