



PUBLIC PROTECTION CABINET

Department of Insurance

P.O. Box 517
Frankfort, Kentucky 40602-0517
1-502-564-3630
<http://insurance.ky.gov>

Andy Beshear

Governor

Kerry B. Harvey

Secretary

Sharon P. Clark

Commissioner

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: TELEHEALTH REMOTE COMMUNICATIONS

DATE: MARCH 18, 2020

The Kentucky Department of Insurance (“Department”) issues this guidance pursuant to Executive Order 2020-220.

The Department waives the requirements of KRS 304.17A(47)(c) pursuant to federal guidance issued by the Office for Civil Rights and the Department for Health and Human Services, which can be located at <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>. The Department will not impose penalties for noncompliance with KRS 304.17A(47)(c) in connection with the good faith provision of telehealth using such non-public facing audio or video communication products.

In order to reduce personal contacts pursuant to Novel Coronavirus (COVID-19) Guidance for Kentucky Residents, <https://chfs.ky.gov/agencies/dph/covid19/guidanceforkentuckyresidentscovid19.pdf>, insurers cannot require that the patient have a prior relationship with the provider in order to have services delivered through telehealth, if the provider determines that telehealth would be medically appropriate.

A handwritten signature in black ink that reads "Sharon P. Clark".

Sharon P. Clark
Commissioner, Department of Insurance