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COMMONWEALTH OF KENTUCKY
DEPARTMENT OF INSURANCE
FRANKFORT, KENTUCKY
ADVISORY OPINION
2021-0004

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: August 27, 2021

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

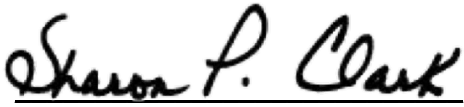
The Department recognizes the impact that the COVID-19 pandemic and, in particular, the Delta variant has had on the citizens of the Commonwealth of Kentucky. Further, the Department recognizes the need for the citizens of the Commonwealth to have access to COVID-19 testing to assist in preventing the spread of the COVID-19 virus and its variants. Therefore, 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.

This guidance will be in effect immediately through September 15, 2021. The Department may extend this guidance beyond that date if needed, to serve the interest of the public health, safety, and welfare.

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

A handwritten signature in black ink that reads "Sharon P. Clark". The signature is written in a cursive style with a horizontal line underneath the name.

Sharon P. Clark, Commissioner
Kentucky Department of Insurance