



**PUBLIC PROTECTION CABINET**

**Andy Beshear**  
Governor

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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.*

**TO:** All Licensees Offering Medical Malpractice Insurance in the Commonwealth of Kentucky, Insurance Agents, and Health Care Providers Covered Under Medical Malpractice Insurance Issued in Kentucky

**FROM:** Sharon P. Clark, Commissioner  
Kentucky Department of Insurance

**RE:** Medical Malpractice Insurance – Changes to Notice of Scope of Practice

**DATE:** April 3, 2020

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

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 that was declared on March 6, 2020.

On March 24, 2020, the Secretary of the United States Department of Health and Human Services requested states to take actions to extend the capacity of the health care workforce. In light of Kentucky’s state actions related to this request, the Department of Insurance recognizes that during the state of emergency, health care providers temporarily may be providing health care services outside of their scope of practice in accordance with guidance issued through the applicable licensure board. Additionally, the Department recognizes that retired health care providers, health care providers licensed in other states, and medical students may be providing health care services in Kentucky. Finally, the Department recognizes that health care services may be provided at locations other than where those services are typically performed or through telehealth platforms.

The Department of Insurance has received inquiries regarding the process to notify medical malpractice insurers of changes to the notice of the provider's scope of practice. In response:

1. The Department encourages health care providers to contact their licensure boards to determine whether there are any waivers or guidance relaxing restrictions related to their scope of practice.
2. The Department encourages health care providers to contact their insurance company or insurance agent and follow the company's requirements for notification of changes to the scope of practice.
3. During the state of emergency, the Department will not consider determinations by liability self-insurance groups or captive insurers allowing temporary coverage for health care providers who do not meet the terms of membership requirements to be the sale of insurance by an unlicensed entity.

This guidance will be in effect for the duration of the State of Emergency declared by Governor Beshear on March 6, 2020 through Executive Order 2020-215.



Sharon P. Clark  
Sharon P. Clark, Commissioner  
Kentucky Department of Insurance