



PUBLIC PROTECTION CABINET

Department of Insurance

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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: 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-005(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-005(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.

/s/ Sharon P. Clark

Sharon P. Clark
Commissioner, Department of Insurance