ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-220
March 9, 2020

STATE OF EMERGENCY RELATING TO INSURANCE

WHEREAS, on March 6, 2020, a case of the novel coronavirus (COVID-19) was confirmed in the Commonwealth, and, as of the date of this Executive Order, three additional cases of COVID-19 have been confirmed in the Commonwealth; and

WHEREAS, this condition continues to endanger public health and safety; and

WHEREAS, it is essential to the public health and safety that the citizens of the Commonwealth have access to testing for COVID-19, and that the cost of such testing does not create a barrier for consumers; and

WHEREAS, the Kentucky Department of Insurance is charged by law with the duty to administer KRS Chapter 304, which includes the supervision, regulation, and discipline of insurance companies, agencies, producers, and public adjusters licensed to operate and conduct business in the Commonwealth of Kentucky and with enforcing a variety of insurance-related statutes and regulations; and

WHEREAS, the Kentucky Department of Employee Insurance is charged by law with the duty to administer the state employee health plan under KRS Chapter 18A; and

WHEREAS, in order to respond to the emergency and to protect and safeguard the public health, safety, and welfare of the citizens of the Commonwealth of Kentucky, it is necessary to adjust certain insurance related rules and regulations on a temporary and short term basis;

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Kentucky, including Chapter 39A of the Kentucky Revised Statutes, do hereby Order and Direct that:

1. The Commissioner of the Kentucky Department of Insurance shall 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 this period.

2. All insurers shall waive all cost-sharing including copayments, coinsurance, and deductibles for screening and testing for COVID-19 as specified by the Centers for Disease Control and Prevention (CDC), including hospital, emergency department, urgent care, provider office visits, lab testing, telehealth, and any immunizations that are made available.

3. All insurers shall waive any prior authorization requirements for screening and diagnostic testing for COVID-19 and respond to any requests for treatment of COVID-19 on a timely basis.

4. All insurers shall ensure that provider networks are adequate to handle an increase in the need for health care services, including by offering access to out-of-network services where appropriate.

5. All insurers shall notify all contracted providers that the insurer is waiving the cost-sharing and prior authorization requirements, and ensure that information regarding the waivers is provided to customer service centers, nurse advice lines, and others so that proper information is provided to insured citizens.

6. All insurers shall ensure that the insurer's websites contain complete and accurate information related to coverage for COVID-19 screening, testing, and treatment.

7. When prescription drug coverage exists for insured citizens, insurers shall allow insured individuals to obtain refills of their prescriptions even if the prescription was recently filled, consistent with approval from patients' health care providers and/or pharmacists.

8. The Kentucky Department of Employee Insurance shall coordinate with the Kentucky Department of Insurance to ensure that the provisions of this Executive Order apply to participants in the state employee health plan.

This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.

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GOVERNOR

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Secretary of State
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This Order is effective March 9, 2020.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State