CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF LEGAL SERVICES

Andy Beshear
Governor

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On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus, a public health emergency. On March 14, 2020 Governor Beshear recommended that Kentucky hospitals cease performing elective procedures on March 18, 2020. Therefore, pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020 and Executive Order 2020-215 the Cabinet for Health and Family Services, Department of Public Health states that the following directives are in effect during the this state of emergency:

Aggressive social distancing measures have been mandated by emergency order as a necessary measure to limit and contain the spread of the COVID-19 infection. As a consequence of these mandates:

1. **ALL non-emergent, non-urgent in-person medical, surgical, dental, and any other healthcare practice or procedure must have immediately ceased effective close of business on March 18, 2020.**
2. **The Commonwealth of Kentucky relies upon licensed healthcare professionals within the state to exercise their best clinical judgment in the implementation of this restriction.**
3. **To assist licensed healthcare professions in the exercise of their judgment, the following guidelines are offered:**
    a. **Emergent – Any healthcare service that, were it not provided, is at high risk of resulting in serious and/or irreparable harm to a patient if not provided within 24 hours.**
    b. **Urgent – Any healthcare service that, were it not provided, is at high risk of resulting in serious and/or irreparable harm to a patient if not provided within 24 hours to 30 days.**
    c. **Non-Urgent – Any healthcare service that, were it not provided, is unlikely to result in any serious and/or irreparable harm to a patient if not provided for more than 30 days. (For example, chiropractic medicine.)**
4. **When considering the above guidance, clinicians are urged to consider whether the service provided would still be retrospectively deemed necessary if the patient (or close contact of the patient) were to become infected by COVID-19 as a result and suffer serious and/or irreparable harm as a result.**
5. **Under all circumstances where clinically possible, use of telephonic or video communication to provide telemedicine services is strongly urged. Medicare and Medicaid have WAIVED[1] typical telemedicine and HIPAA requirements and you may even use non-HIPAA compliant video services such as FaceTime, Skype, and others during the current state of emergency.**

All healthcare providers are instructed to follow these recommendations when considering what procedures to cancel. This directive became effective at midnight March 18, 2020.

[1] *See* https://chfs.ky.gov/agencies/dms/Documents/ProviderTelehealth%20FAQs%203-19-2020.pdf and https://www.cms.gov/newsroom/press-releases/president-trump-expands-telehealth-benefits-medicare-beneficiaries-during-covid-19-outbreak.

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The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency.

The Cabinet for Health and Family Services will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.

Sincerely,

Eric Friedlander
Acting Secretary
Governor's Designee

Steven J. Stack, MD
Commissioner