

CHAPTER 33**(HB 90)**

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.17B-005 is amended to read as follows:

- (1) There is hereby created Kentucky Access, which shall ensure that health coverage is made available to each Kentucky individual resident applying and qualifying for coverage. Any health coverage provided under this section shall begin no sooner than January 1, 2001. Kentucky Access is designed for the purpose of implementing an acceptable alternative mechanism within the meaning of 42 U.S.C. sec. 300gg-44(a)(1) so that Kentucky may preserve the flexibility over the regulation of health coverage allowed by federal law.
- (2) Kentucky Access shall operate under the ***Division of Kentucky Access in [supervision of]*** the Department ***of Insurance. The division shall be headed by a division director appointed by the commissioner of insurance in accordance with KRS 12.050 and KRS 304.2-060.***
- (3) Neither the department nor its employees shall be liable for any obligations of Kentucky Access. No member or employee of the department shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under KRS 304.17B-001 to 304.17B-031, unless such act or omission constitutes willful or wanton misconduct. The department may provide in its policies and procedures for indemnification of, and legal representation for, its members and employees.

Section 2. The General Assembly confirms Executive Order 2000-987, dated July 25, 2000, creating the Division of Kentucky Access, Department of Insurance, to the extent it is not otherwise confirmed by this Act.

Approved March 15, 2001