

211.334 Establishment of minimum standards and requirements for use of telehealth -- Administrative regulations -- Study and annual report on impact of telehealth on care in state.

- (1) The cabinet, in consultation with the Division of Telehealth Services within the Office of Inspector General as established in KRS 194A.105, shall:
 - (a) Provide guidance and direction to providers delivering health care services using telehealth or digital health;
 - (b) Promote access to health care services provided via telehealth or digital health;
 - (c) Maintain an online telehealth provider directory for consumer use; and
 - (d) No later than thirty (30) days after June 29, 2021, promulgate administrative regulations in accordance with KRS Chapter 13A to:
 1. Establish a glossary of telehealth terminology to provide standard definitions for all healthcare providers who deliver health care services via telehealth, all state agencies authorized or required to promulgate administrative regulations relating to telehealth, and all payors;
 2. Establish minimum requirements for the proper use and security of telehealth, including requirements for confidentiality and data integrity, privacy and security, informed consent, privileging and credentialing, reimbursement, and technology;
 3. Establish minimum requirements to prevent waste, fraud, and abuse related to telehealth; and
 4. Maintain the discretion of state agencies authorized or required to promulgate administrative regulations relating to telehealth to establish requirements to authorize, prohibit, or otherwise govern the use of telehealth in accordance with the state agencies' respective jurisdictions.
- (2) In order to comply with the deadline for the promulgation of administrative regulations established in subsection (1)(d) of this section, the cabinet may promulgate emergency administrative regulations in accordance with KRS 13A.190.
- (3) The cabinet, in consultation with the Department for Medicaid Services and any managed care organization with whom the department contracts for the delivery of Medicaid services, shall study the impact of telehealth on the health care delivery system in Kentucky and shall submit an annual report to the Legislative Research Commission no later than December 1 of each year. This report shall include analysis of:
 - (a) The economic impact of telehealth on the Medicaid budget, including any costs or savings as a result of decreased transportation expenditures and office or emergency room visits;
 - (b) The quality of care as a result of telehealth services;
 - (c) Reimbursement and delivery of telehealth among all managed care organizations with whom the department contracts for the delivery of Medicaid services; and

- (d) Any other issues deemed relevant by the cabinet, including any issues or information deemed relevant by the Division of Telehealth Services pursuant to KRS 194A.105(4).

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 51, sec. 10, effective July 14, 2022. -- Created 2021 Ky. Acts ch. 67, sec. 2, effective June 29, 2021.