

1 AN ACT relating to out-of-network billing.

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

3 ➔Section 1. Notwithstanding any state law to the contrary, during the state of  
4 emergency declared by the Governor in response to COVID-19 on March 6, 2020, by  
5 Executive Order 2020-215:

6 (1) (a) If persons or entities have been ordered by the Governor to close or alter  
7 the businesses for which those persons or entities have been licensed under Kentucky  
8 law, the Governor may direct any administrative body, as defined by KRS 13A.010, to  
9 suspend or waive the collection of the following for those persons or entities:

- 10 1. Licensing fees;
- 11 2. Renewal fees;
- 12 3. Application fees;
- 13 4. Forms, applications, and other administrative requirements; and
- 14 5. Other fees or administrative obligations that may be specified by the  
15 Governor;

16 where those fees or administrative obligations are required to engage in a business  
17 licensed by the Commonwealth.

18 (b) If the Governor does not direct any applicable administrative body of a person  
19 or entity referred to in paragraph (a) of this subsection to waive or suspend the collection  
20 of fees or administrative burdens, the administrative body may waive or suspend the fees  
21 or administrative obligations required to engage in the business regulated by that  
22 administrative body.

23 (c) Fees or administrative obligations suspended under paragraph (a) or (b) of this  
24 subsection may be suspended throughout the course of the state of emergency.

25 (d) Licensees may continue to practice their business without interruption, and  
26 shall be granted at least thirty (30) days after the expiration of the state of emergency to  
27 pay any owed fee or complete any administrative obligation before an action may be

1 taken against their license.

2 (e) The Governor shall consider using any federal grants, moneys, or other  
3 funding received as a result of the state or federal emergency declared in response to  
4 COVID-19 to make any administrative body whole due to a suspension or waiver granted  
5 under this subsection;

6 (2) The Governor may waive or suspend the provisions of KRS Chapter 341  
7 necessary to protect workers affected by the Executive Orders issued during the state of  
8 emergency with respect to the provisions in:

9 (a) KRS 341.350 and KAR Title 787 regarding standards for ability to work,  
10 availability to work, work-search activities, and suitable work in the context of COVID-  
11 19;

12 (b) KRS 341.350(2) regarding the seven-day waiting prior to becoming eligible  
13 for unemployment insurance benefits;

14 (c) KRS 341.090 to adopt an alternative base period to determine if an  
15 unemployed worker has earned enough wages to qualify for unemployment insurance  
16 benefits;

17 (d) KRS 341.270 to indicate that the reserve ratio of businesses with one hundred  
18 (100) employees or less, shall not be impacted as a result of layoffs of employees due to  
19 restrictions imposed by Executive Orders issued during the state of emergency;

20 (e) KRS 341.380 regarding the maximum amount of benefits payable to any  
21 worker within any benefit year; and

22 (f) KRS Chapter 341 to allow employees who have not been terminated or  
23 separated from employment but have experienced a reduction in work hours of more than  
24 10 percent but less than 60 percent with no reduction in hourly rate, or the equivalent  
25 thereto, to be eligible for unemployment benefits to compensate the employee for the  
26 temporary loss of income;

27 (3) The Department of Revenue shall adhere to any declarations or changes in tax

1 filing requirements provided by the U.S. Treasury Department or the Internal Revenue  
2 Service and provide the same to taxpayers for comparable tax filing requirements under  
3 Kentucky law;

4 (4) Pursuant to federal guidance issued by the Office for Civil Rights and the  
5 Department for Health and Human Services, penalties shall not be imposed for  
6 noncompliance with Kentucky statutes that require all health care providers licensed in  
7 Kentucky, including a clinical social worker, a marriage and family therapist, and a  
8 mental health professional, to obtain the informed consent of the patient, or another  
9 appropriate person with authority to make the health care treatment decision for the  
10 patient or have an established relationship with a patient, before the good faith provision  
11 of telehealth services using non-public facing audio or video communication products;

12 (5) If physical therapy or occupational therapy services are ordered for a patient  
13 by a physician licensed in Kentucky, a physical therapist licensed in Kentucky or  
14 occupational therapist licensed in Kentucky who complies with guidelines issued by the  
15 United States Centers for Disease Control and Prevention for the provision of health care  
16 services shall be considered an essential health care provider in Kentucky;

17 (6) Legally permitted food service establishments shall be exempt from state laws  
18 and administrative regulations prohibiting the sale of food items such as bread, milk, and  
19 other grocery staples to any customer. No permit or permit fee shall be required for such  
20 sales of food items; and

21 (7) (a) A license holder with the privilege of selling alcoholic beverages by the  
22 drink at retail shall be permitted to sell alcoholic beverages by the drink on a delivery, to-  
23 go, or take-out basis in conjunction with food sales. For the purposes of this section, a  
24 covered or sealed drink shall not be considered an open container.

25 (b) The Department of Alcoholic Beverage Control may, but is not required to,  
26 promulgate an emergency administrative regulation that sets forth the:

27 1. Conditions under which sales may take place;

1           2.    Days and times that sales may take place; and

2           3.    Expected end date of the emergency conditions.

3           (c)   Except as provided in this section, sales of alcoholic beverages shall be  
4 governed by all of the statutes and administrative regulations governing the retail sale of  
5 alcoholic beverages by the drink.

6           ➔Section 2.   In order to reduce burdens to hospitals and emergency services  
7 personnel, the General Assembly hereby declares that it supports the use of, and intends  
8 to appropriate, budgetary funds to support continued access to the KY COVID-19 Hotline  
9 that is operated by the healthcare professionals at the Kentucky Poison Control Center.

10          ➔Section 3.   Whereas the economic impact of the state of emergency in response  
11 to COVID-19 on Kentucky's citizens and small businesses is of the utmost importance, an  
12 emergency is declared to exist, and this Act takes effect immediately upon the passage of  
13 this Act and approval by the Governor or upon its otherwise becoming a law.