

## CHARITABLE HEALTH CARE PROVIDERS

In order to encourage and facilitate the provision of health care services within the Commonwealth, the Kentucky General Assembly has enacted the Kentucky Charitable Health Care Services Act (KRS 216.940 to 216.945) and Temporary License for Dentists and Dental Hygienists to Provide Medical Care to Indigent Populations (KRS 313.254). These acts, and a companion law KRS 304.40-075, provides a mechanism for charitable healthcare providers, and the organizations that sponsor charitable healthcare providers, to be registered and to obtain reimbursement for medical professional liability insurance (malpractice) premiums paid associated with the provision of the charitable health care services. The following information is provided regarding the provisions contained in these laws:

### **What is a Charitable Health Care Provider?**

According to KRS 216.940, a Charitable Health Care Provider means “any person, agency, clinic, or facility licensed or certified by the Commonwealth or under a comparable provision of law of another state ... engaged in the rendering of medical care without compensation or charge and without expectation of compensation or charge, to the individual, without payment or reimbursement by any governmental agency or insurer.” The law goes on to limit the definition of Charitable Health Care Providers to those engaging in primary care and performing no invasive or surgical procedures. The definition specifically excludes health care providers whose license or certification is suspended or revoked under disciplinary proceedings in any jurisdiction or providers practicing outside of the scope of practice authorized by his or her license or certification.

### **What about Dentists and Dental Hygienists?**

Under KRS 313.254, dentists and dental hygienists who are unlicensed can obtain a temporary license (valid for only 7 days) by applying to the Board of Dentistry and registering with the Cabinet for Health and Family Services by using the information used in the KRS 216.941 requirements and remitting a \$25 fee to the board. Under the KRS Chapter 313, dentists and dental hygienists can obtain reimbursement for malpractice insurance in connection with delivering oral health services for indigent populations.

### **What is a Sponsoring Organization?**

A Sponsoring Organization means any organization, with an established relationship with a practicing entity that organizes or arranges for the voluntary provision of health care services in the state. Examples of sponsoring organizations may include hospitals or other entities that provide space, equipment, or other support for Charitable Health Care Providers who deliver care.

### **What about providers licensed or certified in other states who wish to provide charitable healthcare services in Kentucky on an occasional basis?**

KRS 313.254 spells out requirements for dentists and dental hygienists licensed in other states to obtain a temporary license to permit them to provide charitable health care services in Kentucky. All questions about the use of physicians, nurses, chiropractors, and certain health professionals who are licensed or certified in other should be directed to the appropriate Kentucky licensing or credentialing board for that profession.

### **How does a Charitable Health Care Provider or Charitable Health Care Provider Sponsoring Organization obtain reimbursement of medical malpractice premiums?**

Charitable Health Care Provider or Sponsoring Organizations may apply to the Kentucky Department of Insurance for reimbursement of medical malpractice premiums for charitable health care providers who are not otherwise covered by any policy of medical professional liability insurance for the charitable health care services provided. To be eligible, the Charitable Health Care Provider and/or the Sponsoring Organization first must be registered with the Cabinet for Health and Family Services. Information about reimbursement of medical malpractice premiums may be obtained from the KY Department of Insurance at the address below.

How does a Charitable Health Care Provider or Sponsoring Organization become registered? Any Charitable Health Care Provider or Sponsoring Organization for Charitable Health Care Providers may become registered in Kentucky by completing a registration application obtainable through the Cabinet for Health and Family Services, Department for Public Health, at the addresses below.

#### **FOR INFORMATION ON REGISTRATION OF CHARITABLE HEALTHCARE PROVIDERS:**

Gary L. Williams  
Health Care Access Branch  
KY Department for Public Health  
275 East Main Street, HS2 W-B  
Frankfort, KY 40621  
Phone (502)564-8966, ext. 3740

#### **FOR INFORMATION ON MEDICAL MALPRACTICE REIMBURSEMENT:**

Karan J. Hisle  
Property and Casualty Division  
KY Department of Insurance  
P.O. Box 517  
Frankfort, KY 40602-0517  
1-800-595-6053 ext. 4288