



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

**Andy Beshear
Governor**

275 East Main Street, 5W-A
Frankfort, KY 40621
502-564-7042
502-564-7091
www.chfs.ky.gov

**Eric C. Friedlander
Acting Secretary**

April 6, 2020

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 novel coronavirus (COVID-19). On March 23, 2020, Governor Beshear ordered that all non-emergent, non-urgent in-person medical, surgical, dental, and any other healthcare practices or procedures cease immediately to help minimize the use of essential resources and items needed to flatten the curve. Therefore, pursuant to the authority of KRS Chapter 39A, KRS 194A.025, KRS 214.020, and Executive Order 2020-215, the Cabinet for Health and Family Services, Department for Public Health hereby issues the following directive regarding the delivery of home health services, which shall remain in effect during this state of emergency.

Aggressive social distancing measures have been mandated by emergency order. As a result of this mandate, home health agencies are asked to comply with the following guidelines:

- 1. The Commonwealth of Kentucky relies upon licensed healthcare professionals within the state to exercise their best clinical judgment when implementing the prohibition against non-emergent, non-urgent in-person medical, surgical, dental, or any other healthcare practice or procedure.**
- 2. To assist licensed healthcare professionals with clinical judgment, definitions for “emergent”, “urgent”, and “non-urgent” are as follows:**
 - 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 (e.g., ancillary therapies).**
- 3. When considering the above guidance, home health agency professionals must 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 harm as a result of disease spread.**



4. Under all circumstances and when clinically possible, use of telephonic or video communication to provide telemedicine services is strongly recommended. Medicare and Medicaid have waived typical telemedicine and HIPAA requirements as follows:

<https://www.cms.gov/newsroom/press-releases/president-trump-expands-telehealth-benefits-medicare-beneficiaries-during-covid-19-outbreak>

<https://chfs.ky.gov/agencies/dms/Documents/ProviderTelehealthFAQs.pdf>

If a home health agency professional providing an emergent or urgent service has concerns about the possibility that a patient may be infected with COVID-19, the staff person should immediately notify the home health agency. The home health agency should contact the patient's primary health care provider or the COVID-19 hotline at (800) 722-5725.

Additionally, home health agencies should ensure they have a policy in place to speak with staff prior to an emergent or urgent patient visit and screen the staff person for symptoms. Home health agencies must strictly enforce their sick leave policies. If a staff person is ill, the home health agency must send the staff person home and direct them to contact their primary health care provider immediately.

Staff who have been exposed to someone with confirmed COVID-19, or to someone who is a person under investigation for COVID-19, will be placed under precautionary quarantine or mandatory quarantine by public health officials based on the symptoms presented and/or level of risk for having contracted COVID-19.

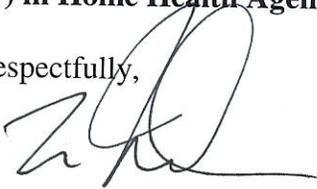
Although the Cabinet for Health and Family Services will continue to provide information and updates to healthcare providers as this situation continues to evolve, it is important for all home health agencies to keep apprised of current guidance by regularly visiting the Centers for Disease Control and Prevention (CDC) and Department for Public Health websites for the most up-to-date information at the following links:

CDC COVID-19 website: www.cdc.gov/covid19

KDPH COVID-19 website: www.KYCOVID19.ky.gov

CMS Guidance for Infection Control and Prevention Concerning Coronavirus Disease 2019 (COVID-19) in Home Health Agencies: <https://www.cms.gov/files/document/qso-20-18-hha.pdf>

Respectfully,



Eric C. Friedlander
Acting Secretary



Adam Mather
Inspector General