STATEMENT OF EMERGENCY
803 KAR 25:305E

(1) Joint Resolution 1 from the 2021 Special Legislative Session, 21 SS HJR 1/GA, extended certain emergency executive actions until January 15, 2022, and declared an emergency related to SARS-COV-2, also known as COVID-19. Joint Resolution 1 and Executive Order 2020-277 were issued to meet an imminent threat to public health, safety, and welfare. Joint resolution 1 extended Executive Order 2020-277, pertaining to temporary total benefits provided pursuant to KRS Chapter 342. This emergency administrative regulation provides guidance in the application of Executive Order 2020-277 and protects human health and public health, safety, and welfare.

(2) The guidance provided in this emergency administrative regulation cannot be provided through an ordinary administrative regulation because the ordinary rulemaking process cannot be completed until after January 15, 2022, and the extension will have expired.

(3) This emergency regulation will not be replaced by an ordinary administrative regulation because it is anticipated the emergency will resolve.
LABOR CABINET

Department of Workers' Claims

(New Emergency Regulation)

803 KAR 25:305E. Workers' compensation expedited hearings pursuant to occupational exposure to COVID-19.


STATUTORY AUTHORITY: KRS 342.020, 342.260, 342.270, 342.730

NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.020(1) requires employers to pay for the cure and relief from the effects of an injury or occupational disease as may reasonably be required at the time of injury and thereafter or as may be required for the cure and treatment of an occupational disease. KRS 342.260(1) requires the commissioner to promulgate administrative regulations necessary to carry on the work of the department and the work of the administrative law judges. KRS 342.270(3) requires the commissioner to promulgate or amend existing administrative regulations to establish procedures for the resolution of claims. This emergency administrative regulation establishes the procedure for resolution of claims for temporary total benefits pursuant to Executive Order 2020-277.

Section 1. Definitions. (1) "Business day" means any day except Saturday, Sunday or any day which is a legal holiday.

(2) "Calendar day" means all days in a month, including Saturday, Sunday and any day which is a legal holiday.

(3) "COVID-19" means the novel coronavirus designated SARS-COVE-2.
(4) "Department" is defined by KRS 342.0011(8).

(5) "Designated class" means employees of a healthcare entity; law enforcement personnel, emergency medical services personnel, and fire department personnel; corrections officers; military personnel; activated National Guard personnel; domestic violence shelter workers; child advocacy workers; rape crisis center staff; Department of Community Based Services workers; grocery workers; postal service workers; and child care workers permitted by the Cabinet for Health and Family Services to provide child care in a limited duration center during the state of emergency.

(6) "Executive order" means Executive Order 2020-277.

(7) "Joint Resolution 1" means 21 SS HJR 1/GA.

Section 2. Motion to Expedite Hearing. (1) Each claim by a member of the designated class solely seeking temporary total disability benefits pursuant to Executive Order 2020-277 and Joint Resolution 1, alleging an injury or occupational disability due to occupational exposure to COVID-19, shall file an Application Seeking TTD Benefits and Expedited Hearing, Form 101-COV.

(2) When an Application Seeking TTD Benefits and Expedited Hearing, Form 101-COV is received by the Department, it shall notify the employer and insurance carrier identified on the application for resolution of claim within three (3) business days of receipt.

(3) When an Application Seeking TTD Benefits and Expedited Hearing, Form 101-COV is received by the Department, the claim shall be assigned to an administrative law judge within three (3) business days of receipt.

(4) The matter shall be set for hearing within ten (10) calendar days following the date of assignment to the administrative law judge.

(5) The expedited hearing shall be limited to whether an employee was removed from work
by a physician due to occupational exposure to COVID-19.

(6) The executive order establishes there must be a causal connection between the conditions under which the work is performed and COVID-19, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment, in order for the exposure to be occupational.

(7) If the employee is found to have an occupational exposure to COVID-19, the limitations in KRS 342.040(1) shall be suspended and temporary total disability payments shall be payable from the first day the employee is removed from work.

(8) The parties shall file all proof no later than three (3) calendar days prior to the hearing date.

(9) The administrative law judge shall render a decision no later than two (2) business days after the date of the hearing.

Section 3. (1) Voluntary temporary total disability payments by the employer or its payment obligor to an employee removed from work by a physician due to occupational exposure to COVID-19 which are made without a hearing and decision by the administrative law judge shall not waive the employer's right to contest its liability for the claim or other benefits to be provided.

(2) Nothing in this emergency administrative regulation precludes a claimant from seeking additional benefits under KRS Chapter 342.

Section 4. Incorporation by Reference. (1) "Application Seeking TTD Benefits and Expedited Hearing, Form 101-COV," September 2021 edition, is incorporated by reference

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Workers' Claims, Mayo-Underwood Building 3rd Floor, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m., and at
This is to certify the commissioner has reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 342.260, 342.270 and 342.285.

Robert Walker, Interim Commissioner
Department of Workers' Claims

Date
9/27/2021

CONTACT PERSON: B. Dale Hamblin, Jr., Assistant General Counsel
Workers' Claims Legal Division
Mayo-Underwood Building, 3rd Floor
500 Mero Street
Frankfort, Kentucky 40601
Telephone Number: (502) 782-4404
Fax Number: (502) 564-0682
dale.hamblin@ky.gov
A public hearing on this emergency administrative regulation shall be held on November 23, 2021, at 10:00 a.m. (EDT) by video teleconference pursuant to KRS 61.800, et seq. In keeping with KRS 13A.270, individuals interested in attending or being heard at this hearing shall notify this agency in writing of their intent to attend no later than five (5) workdays prior to the hearing along with contact information. Upon notification of intent to attend, individuals will be provided information necessary to attend the video teleconference. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed emergency administrative regulation. Written comments shall be accepted through November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed emergency administrative regulation to the contact person

CONTACT PERSON: B. Dale Hamblin, Jr.
Assistant General Counsel
Department of Workers’ Claims
Mayo-Underwood Building, 3rd Floor
500 Mero Street
Frankfort, Kentucky 40601
Telephone Number: (502) 782-4404
Fax Number: (502) 564-0681
Dale.Hamblin@ky.gov
REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation: 803 KAR 25:305E
Contact person: B. Dale Hamblin, Jr.

(1) Provide a brief summary of:
(a) What this administrative regulation does: This emergency administrative regulation establishes the procedure for resolution of claims for temporary total benefits pursuant to Executive Order 2020-277.

(b) The necessity of this administrative regulation: Executive Order 2020-277 provides for temporary total disability benefits from the first day of removal from work by a physician when removed from work for an occupational exposure to COVID-19. KRS 342.270(3) requires the commissioner to promulgate or amend existing administrative regulations to establish procedures for the resolution of claims.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This emergency administrative regulation establishes the procedure for resolution of claims for temporary total benefits pursuant to Executive Order 2020-277.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation provides guidance to those seeking temporary total disability benefits pursuant to Executive Order 2020-277.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new emergency administrative regulation.

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All employees within the Designated Class removed from work by a physician due to occupational exposure to COVID-19 and employers of those employees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Employees within the Designated Class seeking temporary total disability benefits pursuant to Executive Order
2020-277 will have to file a motion to expedite hearing. Employees within the Designated Class, employers, and insurance carriers will have expedited timelines to supply proof of whether the employee was removed from work by a physician due to occupational exposure to COVID-19.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs are expected.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Employees within the Designated Class removed from work by a physician due to occupational exposure to COVID-19 and their employer will be entitled to an expedited hearing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
   (a) Initially: No additional costs are associated with implementation.
   (b) On a continuing basis: No continuing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Department of Workers’ Claims normal budget is the source of funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this emergency administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied because the procedure applies to all parties equally.
1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Workers' Claims and all parts of government with employees within the Designated Class.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 342.020, 342.260, 342.270, 342.730, Executive Order 2020-277, and 21 SS HJR 1/GA.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

   (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

   (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

   (c) How much will it cost to administer this program for the first year? No new administrative costs will be required.

   (d) How much will it cost to administer this program for subsequent years? No new administrative costs will be required.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

   Revenues (+/-):
   Expenditures (+/-):
   Other Explanation:

There is no fiscal impact on state or local government because the activities associated with the emergency administrative regulation are already performed, only the timing is changed.
SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

Application Seeking TTD Benefit and Expedited Hearing, Form 101-COV, is the 3-page form initiating resolution of a claim for temporary total disability benefit payments pursuant to Executive Order 2020-277. The form requests data necessary to demonstrate that an employee within a designated class was removed from work by a physician due to an occupational exposure to COVID-19 and requests contact information for the necessary parties.
KENTUCKY DEPARTMENT OF WORKERS’ CLAIMS  
Application Seeking TTD Benefit and Expedited Hearing  
FORM 101-COV  
Claim No. ____________________________________  

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>vs.</th>
<th>Defendant/Employer (Business Name)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security Number/ Green Card</td>
<td>Defendant/ Employer Mailing Address</td>
<td></td>
</tr>
<tr>
<td>Birth Date Gender</td>
<td>City/State/Postal Code</td>
<td></td>
</tr>
<tr>
<td>Plaintiff Mailing Address</td>
<td>Insurance Carrier</td>
<td></td>
</tr>
<tr>
<td>City/State/Postal Code</td>
<td>Insurance Carrier Mailing Address</td>
<td></td>
</tr>
<tr>
<td></td>
<td>City/State/Postal Code</td>
<td></td>
</tr>
</tbody>
</table>

- □ Outside United States  
  Country  
- Plaintiff's Phone Number  
- Email Address  

Additional Parties  

<table>
<thead>
<tr>
<th>Additional Party</th>
<th>Mailing Address</th>
<th>City/State/Postal Code</th>
<th>Reason for Joinder:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- □ Outside United States  
  Reason for Joinder:  
- □ Outside United States  
  Reason for Joinder:  
- □ Outside United States  
  Reason for Joinder:  

- □ Outside United States  
  Reason for Joinder:  

- □ Outside United States  
  Reason for Joinder:  

- □ Outside United States  
  Reason for Joinder:  

- □ Outside United States  
  Reason for Joinder:
1. What is your occupation? (Check one; your occupation must be listed to proceed.)
   - [ ] Employee of healthcare entity
   - [ ] Law enforcement personnel
   - [ ] Emergency medical services personnel
   - [ ] Fire department personnel
   - [ ] Corrections officer
   - [ ] Military personnel
   - [ ] Activated National Guard personnel
   - [ ] Domestic violence shelter worker
   - [ ] Child advocacy workers; rape crisis center staff
   - [ ] Department of Community Based Services worker
   - [ ] Grocery worker
   - [ ] Postal service worker
   - [ ] Child care workers permitted by the Cabinet for Health and Family Services to provide child care in a limited duration center during the state of emergency

2. Where you removed from your work by a physician due to COVID-19 exposure? [ ] Yes [ ] No

3. Location of exposure (City/State/Postal Code): ________________________________
   State why you believe you were exposed to COVID-19 at work:

4. On what date did the physician remove you from work? _______________________
   PLEASE ATTACH THE PHYSICIAN’S NOTE REMOVING YOU FROM WORK

5. What is your average weekly wage? (before taxes are deducted) __________________
   PLEASE ATTACH THE MOST RECENT W2 OR YOUR MOST RECENT PAYSTUB

6. Will an interpreter be needed for the formal hearing? (Yes / No) [ ] Yes [ ] No
   If yes, in which language? __________________

7. Do you work anywhere else? [ ] Yes [ ] No

   Name and address of concurrent employer
   Concurrent Employer Name ________________________________
   Concurrent Employer City ________________________________
   Concurrent Employer State __________________________ Postal Code __________________
KENTUCKY WORKERS’ COMPENSATION AND HIPAA

On April 14, 2003, the federal Health Insurance Portability and Accountability Act [HIPAA] privacy regulation will took effect. This regulation limits the situations in which medical providers may release patient information unless the information is necessary for the purpose of treatment, payment, or health care operations. In most instances, disclosure for the purpose of workers’ compensation are exempt from HIPAA privacy requirements. The exact wording is as follows: “A covered entity may disclose protected health information as authorized by and to the extent necessary to comply with laws relating to workers’ compensation…”

Since HIPAA defers to state law regarding disclosures relating to workers’ compensation, it is important for claimants and medical providers to know what Kentucky law requires regarding disclosure of patient information. An employee who reports a work injury or who files for workers compensation benefits must “execute a waiver and consent of any physician-patient, psychiatrist-patient, or chiropractor-patient privilege with respect to any condition or complaint reasonably related to the condition for which the employee claims compensation.” KRS 342.020 (8). Kentucky law further states that once signed, any health care provider “shall, within a reasonable time after written request by the employee, employer, workers’ compensation insurer [or its agent or assignee], special fund, uninsured employers’ fund, or the administrative law judge, provide the requesting party with any information or written material reasonably related to any injury or disease for which the employee claims compensation.”

Once signed, health care providers may disclose information as set out in Kentucky law. Another section of the regulation allows release of information pursuant to an administrative or judicial order or subpoena, provided that there has been a reasonable effort to notify the injured worker [or his attorney] that such a request has been made. Should there be questions regarding disclosures pursuant to this form, appropriate legal counsel should be consulted or you can contact the Department of Workers’ Claims at 1-800 554-8601.

MEDICAL WAIVER AND CONSENT

I, ______________ by signing and submitting this document to the Kentucky Department of Workers’ Claims (“Department”) have filed a claim for temporary total disability benefits pursuant to Executive Order 2020-277 and 21 SS HJR 1/GA. By my signature below, I understand I am waiving any physician-patient, psychiatrist-patient, or chiropractor-patient privilege I may have and hereby authorize any health care provider to furnish to myself, my attorney, my employer, its workers’ compensation carrier or its agent, the Division of Workers’ Compensation Funds, the Uninsured Employers’ Fund, or Administrative Law Judge any information or written material reasonably related to my claim for temporary total disability benefits pursuant to Executive Order 2020-277 and 21 SS HJR 1/GA and authorizing the Department to share copies of this form to the parties listed in this sentence solely for that purpose.

This information or written material reasonably related to my claim is being disclosed solely for the purpose of facilitating my claim for temporary total disability benefits pursuant to Executive Order 2020-277.

I understand I have the right to revoke this authorization in writing at any time, by sending written notification to each individual health care provider, but such revocation will not have any affect on actions taken prior to revocation. Moreover, inasmuch as KRS 342.020(8) requires a medical waiver to be executed, revocation may result in suspension or delay of my claim for temporary total disability benefits.

I understand that the information used or disclosed pursuant to this medical waiver may be subject to re-disclosure by the recipient.

This authorization shall remain valid for 180 days following its execution. A photocopy of the authorization may be accepted in lieu of the original.

The authorization includes, but is not restricted to, a right to review and obtain all copies of all records, x-rays, x-ray reports, medical charts, prescriptions, diagnoses, opinions and courses of treatment.

Attestation:

I understand that any person who knowingly and with intent to defraud any insurance company or other person files a statement or claim containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

By entering my name below, I confirm the accuracy of this form to the best of my knowledge. I further acknowledge and agree to the medical waiver provided above.

This form prepared and submitted by ___________________________ Relationship to injured worker ___________________________

Submitter Phone Number ______________________ Submitter Email Address ______________________
Documentary Evidence of Emergency

Pursuant to SB2 (RS2021) Section 4(1)(a), this emergency administrative regulation is necessary to comply with Executive Order 2020-277 as extended by House Joint Resolution 1 from the 2021 Special Session, 21 SS HJR 1/GA. Both documents are attached.
ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-277
April 9, 2020

STATE OF EMERGENCY RELATING TO
WORKERS' COMPENSATION

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 9, 2020, I signed executive Order 2020-220, to adjust certain insurance rules and regulations during the State of Emergency. On March 16, 2020, I signed Executive Order 2020-235, to allow Kentuckians to become eligible for unemployment benefits more quickly than under state law. During the State of Emergency, the Commonwealth, through Executive Branch Cabinets, state agencies and boards, has taken action to: further broaden eligibility for unemployment insurance, expand Medicaid coverage, expand healthcare coverage such as with telehealth, suspend or relax certain requirements for certification or licensure, and allow inactive healthcare professionals to become active. Under Executive Orders 2020-265 and 2020-266, I suspended certain requirements under state law to allow retired members of the retirement systems to be reemployed during the State of Emergency.

Kentuckians who, because of the nature of their employment, are at risk of being exposed to or contracting COVID-19 should be protected by workers' compensation coverage.
NOW THEREFORE, I Andy Beshear, by virtue of authority vested in me pursuant to the Kentucky Constitution and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. An employee removed from work by a physician due to occupational exposure to COVID-19 shall be entitled to temporary total disability payments pursuant to KRS 342.730(1)(a) during the period of removal even if the employer ultimately denies liability for the claim. In order for the exposure to be "occupational," there must be a causal connection between the conditions under which the work is performed and COVID-19, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment;

2. The limitations in KRS 342.040(1) are suspended and temporary total disability payments made pursuant to this Order shall be payable from the first day the employee is removed from work;

3. For the purpose of this Order, it shall be presumed that removal of the following workers from work by a physician is due to occupational exposure to COVID-19: employees of a healthcare entity; first responders (law enforcement, emergency medical services, fire departments); corrections officers; military; activated National Guard; domestic violence shelter workers; child advocacy workers; rape crisis center staff; Department for Community Based Services workers; grocery workers; postal service workers; and child care workers permitted by the Cabinet for Health and Family Services to provide child care in a limited duration center during the State of Emergency.

4. This Order shall apply to all insurance carriers writing policies providing workers' compensation insurance coverage in the Commonwealth of Kentucky, self-insured groups, and any employer carrying its own risk and authorized to self-insure in the Commonwealth of Kentucky; and

5. Payment by the employer or its payment obligor pursuant to this Order does not waive the employer’s right to contest its liability for the claim or other benefits to be provided.

This Order shall be in effect for the duration of the State of Emergency under Executive Order 2020-215 or until this Order is rescinded by further order or operation of law.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State
A JOINT RESOLUTION extending emergency executive actions and declaring an emergency.

WHEREAS, emergency executive orders, administrative executive regulations, and other directives have been issued by the Governor and executive branch agencies in response to the SARS-COV-2 virus; and

WHEREAS, KRS 39A.090 limits certain emergency executive actions, administrative regulations, and directives issued by the Governor to 30 days unless an extension is approved by the General Assembly, and some of the SARS-COV-2 emergency executive actions, administrative regulations, and other directives set out herein were extended by 2021 RS HJR 77 to 90 days after March 30, 2021; and

WHEREAS, a number of SARS-COV-2 emergency executive orders, administrative regulations, or directives need to be extended past the expiration date set out in 2021 RS HJR 77 and continued until January 15, 2022, in order to protect the citizens of Kentucky;

NOW, THEREFORE,

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

Section 1. All SARS-COV-2-related executive orders issued by the Governor and all executive actions and administrative orders, administrative regulations, or other administrative actions not specifically extended by this Resolution are of no further force or effect as of the effective date of this Resolution.

Section 2. The General Assembly hereby approves, extends, and in some cases modifies as stated, the following executive orders issued in response to the SARS-COV-2 virus, and declares that the same shall be in effect until and expire on January 15, 2022:

1. 2020 Executive Order 2020-215, which declared a state of emergency, to the extent necessary to:
   a. Secure current or future federal funding, including reimbursements, related to the SARS-COV-2 virus;
   b. Preserve the protections and status afforded by 2021 RS SB 5, 2021 Ky. Acts ch. 205; and
   c. Extend 2020 RS SB 150, 2020 Ky. Acts ch. 73, until January 15, 2022, to the extent the provisions are not superseded by statute or administrative regulation;

2. Notwithstanding any statutory provisions to the contrary, 2021 Executive Order 2021-666, related to the dispensing of pharmaceuticals;

3. Notwithstanding any statutory provisions to the contrary, 2021 Executive Order 2021-665, related to price gouging;

4. 2020 Executive Order 2020-220, related to health insurers waiving costs for COVID-19 screening, testing, and immunizations;

5. 2020 Executive Order 2020-265, related to retired first responders returning to work during an emergency;

6. 2020 Executive Order 2020-266, related to retired state employees returning to work during an emergency, except the provisions in paragraphs 8 and 9;

7. 2020 Executive Order 2020-277, related to temporary disability from occupational exposure to COVID-19, except the provisions in paragraph 3;

8. 2020 Executive Order 2020-243 to the extent that the order:
   a. Encourages social distancing among citizens; and
   b. Requires state agencies to:
      1. Encourage social distancing;
      2. Provide and conduct services by mail, Internet, phone, and/or video conferencing;
      3. Extend licenses, credentials, or certificates that require in-person appearances or education for renewal;
      4. Permit education and continuing education to be satisfied online;
5. Extend deadlines for statutory or regulatory reporting; and
6. Extend deadlines for payments of fees, taxes, and assessments, and waive late payment penalties incurred;

(9) Secretary of the Governor's Executive Cabinet Order, dated March 31, 2020, related to the suspension of statutes and administrative regulations that require advanced practice registered nurses to have collaborative agreements with physicians in order to prescribe legend drugs and controlled substances; and

(10) Secretary of the Governor's Executive Cabinet Order, dated April 24, 2020, related to the "practice of pharmacy" shall include initiating, ordering, and administering SARS-COV-2 testing.

Section 3. The General Assembly hereby approves, ratifies, modifies, and extends the following executive actions and administrative regulations issued by a cabinet, agency, or department in response to the SARS-COV-2 virus until January 15, 2022:

(1) Labor Cabinet Administrative Order 2020-001, dated April 10, 2020, related to the allowing of digital signatures;

(2) Cabinet for Health and Family Services Order, dated July 8, 2021, related to not requiring a clinician's order to administer, bill, or insure SARS-COV-2 testing and prohibiting cost-sharing;

(3) Education and Workforce Development Administrative Order 2020-02 paragraphs 5, 7, 9, and 10 only, related to unemployment insurance;

(4) Education and Workforce Development Administrative Order 2020-07, dated July 30, 2020, related to unemployment insurance clarification per federal law;

(5) Labor Cabinet Administrative Order 2021-02, dated May 24, 2021, related to permitting auto industry employers to file electronically for unemployment insurance benefits for employees with recall rights;

(6) Personnel Cabinet Memorandum No. 21-14, dated August 5, 2021, except that the annual leave shall be leave only and shall not be credited for compensation;


(9) The Department of Financial Institutions Guidance issued June 5, 2021, and any extension, but not including Section 2 of the Guidance;

(10) The Department of Financial Institutions Guidance, undated, related to waiving the requirement for physical signatures on U4 forms and updates on annual filings;

(11) 201 KAR 8:505E, Administration of COVID-19 immunizations;

(12) Energy and Environment Cabinet Emergency Bulletin to all solid waste management facilities from the secretary of the Energy and Environment Cabinet, dated March 26, 2020, related to the response to the request of the National Waste and Recycling Association dated March 24, 2020, asking that the Department for Environmental Protection consider granting relief or flexibility to certain administrative regulations concerning the handling, storage, and disposal of solid waste and recycling materials;

(13) Energy and Environment Cabinet Memorandum to Department of Environmental Protection staff from the secretary of the Energy and Environment Cabinet, dated March 26, 2020, related to the SARS-COV-2 state of emergency, method 9 visual opacity measurements, and asbestos certification/accreditation renewals;

(14) Energy and Environment Cabinet Memorandum to the staff of the Department of Environmental Protection, for dissemination, from the secretary of the Energy and Environment Cabinet, dated March 26, 2020, related to SARS-COV-2 state of emergency, waste water operators certification;

(15) Energy and Environment Cabinet Memorandum to Department of Natural Resources staff, for dissemination, from the secretary of the Energy and Environment Cabinet, dated May 4, 2020, related to the SARS-COV-2 state of emergency extension of miner training deadlines;

(16) Energy and Environment Cabinet and Public Service Commission Memorandum, dated July 31, 2020, related to the SARS-COV-2 state of emergency, requests for temporary flexibility relating to the specific instruction
program conducted by the Kentucky Public Service Commission for water district commissioners under KRS 74.020(8)(b); 

(17) Energy and Environment Cabinet Memorandum to Department of Environmental Protection staff, for dissemination, from the secretary of the Energy and Environment Cabinet, dated August 6, 2020, related to the SARS-COV-2 state of emergency, requests for temporary regulatory flexibility relating to the consideration of the use of enforcement discretion for regulated entities for issues of noncompliance caused by SARS-COV-2; 

(18) Energy and Environment Cabinet Memorandum to the Department for Natural Resources staff, for dissemination, from the secretary of the Energy and Environment Cabinet, dated January 25, 2021, related to the SARS-COV-2 state of emergency, temporary master logger designations and master logger designations; 

(19) Public Protection Cabinet Orders, dated March 31, 2020, and April 7, 2020, related to licensure and the temporary suspension of the building code for hospital overflow areas; 

(20) Kentucky Economic Development Finance Authority Resolution No. 2020-0730, dated July 30, 2020, related to the deferral of job and wage requirements per financial incentive programs; 

(21) Department of Insurance Order, dated March 18, 2020, related to telehealth remote communications and the prior relationship requirement; 

(22) Cabinet for Health and Family Services, Office of the Secretary Order, dated April 6, 2020, related to waiver CHFS approval for a waiver if state law requirements are more stringent than HHS 1135 blanket waivers; and 

(23) Labor Cabinet Administrative Order 2020-04, dated December 15, 2020, related to unemployment insurance reserve ratios for employers with 100 or less employees, but not including section 3 of the administrative order.

Section 4. The General Assembly hereby approves, ratifies, and extends the following administrative actions issued by boards, commissions, corporations, and authorities in response to the SARS-COV-2 virus until January 15, 2022:

(1) Board of Veterinary Examiners Order, dated April 16, 2020, to the extent that the order fulfills the objectives of subsection (8) of Section 2 of this Act; 

(2) Kentucky Applied Behavior Analysis Licensing Board Order, dated March 23, 2020, related to telehealth services; 

(3) Kentucky Board of Alcohol and Drug Counselors Order, dated April 2, 2020, related to licensure; 

(4) Kentucky Board of Licensed Diabetes Educators Order, dated July 21, 2020, related to social distancing and telework; 

(5) Kentucky Board of Licensure for Long-Term Care Administrators Orders, dated May 29, 2020, and March 26, 2021, related to continuing education and licensure; 

(6) Kentucky Board of Licensed Professional Counselors Order, dated April 2, 2020, related to distance counseling; 

(7) Kentucky Board of Licensure for Marriage and Family Therapists Order, dated March 31, 2020, related to telework; 

(8) Kentucky Board of Licensure for Occupational Therapy Order, dated March 24, 2020, related to telehealth; 

(9) Kentucky Board of Licensure for Private Investigators Order, dated June 10, 2020, related to licensure; 

(10) Kentucky Board of Examiners of Psychology Orders, dated March 25, 2020, June 8, 2020, and August 3, 2020, related to licensure, continuing education, and telehealth; 

(11) Kentucky Board of Speech-Language Pathology and Audiology Orders, dated March 25, 2020, and June 25, 2020, related to licensure and telehealth; 

(12) Kentucky Board of Interpreters for Deaf and Hard of Hearing Order, dated April 27, 2020, related to fees, licensure, and continuing education; 

(13) Kentucky Licensing Board for Specialists in Hearing Instruments Order, dated May 21, 2021, related to licensure and continuing education;
(14) Kentucky Board of Barbering Order, to the extent that the order fulfills the objectives of subsection (8) of Section 2 of this Act;

(15) Kentucky Board of Licensure for Massage Therapy Order, dated May 11, 2020, related to licensure;

(16) Board of Pharmacy Order, dated April 24, 2020, related to the suspension of administrative regulations which relate to in-person work;

(17) Bluegrass State Skills Corporation May 21, 2020, exemption to Guidelines 2020-2021;

(18) Board of Dentistry Order, dated April 17, 2020, to the extent that the order fulfills the objectives of subsection (8) of Section 2 of this Act;

(19) Board of Nursing Emergency Memoranda, dated March 5, 2021, August 26, 2020, April 17, 2020, and March 27, 2020, related to clinical education, APRN licensure, and temporary licensure;

(20) Board of Social Work Memorandum, dated March 30, 2020, related to licensure and out-of-state practitioners;

(21) Board of Licensure for Pastoral Counselors action, dated April 24, 2020, related to licensure;

(22) Board of Licensure for Dieticians and Nutritionists actions, dated March 30, 2020, March 25, 2020, and October 30, 2019, related to licensure, telehealth, and continuing education;

(23) Board of Durable Medical Equipment Suppliers action, dated May 19, 2020, related to suspension of license renewals;

(24) Board of Chiropractic Examiners actions, dated April 24, 2020, and May 15, 2020, related to SARS-COV-2 mitigation and continuing education;

(25) Kentucky Board of Podiatry actions, dated April 13, 2021, and July 28, 2020, related to a fee waiver;

(26) Board of Prosthetics, Orthotics, and Pedorthics action, dated May 26, 2020, related to telehealth and continuing education;

(27) Board of Respiratory Care undated action premised on the August 18, 2021, Cabinet for Health and Family Services directive, related to licensure;

(28) Board of Licensure for Professional Art Therapists action, dated May 13, 2020, related to licensure;

(29) Board of Emergency Medical Services:
   (a) 202 KAR 7:201, First responders;
   (b) 202 KAR 7:301, EMT;
   (c) 202 KAR 7:330, Requirements for examination, certification, and recertification of the advanced emergency medical technician;
   (d) 202 KAR 7:401, Paramedics;
   (e) 202 KAR 7:501, Ambulance agency licensure;
   (f) 202 KAR 7:510, Air ambulance services;
   (g) 202 KAR 7:540, EMS data collection, management, and compliance;
   (h) 202 KAR 7:545, License classifications;
   (i) 202 KAR 7:550, Required equipment and vehicle standards;
   (j) 202 KAR 7:555, Ground agencies;
   (k) 202 KAR 7:560, Ground vehicle staff;
   (l) 202 KAR 7:601, Training, education, and continuing education;
   (m) 202 KAR 7:701, Scope of practice matters; and
   (n) 202 KAR 7:801, Medical directors;

(30) Kentucky Real Estate Commission action, dated March 19, 2020, related to licensure;

(31) Kentucky Board of Home Inspectors action, dated August 18, 2020, related to licensure; and
Section 5. All executive orders, cabinet and agency orders, guidances, memoranda, directives, or actions identified herein shall be forwarded to the Secretary of State for posting prominently on the secretary’s Web site until the conclusion of the SARS-COV-2 emergency.

Section 6. Upon the expiration of an executive order, other directive, or administrative regulation declaring an emergency or other implementation of powers under KRS Chapter 39A, the Governor shall not declare a new emergency or continue to implement any of the powers under KRS Chapter 39A based upon the same or substantially similar facts and circumstances as the original declaration or implementation without the prior approval of the General Assembly.

Section 7. The state of emergency declared by the Governor in response to the flash flooding in Nicholas County, and in particular the City of Carlisle, on August 3, 2021, by Executive Order No. 2021-565 dated August 3, 2021, is extended an additional 30 days to ensure any necessary emergency services that may be required are provided to residents and businesses of Nicholas County and the City of Carlisle, as the Commonwealth’s request for federal assistance submitted to the President of the United States through the Federal Emergency Management Agency on August 19, 2021, remains under review.

Section 8. If any of the executive or administrative actions identified herein becomes necessary after January 15, 2022, the Governor, responsible cabinet, agency, or department shall promulgate an emergency administrative regulation according to KRS Chapter 13A. If any suspension of statutes is included in the executive or administrative actions identified herein, or in any executive or administrative action contemplated after January 15, 2021, prior approval of the Attorney General shall be obtained as required by KRS 39A.180.

Section 9. Nothing in this Resolution shall be interpreted to allow state agencies to remain closed for regular in-person business.

Section 10. It is not the intention of the General Assembly that this Resolution should impair or delay the ability of the Commonwealth to receive any federal stimulus or pandemic-related funds.

Section 11. Whereas, the General Assembly desires to ensure that the citizens of the Commonwealth are protected during the SARS-COV-2 pandemic, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor September 7, 2021.