

KENTUCKY

What is the definition of “telemedicine” or “telehealth”?

Updated links:

[KY. REV. STAT. ANN. § 205.510.](#)

[KY. REV. STAT. ANN. § 319.140.](#)

What is the definition of “telemental,” “telebehavioral,” and “telepsychiatry”?

Updated link: [201 KY. ADMIN. REGS. 26:310.](#)

PSYCHIATRISTS

What is the regulatory body in the state that governs the practice of psychiatry?

Updated link: [Kentucky Board of Medical Licensure](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [KY. REV. STAT. ANN. § 311.560\(1\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Updated link: [KY. REV. STAT. ANN. § 311.5975\(1\)\(a\).](#)

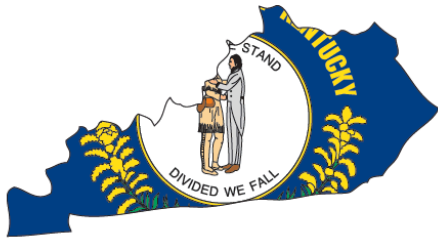
What are the acceptable modalities (e.g., telephone, video) for the practice of psychiatry via telemedicine/telehealth that meet the standard of care for the state?

Updated link: [KY. REV. STAT. ANN. § 304.17A-138\(1\)\(b\).](#)

PSYCHOLOGISTS

What are the restrictions on the scope of practice for psychologists practicing via telemedicine/telehealth?

Updated link: [210 KY. ADMIN. REGS. 26:310\(3\).](#)

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Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [210 KY. ADMIN. REGS. 26:310\(4\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Updated link: [KY. REV. STAT. ANN. § 319.140\(1\)\(a\).](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of psychology via telemedicine/telehealth that meet the standard of care for the state?

Updated link: [210 KY. ADMIN. REGS. 26:310.](#)

SOCIAL WORKERS

What is the regulatory body in the state that governs the practice of social work?

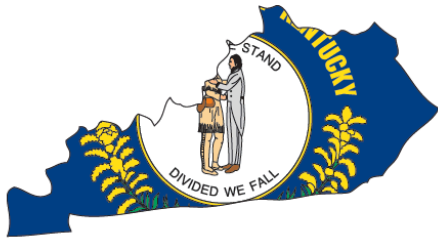
Updated link: [Kentucky Board of Social Work](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [KY. REV. STAT. ANN. § 335.030.](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Updated link: [KY. REV. STAT. ANN. § 335.158\(1\)\(a\).](#)



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What are the acceptable modalities (e.g., telephone, video) for the practice of social work via telemedicine/telehealth that meet the standard of care for the state?

A Kentucky statute pertaining to the practice of clinical social work defines “telehealth” as “the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.”

[KY. REV. STAT. ANN § 335.158\(3\).](#)

COUNSELORS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [KY. REV. STAT. ANN. § 335.505\(1\).](#)

MARRIAGE/FAMILY THERAPISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [KY. REV. STAT. ANN. § 335.305\(1\)\(a\).](#)

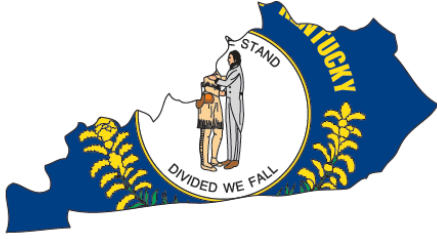
What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Updated link: [KY. REV. STAT. ANN. § 335.305\(1\)\(a\).](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of marriage/family therapy via telemedicine/telehealth that meet the standard of care for the state?

A Kentucky statute applicable to marriage and family therapists defines “telehealth” as “the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.”

[KY. REV. STAT. ANN. § 335.305\(1\)\(a\).](#)



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ADVANCED PRACTICE REGISTERED NURSES (APRNs)

What are the restrictions on the scope of practice for APRNs practicing via telemedicine/telehealth?

An APRN is “responsible for determining and documenting that telehealth is appropriate for the patient.”

[201 KY. ADMIN. REGS. 20:520 § 5\(1\).](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [KY. REV. STAT. ANN. § 314.031\(1\).](#)

An APRN “providing nursing services via telehealth to a person physically located in Kentucky shall be licensed by” the Board of Nursing or “hold a privilege to practice pursuant to [KY. REV. STAT. ANN. §] 314.470” (Kentucky Nursing Compact).

[201 KY. ADMIN. REGS. 20:520 § 2.](#)

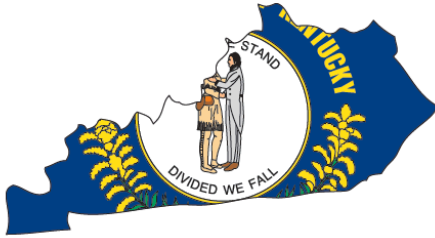
What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

“An [APRN] using telehealth to deliver nursing services shall, upon initial contact with the patient:

- (1) Make attempts to verify the identity of the patient;
- (2) Obtain alternative means of contacting the patient other than electronically such as by use of a telephone number or mailing address;
- (3) Provide to the patient alternative means of contacting the nurse other than electronically such as by use of a telephone number or mailing address; and
- (4) Provide contact methods of alternative communication the nurse shall use for emergency purposes such as an emergency on call telephone number.”

[201 KY. ADMIN. REGS. 20:520 § 4.](#)

An APRN must “[i]nform the patient and document acknowledgement of the risk and limitations of:



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- (a) The use of telehealth in the provision of nursing;
- (b) The potential breach of confidentiality, or inadvertent access, of protected health information using telehealth in the provision of nursing;
- (c) The potential disruption of electronic communication in the use of telehealth;
- (d) When and how the nurse will respond to routine electronic messages;
- (e) The circumstances in which the nurse will use alternative communications for emergency purposes;
- (f) Others who may have access to patient communications with the nurse;
- (g) How communications shall be directed to a specific nurse;
- (h) How the nurse stores electronic communications from the patient; and
- (i) Whether the nurse or patient may elect to discontinue the provision of services through telehealth.”

[201 KY. ADMIN. REGS. 20:520 § 5\(5\).](#)

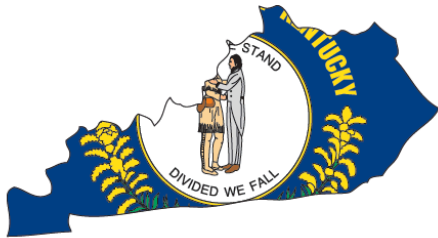
Does an APRN have prescribing authority? If so, under what conditions/limits may an APRN prescribe via telemedicine/telehealth?

Updated link: [KY. REV. STAT. ANN. § 314.195.](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of advance practice nursing via telemedicine/telehealth that meet the standard of care for the state?

An APRN must use secure telehealth technologies, including “encrypted text messages, via e-mail or secure Web sites,” when communicating with patients.

[201 KY. ADMIN. REGS. 20:520 § 5\(3\).](#)



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PRIVACY/CONFIDENTIALITY

Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?

Updated links:

[KY. REV. STAT. ANN. § 311.5975\(1\)\(b\).](#)

[KY. REV. STAT. ANN. § 319.140\(1\)\(b\).](#)

[201 KY. ADMIN. REGS. 26:310 § 3\(5\).](#)

[KY. REV. STAT. ANN. § 335.158\(1\)\(b\).](#)

[KY. REV. STAT. ANN. § 335.380\(1\)\(b\).](#)

[KY. REV. STAT. ANN. § 314.155\(1\)\(b\).](#)

An APRN must “[e]nsure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the nurse disposes of electronic equipment and data.”

[201 KY. ADMIN. REGS. 20:520.](#)

COVERAGE & REIMBURSEMENT

Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?

Updated link: [KY. REV. STAT. ANN. § 304.17A-138.](#)

Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria?

Updated links:

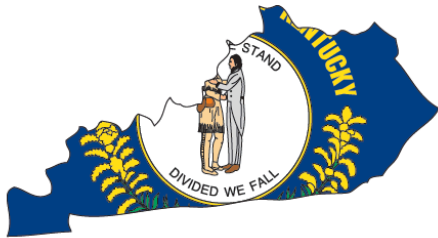
[KY. REV. STAT. ANN. § 205.559\(1\).](#)

[907 KY. ADMIN. REGS. 3:170 § 5\(1\)\(a\).](#)

CONTROLLED SUBSTANCES

How are “controlled substances” defined by the state?

Updated link: [KY. REV. STAT. ANN. § 218A.010\(6\).](#)

**KENTUCKY****What are the requirements/laws governing the prescribing of “controlled” substances?”**

In April 2017, the General Assembly of the Commonwealth of Kentucky enacted House Bill No. 333, which states the following:

Except when dispensed directly by a practitioner to an ultimate user, no methamphetamine or controlled substance listed in Schedule II may be dispensed without the written, facsimile, or electronic, or oral prescription of a practitioner. A prescription for a controlled substance listed in Schedule II may be dispensed by a facsimile prescription only as specified in administrative regulations promulgated by the cabinet. A prescription for a controlled substance listed in Schedule II may be dispensed by oral prescription only for immediate administration to a patient enrolled in a hospice program or a resident in a long-term care facility, as defined in KRS 216.535, excluding a family care home or personal care home, and the practitioner determines that immediate administration is necessary, no appropriate alternative treatment is available, and it is not reasonably possible for the prescriber to provide a written prescription. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.

[Kentucky House Bill No. 333](#) (to be codified at [KY. REV. STAT. ANN. § 218A.180](#)).