



KENTUCKY LABOR CABINET
Department of Workers' Claims

Mayo-Underwood Building
500 Mero Street, 3rd Floor
Frankfort, KY 40601
Telephone: (502) 564-5550

Andy Beshear
Governor

Jacqueline Coleman
Lieutenant Governor

Larry L. Roberts
Secretary

Robert L. Swisher
Commissioner

TO: Kentucky Workers' Compensation Stakeholders

FROM: Robert L. Swisher, Commissioner

DATE: June 24, 2020

RE: Effective date of Medical Treatment Guidelines

Administrative Order 2020-002

On March 6, 2020, Governor Andy Beshear issued Executive Order 2020-215 and declared a state of emergency in the Commonwealth of Kentucky in response to the Coronavirus (COVID-19) pandemic.

On June 2, 2020, 803 KAR 25:260, an administrative regulation adopting and implementing medical treatment guidelines for use by medical providers under KRS Chapter 342, became final. The regulation was promulgated prior to the Governor's declaration of a state of emergency. Section (5) of that regulation provides that the treatment guidelines apply to all treatment administered on and after September 1, 2020.

Pursuant to Senate Bill 150 (2020), Section 1(1)(b), administrative agencies are authorized to waive or suspend administrative obligations required to engage in a business regulated by that administrative body as a result of the state of emergency declared in response to the COVID-19 pandemic. Through the promulgation of 803 KAR 25:260, the Department of Workers' Claims (Department) regulates the provision of treatment to injured workers by medical providers.

The Coronavirus (COVID-19) pandemic has significantly affected the operation of medical offices and the provision of medical treatment to injured workers as well as to the general public. As medical offices reopen, it is reasonably anticipated that providers will experience significant and increased requests from patients for clinical appointments and consultation.

Increased demands upon the time of medical providers will decrease the opportunity of those providers to participate in training with respect to the newly adopted workers' compensation medical treatment guidelines and the regulatory process implementing those guidelines prior to September 1, 2020. Likewise, operational demands on the staff of the Department during the state of emergency impair the ability of the Department to prepare and conduct that training prior to September 1, 2020. The Department concludes that a temporary suspension of the effective date of the treatment guidelines is in the best interest of workers' compensation stakeholders in the Commonwealth of Kentucky.

Accordingly, it is hereby ORDERED as follows:

1. The September 1, 2020 effective date of medical treatment guidelines adopted in 803 KAR 25:260 is suspended until January 1, 2021. The medical treatment guidelines shall apply to all treatment administered on and after January 1, 2021.

2. This Order shall be in effect until it is rescinded by further order or operation of law.



Robert L. Swisher
Commissioner