



KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Andy Beshear
Governor

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Kerry B. Harvey
Cabinet Secretary

MEMORANDUM FOR IMMEDIATE RELEASE

TO: All Licensees and Applicants for Licensure
FROM: Kentucky Board of Speech-Language Pathology and Audiology
RE: Executive Order 2020-243
DATE: March 25, 2020

On March 6, 2020, Governor Andy Beshear declared by Executive Order 2020-215 that a State of Emergency of the public health exists in the Commonwealth of Kentucky. On March 18, 2020, Governor Andy Beshear issued Executive Order 2020-243. This Executive Order encourages all citizens of the Commonwealth to take all feasible measures to engage in appropriate social distancing to prevent the spread of COVID-19, in accordance with guidance from the Center for Disease Control and Prevention and the Kentucky Department of Public Health. EO 2020-243 orders all boards to take actions necessary to ensure appropriate social distancing and states that any state statute or regulation that conflicts with the provisions of EO 2020-243 is suspended. These executive orders have a direct implication on the Board of Speech-Language Pathology and Audiology's regulation on telehealth services, 201 KAR 17:110. Please note that these changes are only in place during the State of Emergency announced in EO 2020-215 and will expire when EO 2020-215 is rescinded.

Pursuant to EO 2020-215 and EO 2020-243, the Board is clarifying that the following provisions are suspended during the State of Emergency contained in Executive Order 2020-215 as related to COVID-19:

1. 201 KAR 17:110, Section 2. Client Requirements: Under Section (2), the provision that a practitioner-patient relationship shall not commence via telehealth is suspended. During the State of

Emergency contained in Executive Order 2020-215, speech-language pathologists and audiologists **may** commence relationships with patients via telehealth. No initial in-person consultation is required.

2. 201 KAR 17:110, Section 2. Client Requirements: Since licensees are no longer required to conduct the initial, in-person meeting, the requirements of the initial, in-person meeting with the client found in Section 2(1) through Section 2(5), are suspended.
3. 201 KAR 17:110, Section 3(3): During the State of Emergency, the Department of Health and Human Services has agreed to waive potential HIPAA violations for telehealth services provided on platforms that are not HIPAA compliant. Therefore, the requirement that licensees utilizing telehealth and telepractice must utilize “authentication and encryption technology” is suspended.

Licensees engaging in telehealth or telepractice should be aware that they must: “Limit the telepractice to the licensee’s scope of practice,” “Maintain continuing competency or associate with a group who has experience in telehealth deliver of care;” “Limit access to that information to only those necessary for the provision of services or those required by law; and” “Ensure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the licensee disposes of electronic equipment and data.” 201 KAR 17:110, Section 3(1),(2),(4), and (5).

Should you have any questions please contact the Board Administrator, Megan Norton, at SLPA@ky.gov.

Sincerely



Christina LaCharite
Board Chair
Dated: March 25, 2020