

Kentucky Cabinet Refines Instructions to Kentucky Outpatient Rehabilitation Facilities and Skilled Rehabilitation Professionals During COVID-19 Emergency

By Victoria Fuller and Lindsay Scott

On March 20, 2020, the Cabinet for Health and Family Services ordered the temporary closure of all Kentucky outpatient rehabilitation centers as part of the Commonwealth's efforts to help prevent and slow down the spread of COVID-19, instructing outpatient rehabilitative providers to instead transition to telehealth platforms and drastically limit the delivery of in-home rehabilitative services to only those deemed medically necessary to prevent facility readmissions or to prevent permanent loss of function.

On March 24, the Cabinet amended its [Rehab Services Guidance](#) of its earlier order for rehab providers, permitting outpatient, in-person treatment (in facilities and homes) for those patients with emergent and urgent conditions, according to these standards:

- 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;
- 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; and
- 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.

The Cabinet offered several examples of emergent and urgent conditions requiring in-person treatment, including acute orthopedic surgical recovery, recovery from acute neurologic injury, and any condition that “without the immediate use of therapeutic modalities would result in permanent and complete loss of function.” Skilled rehab professionals are expected to exercise their best clinical judgment in making these determinations and utilize all reasonable and necessary precautions to reduce exposure and potential spread of COVID-19 in in-person encounters. Outpatient facilities providing urgent and emergent care are advised to reduce staff and allow only one patient at a time in the facility with no accompanying visitors.

Skilled rehabilitation professionals are strongly encouraged to deliver non-urgent services to their patients via telehealth technologies wherever possible. The Kentucky Department for Medicaid Services guidance on telehealth can be found [here](#). The Cabinet's March 24 order to all Kentucky health care providers to cease all “non-emergent, non-urgent in-person” services and procedures can be found [here](#).

Wyatt, Tarrant & Combs, LLP will continue to monitor these developments on behalf of Kentucky's health care providers. If you have any questions, please contact Lindsay Scott at lscott@wyattfirm.com.

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