

### **304.40-260 Definitions.**

As used in KRS 304.40-250 to 304.40-320, the following words and terms shall be defined as follows:

- (1) "Health care provider" means any physician, osteopath, dentist, podiatrist, nurse or nurse's assistant, certified registered nurse anesthetist, physical or occupational therapist, or psychologist, licensed to practice health care in this state; any hospital, medical clinic, medical foundation, health maintenance organization, extended care facility, intermediate care facility, nursing home, emergency treatment center, outpatient medical or surgical center, frontier nursing service, or any other facility or service licensed under any act of this state to provide health care within this state; or any officer, director, employer agent thereof; and any corporation, partnership or sole proprietorship which directly provides medical services to its employees;
- (2) "Commissioner" means the commissioner of the Department of Insurance;
- (3) "Patient" means a natural person who receives health care from a licensed health care provider under a contract, express or implied;
- (4) "Claimant" means the patient or spouse, parent, guardian, trustee, or other authorized agent of the patient;
- (5) "Tort" means any legal wrong, breach of duty, or negligent or unlawful act or omission proximately causing injury or damage to another;
- (6) "Malpractice" means any tort or breach of contract based on health care or professional services rendered, or which should have been rendered, by a health care provider to the patient;
- (7) "Health care" means any act, or treatment performed or furnished, or which should have been performed or furnished, by any health care provider to a patient during that patient's care, treatment, or confinement for a physical or mental condition; and
- (8) "Malpractice insurer" means any insurance authority or any insurance company properly engaged in the practice of writing malpractice liability insurance under authority of the commissioner of insurance.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1546, effective July 15, 2010. -- Amended 1984 Ky. Acts ch. 322, sec. 18, effective July 13, 1984. -- Created 1976 Ky. Acts ch. 163, sec. 2, effective July 1, 1976.