

**304.17B-005 Creation of Kentucky Access -- Appointment of division director
-- Purpose -- Liabilities.**

- (1) There is hereby created Kentucky Access, which shall ensure that health coverage is made available to each Kentucky individual resident applying and qualifying for coverage. Any health coverage provided under this section shall begin no sooner than January 1, 2001. Kentucky Access is designed for the purpose of implementing an acceptable alternative mechanism within the meaning of 42 U.S.C. sec. 300gg-44(a)(1) so that Kentucky may preserve the flexibility over the regulation of health coverage allowed by federal law.
- (2) Kentucky Access shall operate under the Division of Kentucky Access in the Department of Insurance. The division shall be headed by a division director appointed by the secretary of the Public Protection Cabinet in accordance with KRS 12.050.
- (3) Neither the department nor its employees shall be liable for any obligations of Kentucky Access. No member or employee of the department shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under KRS 304.17B-001 to 304.17B-031, unless such act or omission constitutes willful or wanton misconduct. The department may provide in its policies and procedures for indemnification of, and legal representation for, its members and employees.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1275, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 33, sec. 1, effective June 21, 2001. -- Created 2000 Ky. Acts ch. 476, sec. 3, effective July 14, 2000.