

## **216C.010 Definitions for chapter.**

As used in this chapter unless the context otherwise requires:

- (1) "Cabinet" means the Cabinet for Health and Family Services;
- (2) "Dependent claim" means any claim against an entity or person that owns, controls, or manages any part of the operations of a health care provider, and which arises out of or relates in any way, in whole or in part, to a claim of malpractice or a malpractice-related claim;
- (3) "Health care" means an act or treatment performed or furnished or that should have been performed or furnished by a health care provider for, to, or on behalf of a patient;
- (4) "Health care provider" means any health facility as defined in KRS 216B.015, or a provider, including natural persons, of health care or health services, including but not limited to those licensed, certified, registered under, or subject to KRS 194A.700 to 194A.729 or KRS Chapter 310, 311, 311A, 311B, 312, 313, 314, 314A, 315, 319, 319A, 320, 327, 333, 334A, or 335 and the current and former officers, directors, administrators, agents, or employees of any such persons or entities acting within the course and scope of their office, employment, or agency;
- (5) "Malpractice" means a tort based on or arising out of health care or professional services that were provided, or that should have been provided, by a health care provider to a patient;
- (6) "Malpractice-related claim" means a claim for a tort or a violation of a statute, administrative regulation, right, or rule based on or arising out of health care or professional services that were provided, or that should have been provided, by a health care provider to a patient;
- (7) "Patient" means an individual who receives or should have received health care from a health care provider under a contract, express or implied, and includes a person having a claim of any kind, whether derivative or otherwise, related to alleged malpractice on the part of a health care provider. Derivative claims include the claim of a spouse, parent, guardian, trustee, child, relative, heir, beneficiary, estate of the patient, representative of the patient's estate, attorney, or any other representative of the patient, including claims for loss of services, wrongful death, loss of consortium, expenses, and other similar claims; and
- (8) "Tort" means a legal wrong, breach of duty, or negligent or unlawful act or omission proximately causing injury or damage to another.

**Effective:** June 29, 2017

**History:** Created 2017 Ky. Acts ch. 22, sec. 2, effective June 29, 2017.