

HOUSE BILL No. 2477

By Committee on Judiciary

1-12

1 AN ACT concerning governmental response to COVID-19; relating to
2 health and healthcare; renewing provisions of law authorizing
3 expanded practice by certain healthcare professionals; providing for
4 exceptions thereto; suspending certain licensure and other requirements
5 for adult care homes; ***extending the authority of the state board of***
6 ***healing arts to issue temporary emergency licenses; limiting the***
7 ***professions for which such licenses may be issued;*** amending K.S.A.
8 2021 Supp. ***48-965 and 48-966*** and repealing the existing ~~section~~
9 ***sections.***

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) Notwithstanding any provision of law to the
13 contrary, the Kansas department for aging and disability services shall
14 extend through the expiration of this section any renewal deadline for any
15 occupational or professional license, certificate or registration issued by
16 the Kansas department for aging and disability services.

17 (b) Notwithstanding any provision of law to the contrary, the Kansas
18 department for aging and disability services may issue a temporary license,
19 certification or registration to any person who was previously licensed,
20 certified or registered by the Kansas department for aging and disability
21 services, if:

22 (1) Such person was in good standing prior to the lapse of such
23 license, certification or registration. As used in this paragraph, "in good
24 standing" includes the possession of a license, certificate or registration
25 that is subject to probation or non-disciplinary conditions, limitations or
26 restrictions, but does not include a license, certificate or registration that is
27 revoked, canceled or surrendered. If the records of the Kansas department
28 for aging and disability services reflect that an individual has a prohibiting
29 offense, such license, certificate or registration shall not be considered "in
30 good standing." Any license, certificate or registration that is subject to
31 disciplinary conditions, limitations or restrictions shall remain subject to
32 such conditions, limitations or restrictions; and

33 (2) such license, certificate or registration was issued on or after
34 January 6, 2017.

1 (c) Notwithstanding any provision of law to the contrary, the Kansas
2 department for aging and disability services shall extend through the
3 expiration of this section any deadline for continuing education
4 requirements mandated by the Kansas Statutes Annotated, and
5 amendments thereto, or any rule and regulation.

6 (d) Notwithstanding any provision of law to the contrary, the Kansas
7 department for aging and disability services shall waive any late fee
8 associated with any license, certificate or registration extended or issued
9 under subsection (a) or (b).

10 (e) A temporary aide authorization may be issued for any person who
11 receives minimum training within a nursing facility, as set forth by the
12 Kansas department for aging and disability services. At a minimum, such
13 facility shall ensure that any person with a temporary aide authorization is
14 competent to perform and execute the duties of such position, including,
15 but not limited to: Infection control; proper patient handling; and how to
16 effectively assist with the performance of activities of daily living.

17 (f) A temporary authorization may be issued for a person who was
18 not previously licensed, certified or registered by the state of Kansas or
19 any other state. Individuals who may be served by a person holding such
20 temporary authorization shall only include individuals who require
21 minimal supervision or assistance with activities of daily living. A nursing
22 facility shall ensure that any person with a temporary authorization is
23 competent to perform and execute the duties of such position, including,
24 but not limited to: Infection control; proper patient handling; and how to
25 effectively assist with the performance of activities of daily living.

26 (g) (1) Notwithstanding any provision of law to the contrary, the
27 secretary for aging and disability services may issue a provisional license
28 pursuant to K.S.A. 39-929, and amendments thereto, to an adult care home
29 that submits a checklist, on a form approved by the secretary, and a
30 detailed plan for isolation and cohorting of residents in response to the
31 COVID-19 pandemic. In approving such checklist and plan, the secretary
32 may temporarily suspend standards, requirements and rules and
33 regulations related to the physical environment, a change in bed capacity
34 or a change in bed classification for such adult care home. Notwithstanding
35 the provisions of K.S.A. 39-929, and amendments
36 thereto, the secretary may issue a provisional license under this subsection
37 without approval by the state fire marshal, if the secretary approves the
38 adult care home's checklist and plan. A provisional license issued pursuant
39 to this subsection shall remain valid through the expiration of this section.

40 (2) For any provisional license issued under K.S.A. 39-929, and
41 amendments thereto, for reasons other than the isolation and cohorting of
42 residents in response to the COVID-19 pandemic, all requirements of
43 K.S.A. 39-929, and amendments thereto, shall remain in force and effect.

1 (h) As used in this section:

2 (1) "Adult care home" means the same as defined in K.S.A. 39-923,
3 and amendments thereto.

4 (2) "Kansas department for aging and disability services" includes:

5 (A) The Kansas department for aging and disability services;

6 (B) any board, commission or other licensing authority under the
7 jurisdiction of the Kansas department for aging and disability services; and

8 (C) the board of adult care home administrators established pursuant
9 to K.S.A. 65-3506, and amendments thereto.

10 (i) The provisions of this section shall expire on ~~May 15, 2022~~
11 **January 20, 2023.**

12 **Sec. 2. K.S.A. 2021 Supp. 48-965 is hereby amended to read as**
13 **follows: 48-965. (a) Notwithstanding any statute to the contrary, the**
14 **state board of healing arts may grant a temporary emergency license to**
15 **practice any profession licensed, certified, registered or regulated by the**
16 **board to an applicant with qualifications the board deems sufficient to**
17 **protect public safety and welfare within the scope of professional**
18 **practice authorized by the temporary emergency license for the purpose**
19 **of preparing for, responding to or mitigating any effect of COVID-19.**

20 **(b) Notwithstanding any statute to the contrary, an applicant may**
21 **practice in Kansas pursuant to a temporary emergency license upon**
22 **submission of a non-resident healthcare provider certification form to**
23 **the Kansas healthcare stabilization fund and without paying the**
24 **surcharge required by K.S.A. 40-3404, and amendments thereto.**

25 **(c) No temporary emergency license shall be issued to practice a**
26 **profession unless such profession is required by law to be licensed,**
27 **certified or registered in the state of Kansas.**

28 **(d) This section shall expire on ~~March 31, 2022~~ January 20, 2023.**

29 **Sec. ~~2~~ 3. K.S.A. 2021 Supp. 48-966 is hereby amended to read as**
30 **follows: 48-966. (a) Notwithstanding the provisions of K.S.A. 65-28a08**
31 **and 65-28a09, and amendments thereto, or any other statute to the**
32 **contrary, a licensed physician assistant may provide healthcare services**
33 **appropriate to such physician assistant's education, training and experience**
34 **within a designated healthcare facility at which the physician assistant is**
35 **employed or contracted to work as necessary to support the facility's**
36 **response to the COVID-19 pandemic without a written agreement with a**
37 **supervising physician. Such physician assistant shall not be liable in any**
38 **criminal prosecution, civil action or administrative proceeding arising out**
39 **of such physician assistant's lack of written agreement with a supervising**
40 **physician.**

41 **(b) Notwithstanding the provisions of K.S.A. 65-1130, and**
42 **amendments thereto, or any other statute to the contrary, a licensed**
43 **advanced practice registered nurse may provide healthcare services**

1 appropriate to such advanced practice registered nurse's education, training
2 and experience within a designated healthcare facility at which the
3 advanced practice registered nurse is employed or contracted to work as
4 necessary to support the facility's response to the COVID-19 pandemic
5 without direction and supervision from a responsible physician. Such
6 advanced practice registered nurse shall not be liable in any criminal
7 prosecution, civil action or administrative proceeding arising out of such
8 advanced practice registered nurse's lack of direction and supervision from
9 a responsible physician.

10 (c) Notwithstanding the provisions of K.S.A. 65-1158, and
11 amendments thereto, or any other statute to the contrary, a registered nurse
12 anesthetist may provide healthcare services appropriate to such registered
13 nurse anesthetist's education, training and experience within a designated
14 healthcare facility at which the registered nurse anesthetist is employed or
15 contracted to work as necessary to support the facility's response to the
16 COVID-19 pandemic without direction and supervision from a physician.
17 Such registered nurse anesthetist shall not be liable in any criminal
18 prosecution, civil action or administrative proceeding arising out of such
19 registered nurse anesthetist's lack of direction and supervision from a
20 physician.

21 (d) Notwithstanding the provisions of K.S.A. 65-1113, and
22 amendments thereto, or any other statute to the contrary:

23 (1) A registered professional nurse or licensed practical nurse may
24 order the collection of throat or nasopharyngeal swab specimens from
25 individuals suspected of being infected by COVID-19 for purposes of
26 testing; and

27 (2) a licensed practical nurse may provide healthcare services
28 appropriate to such licensed practical nurse's education, training and
29 experience within a designated healthcare facility at which the licensed
30 practical nurse is employed or contracted to work as necessary to support
31 the facility's response to the COVID-19 pandemic without direction from a
32 registered professional nurse. Such licensed practical nurse shall not be
33 liable in any criminal prosecution, civil action or administrative
34 proceeding arising out of such licensed practical nurse's lack of
35 supervision from a registered professional nurse.

36 (e) Notwithstanding the provisions of K.S.A. 65-1626a, and
37 amendments thereto, or any other statute to the contrary, a licensed
38 pharmacist may provide care for routine health maintenance, chronic
39 disease states or similar conditions appropriate to such pharmacist's
40 education, training and experience within a designated healthcare facility
41 at which the pharmacist is employed or contracted to work as necessary to
42 support the facility's response to the COVID-19 pandemic without a
43 collaborative practice agreement with a physician. Such pharmacist shall

1 not be liable in any criminal prosecution, civil action or administrative
2 proceeding arising out of such pharmacist's lack of collaborative practice
3 agreement with a physician.

4 (f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and
5 65-1117, and amendments thereto, or any other statute to the contrary, a
6 registered professional nurse or licensed practical nurse who holds a
7 license that is exempt or inactive or whose license has lapsed within the
8 past five years from the effective date of this act may provide healthcare
9 services appropriate to the nurse's education, training and experience. Such
10 registered professional nurse or licensed practical nurse shall not be liable
11 in any criminal prosecution, civil action or administrative proceeding
12 arising out of such nurse's exempt, inactive or lapsed license.

13 (g) Notwithstanding any other provision of law to the contrary, a
14 designated healthcare facility may, as necessary to support the facility's
15 response to the COVID-19 pandemic:

16 (1) Allow a student who is enrolled in a program to become a
17 licensed, registered or certified healthcare professional to volunteer ~~for~~ to
18 work within such facility in roles that are appropriate to such student's
19 education, training and experience;

20 (2) allow a licensed, registered or certified healthcare professional or
21 emergency medical personnel who is serving in the military in any duty
22 status to volunteer or work within such facility in roles that are appropriate
23 to such military service member's education, training and experience; and

24 (3) allow a medical student, physical therapist or emergency medical
25 services provider to volunteer or work within such facility as a respiratory
26 therapist extender under the supervision of a physician, respiratory
27 therapist or advanced practice registered nurse. Such respiratory therapist
28 extender may assist respiratory therapists and other healthcare
29 professionals in the operation of ventilators and related devices and may
30 provide other healthcare services appropriate to such respiratory therapist
31 extender's education, training and experience, as determined by the facility
32 in consultation with such facility's medical leadership.

33 (h) Notwithstanding any statute to the contrary, a healthcare
34 professional licensed and in good standing in another state may practice
35 such profession in the state of Kansas ***for the purpose of preparing for,
36 responding to or mitigating any effect of COVID-19.*** For purposes of this
37 subsection, a license that has been suspended or revoked or a licensee that
38 is subject to pending license-related disciplinary action shall not be
39 considered to be in good standing. Any license that is subject to limitation
40 in another state shall be subject to the same limitation in the state of
41 Kansas. Such healthcare professional shall not be liable in any criminal
42 prosecution, civil action or administrative proceeding arising out of such
43 healthcare professional's lack of licensure in the state of Kansas. *Nothing*

1 in this subsection shall be construed to:

2 ~~(1) authorize a healthcare professional to practice a profession that~~
3 ~~is not authorized by law in the state of Kansas; or~~

4 ~~(2) supersede, affect or waive the jurisdictional authority of any~~
5 ~~regulatory body over healthcare professionals practicing pursuant to and~~
6 ~~consistent with this subsection.~~ **Within seven calendar days of initiating**

7 **practice in Kansas, such healthcare professional shall notify the**
8 **appropriate regulatory body in Kansas that such professional is**
9 **practicing in Kansas pursuant to this subsection by submitting**
10 **information on a form and in a manner prescribed by such regulatory**
11 **body. Any healthcare professional practicing in Kansas pursuant to this**
12 **subsection shall be:**

13 **(1) Subject to all rules and regulations applicable to the practice of**
14 **the licensed profession in this state; and**

15 **(2) considered a licensee for the purposes of the applicable**
16 **professional practice act administered by the applicable regulatory body.**

17 (i) Notwithstanding any statute to the contrary, a designated
18 healthcare facility may use a qualified volunteer or qualified personnel
19 affiliated with any other designated healthcare facility as if such volunteer
20 or personnel was affiliated with the facility using such volunteer or
21 personnel, subject to any terms and conditions established by the secretary
22 of health and environment.

23 (j) Notwithstanding any statute to the contrary, a healthcare
24 professional may be licensed, certified or registered or may have such
25 license, certification or registration reinstated within five years of lapse or
26 renewed by the applicable licensing agency of the state of Kansas without
27 satisfying the following conditions of licensure, certification or
28 registration:

29 (1) An examination, if such examination's administration has been
30 canceled while the state of disaster emergency proclamation issued by the
31 governor in response to the COVID-19 pandemic is in effect **{this section**
32 **is in force and effect}**;

33 (2) fingerprinting; **and**

34 (3) continuing education; ~~and~~

35 ~~(4) payment of a fee.~~

36 (k) Notwithstanding any statute to the contrary, a professional
37 certification in basic life support, advanced cardiac life support or first aid
38 shall remain valid if such professional certification is due to expire or be
39 canceled while the state of disaster emergency proclamation issued by the
40 governor in response to the COVID-19 pandemic is in effect **{this section**
41 **is in force and effect}**.

42 (l) Notwithstanding any statute to the contrary, fingerprinting of any
43 individual shall not be required as a condition of licensure and certification

1 for any hospital, as defined in K.S.A. 65-425, and amendments thereto,
2 adult care home, county medical care facility or psychiatric hospital.

3 (m) As used in this section:

4 (1) "Appropriate to such professional's education, training and
5 experience," or words of like effect, shall be determined by the designated
6 healthcare facility in consultation with such facility's medical leadership;
7 and

8 (2) "designated healthcare facility" means:

9 (A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;

10 (B) state-owned surgical centers;

11 (C) state-operated hospitals and veterans facilities;

12 (D) entities used as surge capacity by any entity described in
13 subparagraphs (A) through (C);

14 (E) adult care homes; and

15 (F) any other location specifically designated by the governor or the
16 secretary of health and environment to exclusively treat patients for
17 COVID-19.

18 (n) *(1) Notwithstanding the prior expiration of this section on March*
19 *31, 2021, the provisions of this section shall be in force and effect on and*
20 *after the effective date of this act through May 15, 2022.*

21 *(2) The provisions of this section shall expire on ~~March 31, 2021~~*
22 *~~May 15, 2022~~ January 20, 2023.*

23 ~~Sec. 3.~~ 4. K.S.A. 2021 Supp. **48-965 and 48-966** ~~is~~ **are** hereby
24 repealed.

25 Sec. ~~4~~ 5. This act shall take effect and be in force from and after its
26 publication in the Kansas register.