

HOUSE BILL No. 2477

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

Be it enacted by the Legislature of the State of Kansas:

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

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

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

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

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

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

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

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

(g) (1) Notwithstanding any provision of law to the contrary, the secretary for aging and disability services may issue a provisional license pursuant to K.S.A. 39-929, and amendments thereto, to an adult care home that submits a checklist, on a form approved by the secretary, and a detailed plan for isolation and cohorting of residents in

response to the COVID-19 pandemic. In approving such checklist and plan, the secretary may temporarily suspend standards, requirements and rules and regulations related to the physical environment, a change in bed capacity or a change in bed classification for such adult care home. Notwithstanding the provisions of K.S.A. 39-929, and amendments thereto, the secretary may issue a provisional license under this subsection without approval by the state fire marshal, if the secretary approves the adult care home's checklist and plan. A provisional license issued pursuant to this subsection shall remain valid through the expiration of this section.

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

(h) As used in this section:

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

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

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

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

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

(i) The provisions of this section shall expire on January 20, 2023.

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

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

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

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

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

(b) Notwithstanding the provisions of K.S.A. 65-1130, and amendments thereto, or any other statute to the contrary, a licensed advanced practice registered nurse may provide healthcare services appropriate to such advanced practice registered nurse's education, training and experience within a designated healthcare facility at which the advanced practice registered nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a responsible

physician. Such advanced practice registered nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such advanced practice registered nurse's lack of direction and supervision from a responsible physician.

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

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

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

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

(e) Notwithstanding the provisions of K.S.A. 65-1626a, and amendments thereto, or any other statute to the contrary, a licensed pharmacist may provide care for routine health maintenance, chronic disease states or similar conditions appropriate to such pharmacist's education, training and experience within a designated healthcare facility at which the pharmacist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without a collaborative practice agreement with a physician. Such pharmacist shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such pharmacist's lack of collaborative practice agreement with a physician.

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

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

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

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

(3) allow a medical student, physical therapist or emergency

medical services provider to volunteer or work within such facility as a respiratory therapist extender under the supervision of a physician, respiratory therapist or advanced practice registered nurse. Such respiratory therapist extender may assist respiratory therapists and other healthcare professionals in the operation of ventilators and related devices and may provide other healthcare services appropriate to such respiratory therapist extender's education, training and experience, as determined by the facility in consultation with such facility's medical leadership.

(h) Notwithstanding any statute to the contrary, a healthcare professional licensed and in good standing in another state may practice such profession in the state of Kansas *for the purpose of preparing for, responding to or mitigating any effect of COVID-19*. For purposes of this subsection, a license that has been suspended or revoked or a licensee that is subject to pending license-related disciplinary action shall not be considered to be in good standing. Any license that is subject to limitation in another state shall be subject to the same limitation in the state of Kansas. Such healthcare professional shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such healthcare professional's lack of licensure in the state of Kansas. *Nothing in this subsection shall be construed to authorize a healthcare professional to practice a profession that is not authorized by law in the state of Kansas. Within seven calendar days of initiating practice in Kansas, such healthcare professional shall notify the appropriate regulatory body in Kansas that such professional is practicing in Kansas pursuant to this subsection by submitting information on a form and in a manner prescribed by such regulatory body. Any healthcare professional practicing in Kansas pursuant to this subsection shall be:*

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

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

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

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

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

(2) ~~fingerprinting; and~~

(3) ~~continuing education; and~~

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

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

(l) Notwithstanding any statute to the contrary, fingerprinting of any individual shall not be required as a condition of licensure and certification for any hospital, as defined in K.S.A. 65-425, and amendments thereto, adult care home, county medical care facility or psychiatric hospital.

(m) As used in this section:

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

(2) "designated healthcare facility" means:

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

(B) state-owned surgical centers;

(C) state-operated hospitals and veterans facilities;

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

(E) adult care homes; and

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

(n) (1) *Notwithstanding the prior expiration of this section on March 31, 2021, the provisions of this section shall be in force and effect on and after the effective date of this act through January 20, 2023.*

(2) The provisions of this section shall expire on ~~March 31, 2021~~ January 20, 2023.

Sec. 4. K.S.A. 2021 Supp. 48-965 and 48-966 are hereby repealed.

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

I hereby certify that the above BILL originated in the House,
and passed that body

HOUSE concurred in

SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.