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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 14, 2022
Subject: Bill Brief on HB 2652

HB 2652 continues the governmental response to the COVID-19 pandemic by extending the expanded use of telemedicine, the authority of the board of healing arts to grant certain temporary emergency licenses, the suspension of certain requirements related to medical care facilities and immunity from civil liability for certain healthcare providers, certain persons conducting business in this state and covered facilities for COVID-19 claims until January 20, 2023.

Section 1 amends K.S.A. 48-963, which is the telemedicine statute. Current law provides that this section will expire on March 31, 2022. This bill would extend that expiration to January 20, 2023.

Section 2 amends K.S.A. 48-964, which is the statute that allows a hospital to admit patients in excess of the number of beds if it is necessary to treat COVID-19 patients and to separate such patients from non-COVID-19 patients. Current law provides that this section will expire on March 31, 2022. This bill would extend that expiration to January 20, 2023.

Section 3 amends K.S.A. 48-965, which is the statute that allows the board of healing arts to grant temporary emergency licenses. This section was already amended in HB 2477 to move the expiration date from March 31, 2022, to January 20, 2023. If this bill is worked, this section should be removed from the bill if no other changes are made to the section.

Section 4 amends K.S.A. 60-5503, which is the statute that provides immunity from liability for healthcare providers related to the COVID-19 pandemic. Current law provides that this section applies to claims for damages or liability that arise out of or relate to acts, omissions or healthcare decisions occurring between March 12, 2020, and March 31, 2022. This bill would

cover claims for acts, omissions or healthcare decisions occurring between March 12, 2020, and January 20, 2023.

Section 5 amends K.S.A. 60-5504, which is the statute that provides people conducting business in the state with immunity from civil liability for COVID-19 claims. Current law provides that this section will expire on March 31, 2022. This bill would extend that expiration to January 20, 2023.

Section 6 amends K.S.A. 60-5508, which is the retroactivity provision in the COVID-19 response and reopening for business liability protection act. Current law provides that the immunity from liability provisions for healthcare providers apply retroactively to any cause of action accruing on or after March 12, 2020, and prior to March 31, 2022. The immunity from liability provisions for adult care homes, community mental health centers, crisis intervention centers, community service providers, community developmental disability organizations and institutions applied retroactively from March 12, 2020, until the termination of the state of disaster emergency related to the COVID-19 public health emergency. This bill would extend the applicability of both of those sections until January 20, 2023.