

{As Amended by House Committee of the Whole}

Session of 2022

**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; amending K.S.A. 2021 Supp. 48-966 and  
6 repealing the existing section.

extending the authority of the state board of healing arts to issue  
temporary emergency licenses;

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

48-965 and

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

sections

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

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

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

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

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

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

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

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

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

39 (h) As used in this section:

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

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

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

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

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

5 (i) The provisions of this section shall expire on May 15, 2022.

Sec. 2. K.S.A. 2021 Supp. 48-965 is hereby amended to read as follows: [attached]

6 Sec. 2. K.S.A. 2021 Supp. 48-966 is hereby amended to read as  
7 follows: 48-966. (a) Notwithstanding the provisions of K.S.A. 65-28a08  
8 and 65-28a09, and amendments thereto, or any other statute to the  
9 contrary, a licensed physician assistant may provide healthcare services  
10 appropriate to such physician assistant's education, training and experience  
11 within a designated healthcare facility at which the physician assistant is  
12 employed or contracted to work as necessary to support the facility's  
13 response to the COVID-19 pandemic without a written agreement with a  
14 supervising physician. Such physician assistant shall not be liable in any  
15 criminal prosecution, civil action or administrative proceeding arising out  
16 of such physician assistant's lack of written agreement with a supervising  
17 physician.

And by renumbering sections accordingly

18 (b) Notwithstanding the provisions of K.S.A. 65-1130, and  
19 amendments thereto, or any other statute to the contrary, a licensed  
20 advanced practice registered nurse may provide healthcare services  
21 appropriate to such advanced practice registered nurse's education, training  
22 and experience within a designated healthcare facility at which the  
23 advanced practice registered nurse is employed or contracted to work as  
24 necessary to support the facility's response to the COVID-19 pandemic  
25 without direction and supervision from a responsible physician. Such  
26 advanced practice registered nurse shall not be liable in any criminal  
27 prosecution, civil action or administrative proceeding arising out of such  
28 advanced practice registered nurse's lack of direction and supervision from  
29 a responsible physician.

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

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

43 (1) A registered professional nurse or licensed practical nurse may

1 order the collection of throat or nasopharyngeal swab specimens from  
2 individuals suspected of being infected by COVID-19 for purposes of  
3 testing; and

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

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

24 (f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and  
25 65-1117, and amendments thereto, or any other statute to the contrary, a  
26 registered professional nurse or licensed practical nurse who holds a  
27 license that is exempt or inactive or whose license has lapsed within the  
28 past five years from the effective date of this act may provide healthcare  
29 services appropriate to the nurse's education, training and experience. Such  
30 registered professional nurse or licensed practical nurse shall not be liable  
31 in any criminal prosecution, civil action or administrative proceeding  
32 arising out of such nurse's exempt, inactive or lapsed license.

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

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

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

1 (3) allow a medical student, physical therapist or emergency medical  
2 services provider to volunteer or work within such facility as a respiratory  
3 therapist extender under the supervision of a physician, respiratory  
4 therapist or advanced practice registered nurse. Such respiratory therapist  
5 extender may assist respiratory therapists and other healthcare  
6 professionals in the operation of ventilators and related devices and may  
7 provide other healthcare services appropriate to such respiratory therapist  
8 extender's education, training and experience, as determined by the facility  
9 in consultation with such facility's medical leadership.

10 (h) Notwithstanding any statute to the contrary, a healthcare  
11 professional licensed and in good standing in another state may practice  
12 such profession in the state of Kansas. For purposes of this subsection, a  
13 license that has been suspended or revoked or a licensee that is subject to  
14 pending license-related disciplinary action shall not be considered to be in  
15 good standing. Any license that is subject to limitation in another state  
16 shall be subject to the same limitation in the state of Kansas. Such  
17 healthcare professional shall not be liable in any criminal prosecution, civil  
18 action or administrative proceeding arising out of such healthcare  
19 professional's lack of licensure in the state of Kansas. *Nothing in this  
20 subsection shall be construed to:*

for the purpose of preparing for, responding to or mitigating any effect  
of COVID-19

21 ~~(1) Authorize a healthcare professional to practice a profession that  
22 is not authorized by law in the state of Kansas; or~~

[stricken material in lines 20, 21, 23-25]

23 ~~(2) supersede, affect or waive the jurisdictional authority of any  
24 regulatory body over healthcare professionals practicing pursuant to and  
25 consistent with this subsection.~~

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

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 on a form and in a manner prescribed by such regulatory  
body. Any healthcare professional practicing in Kansas pursuant to  
this subsection shall be:

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

- (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.

38 (1) An examination, if such examination's administration has been  
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}**;

and

42 (2) fingerprinting; \_\_\_\_\_  
43 (3) continuing education; ~~and~~

[stricken material in line 43]

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

[stricken material in line 1]

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

12 (m) As used in this section:  
 13 (1) "Appropriate to such professional's education, training and  
 14 experience," or words of like effect, shall be determined by the designated  
 15 healthcare facility in consultation with such facility's medical leadership;  
 16 and

17 (2) "designated healthcare facility" means:  
 18 (A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;  
 19 (B) state-owned surgical centers;  
 20 (C) state-operated hospitals and veterans facilities;  
 21 (D) entities used as surge capacity by any entity described in  
 22 subparagraphs (A) through (C);  
 23 (E) adult care homes; and  
 24 (F) any other location specifically designated by the governor or the  
 25 secretary of health and environment to exclusively treat patients for  
 26 COVID-19.

27 (n) *(1) Notwithstanding the prior expiration of this section on March*  
 28 *31, 2021, the provisions of this section shall be in force and effect on and*  
 29 *after the effective date of this act through May 15, 2022.*

30 (2) The provisions of this section shall expire on ~~March 31, 2021~~  
 31 ~~May 15, 2022.~~

48-965 and

32 Sec. 3. K.S.A. 2021 Supp. 48-966 is hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after its  
 34 publication in the Kansas register.

are

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) This section shall expire on ~~March 31~~ May 15, 2022.