

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

To: Healthcare Stabilization Fund Oversight  
From: Committee Office of Revisor of Statutes  
Date: November 15, 2022  
Subject: 2022 Legislative Update

**1) Maternity Centers**

Senate Bill 399 would have amended K.S.A. 40-3401 to add maternity centers to the definition of “healthcare provider” in the healthcare provider insurance availability act. This change would have allowed maternity centers to access the Kansas availability plan.

This bill passed out of the senate on a vote of 40-0 and was recommended favorably for passage by the house committee on insurance and pensions, but was passed over on house committee of the whole on March 15. SB 399 was not placed above the line again and was stricken from the calendar on March 23.

However, in the omnibus budget bill, HB 2510, a proviso was added that would deem a maternity center a “healthcare provider” for the purposes of the healthcare provider insurance availability act if such maternity center is accredited by a recognized national organization or falls within the definition in K.S.A. 65-503. This proviso is in effect for fiscal year 2023, and its language can be found at the end of this memorandum.

Senate Bill 502 would have established a separate licensure and regulatory process for maternity centers. Currently, maternity centers and child care centers have combined licensure and regulations established by article 5 of chapter 65 of the Kansas Statutes Annotated. This bill did not receive a hearing and died in the Senate committee on public health and welfare.

**2) Advanced Practice Registered Nurses**

Senate Substitute for House Bill 2279 amends K.S.A. 65-1130 in the Kansas nurse practice act to allow an advanced practice registered nurse (APRN) to prescribe drugs without a written protocol with an authorized physician. This bill originally contained the physical therapy licensure compact, which was passed in another bill in the 2021 session, so its contents were

substituted with the contents of SB 454. This bill passed the senate with a vote of 30-7, the house concurred with the amendments by a vote of 80-34 and it became law on July 1, 2022.

S. Sub for HB 2279 requires an APRN to maintain malpractice insurance coverage and will require national certification for initial licensure as an APRN beginning in July 2023. S. Sub for HB2279 also amended definitions of “mid-level practitioner” in the Kansas pharmacy act and the uniform controlled substances act to reflect that APRN would no longer be required to maintain collaborative practice agreements with physicians. The updated version of K.S.A. 65-1130 can be found at the end of this memorandum.

The healthcare provider insurance availability act was not amended in this bill to add APRN to the definition of “healthcare provider”.

### **3) Occupational Therapists**

Senate Bill 440 authorizes occupational therapists to provide limited services to patients without referral from an appropriate healthcare practitioner. This bill passed the senate with a vote of 37-7, the house with a vote of 121-0 and became law on July 1, 2022.

SB 440 also requires each licensed occupational therapist actively practicing in the state to maintain professional liability insurance coverage. Minimum levels of coverage are to be set by the state board of healing arts through rules and regulations. K.S.A. 40-3401 was not amended to add occupational therapists to the definition of “healthcare provider”.

Sections 1 and 2 of SB 440 were codified at K.S.A. 65-5422 and 65-5423, which are copied at the end of this memorandum for your reference.

### **4) COVID-19 Healthcare Licensure**

House Bill 2477 temporarily amends certain provisions related to healthcare professionals and adult care homes in response to the COVID-19 Pandemic.

HB 2477 requires the Kansas department for aging and disability services (KDADS) to extend:

- 1) Renewal deadlines for occupational or professional licensure, certificate or registration; and
- 2) continuing education requirements mandated by statute or rule and regulation.

HB 2477 allows KDADS to issue a temporary authorization for:

- 1) individuals previously licensed, certified or registered by the department within the last five years who were in good standing prior to the lapse;
- 2) individuals with minimum training to act as temporary aides within a nursing facility; or

- 3) an individual not previously licensed, certified or registered by this or any other state to assist individuals who require minimal supervision or assistance with the activities of daily living.

This bill allows KDADS to issue provisional licenses to adult care homes that submit a checklist and detailed plan for isolation and cohorting of residents in response to the COVID-19 pandemic. The secretary may temporarily suspend certain standards and regulations related to physical environment, bed capacity, bed classification and without approval by the state fire marshal in issuing such provisional licenses. These provisions were codified at K.S.A. 48-969, which can be found at the end of this memorandum.

This bill also amends K.S.A. 48-965 to provide that no temporary license to practice a profession shall be issued unless such profession is required to be licensed, certified or registered in Kansas.

HB 2477 also renews a statute in the Kansas Intrastate Emergency Mutual Aid Act, K.S.A. 48-966, that allows certain licensed healthcare professionals to provide certain additional services and allows recently lapsed healthcare professionals to provide healthcare services as well as adjusts certain conditions of licensure in response to the COVID-19 pandemic.

The provisions of this bill are set to expire on January 20, 2023.

**House Bill 2510 - Section 15**

“(a) Notwithstanding the provisions of K.S.A. 40-3401, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds of the above agency for fiscal year 2023 as authorized by section 36 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to deem a maternity center as a "healthcare provider" for the purposes of the healthcare provider insurance availability act, K.S.A. 40-3401 et seq., and amendments thereto, if such maternity center: (1) Has been granted accreditation by a national organization recognized by the board of governors and whose accreditation standards are approved by the board; or (2) is a maternity center as defined in K.S.A. 65-503, and amendments thereto.”

---

**65-1130. Advanced practice registered nurse; standards and requirements for licensure; rules and regulations; roles, titles and abbreviations; prescription of drugs authorized; licensure of currently registered individuals; malpractice insurance coverage required, exceptions.** (a) No professional nurse shall announce or represent to the public that such person is an advanced practice registered nurse unless such professional nurse has complied with requirements established by the board and holds a valid license as an advanced practice registered nurse in accordance with the provisions of this section.

(b) (1) The board shall establish standards and requirements for any professional nurse who desires to obtain licensure as an advanced practice registered nurse. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced practice registered nurses. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(2) (A) On and after July 1, 2023, an applicant for initial licensure as an advanced practice registered nurse shall have a current advanced practice registered nurse certification in such applicant's specific role and population focus that has been granted by a national certifying organization recognized by the board and whose certification standards are approved by the board as equal to or greater than the corresponding standards established by the board; and

(B) an advanced practice registered nurse whose initial licensure is prior to July 1, 2023, may submit evidence of such certification to the board upon renewal.

(c) The board shall adopt rules and regulations consistent with the Kansas nurse practice act applicable to advanced practice registered nurses that:

(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses that are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this paragraph that is consistent with the education and qualifications required to obtain a license as an advanced practice registered nurse that

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS

---

protects the public from persons performing functions and procedures as advanced practice registered nurses for which they lack adequate education and qualifications and that authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider:

- (A) The education required for a licensure as an advanced practice registered nurse;
  - (B) the type of nursing practice and preparation in specialized advanced practice skills involved in each role of advanced practice registered nurse established by the board;
  - (C) the scope and limitations of advanced practice nursing prescribed by national advanced practice organizations in accordance with the laws of this state; and
  - (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.
- (d) (1) An advanced practice registered nurse may prescribe durable medical equipment and prescribe, procure and administer any drug consistent with such licensee's specific role and population focus, except an advanced practice registered nurse shall not prescribe any drug that is intended to cause an abortion. Any drug that is a controlled substance shall be prescribed, procured or administered in accordance with the uniform controlled substances act.
- (2) A prescription order shall include the name, address and telephone number of the advanced practice registered nurse. An advanced practice registered nurse may not dispense drugs but may request, receive and sign for professional samples and may distribute professional samples to patients.
- (3) In order to prescribe controlled substances, the advanced practice registered nurse shall:
- (A) Register with the federal drug enforcement administration; and
  - (B) comply with federal drug enforcement administration requirements related to controlled substances.
- (4) An advanced practice registered nurse certified in the role of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 through 65-1164, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 through 65-1164, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection.
- (5) An advanced practice registered nurse shall maintain malpractice insurance coverage as a condition of rendering professional clinical services as an advanced practice registered nurse in this state and shall provide proof of insurance at the time of licensure and renewal of license. The requirements of this subsection shall not apply to an advanced practice registered nurse who:
- (i) Practices solely in employment for which the advanced practice registered nurse is covered under the federal tort claims act or the Kansas tort claims act;
  - (ii) practices solely as a charitable healthcare provider under K.S.A. 75-6102, and amendments thereto; or
  - (iii) is serving on active duty in the armed forces of the United States.
- (e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.
- (f) A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.
- (g) An advanced practice registered nurse certified in the role of certified nurse-midwife and engaging in the independent practice of midwifery under the independent practice of midwifery act with respect to

prescribing drugs shall be subject to the provisions of the independent practice of midwifery act and shall not be subject to the provisions of this section.

(h) This section shall not supersede the requirements outlined in K.S.A. 65-4a08(b), and amendments thereto.

---

**65-5422. Occupational therapy services without healthcare practitioner referral; when permitted; limitations.** (a) Except as otherwise provided in subsection (c), an occupational therapist may evaluate and initiate occupational therapy treatment on a patient without referral from a healthcare practitioner.

(1) An occupational therapist who is treating a patient without a referral from a healthcare practitioner shall obtain a referral from an appropriate healthcare practitioner prior to continuing treatment if the patient:

(A) Is not progressing toward documented treatment goals as demonstrated by objective, measurable or functional improvement, or any combination thereof, after ten patient visits or in a period of 30 calendar days from the initial treatment visits following the initial evaluation visit; or

(B) within one year from the initial treatment visits following the initial evaluation visit, returns to the occupational therapist seeking treatment for the same condition or injury.

(b) Occupational therapists may provide services without a referral to:

(1) Employees solely for the purpose of education and instruction related to workplace injury prevention;

(2) the public for the purpose of health promotion, education, and functional independence in activities of daily living; or

(3) special education students who need occupational therapy services to fulfill the provisions of their individualized education plan\* (IEP) or individualized family service plan (IFSP).

(c) Nothing in this section shall be construed to prevent a hospital or ambulatory surgical center from requiring a physician order or make a referral for occupational therapy services for a patient currently being treated in such facility.

(d) When a patient self-refers to an occupational therapist pursuant to this section, the occupational therapist, prior to commencing treatment, shall provide written notice to the patient that an occupational therapy diagnosis is not a medical diagnosis by a physician.

(f)\*\* Occupational therapists shall perform wound care management services only after approval by a person licensed to practice medicine and surgery.

(g)\*\*\* As used in this section, "healthcare practitioner" means: A person licensed by the state board of healing arts to practice medicine and surgery, osteopathic medicine and surgery or chiropractic; a "mid-level practitioner" as defined in K.S.A. 65-1626, and amendments thereto; or a licensed dentist or licensed optometrist in appropriately related cases.

**65-5423. Professional liability insurance required.** Professional liability insurance coverage shall be maintained in effect by each licensed occupational therapist actively practicing in this state as a condition of rendering professional services as an occupational therapist in this state. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

---

**48-965. Same; healing arts temporary emergency licenses; issuance by state board of healing arts; requirements and purpose; expiration of section.** (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 January 20, 2023.

**48-966. Same; expanded practice by certain healthcare professionals; physician assistants, advanced practice registered nurses, registered nurse anesthetists, registered professional nurses, licensed practical nurses, pharmacists, physical therapists, emergency medical services providers and certain students; expanded authority to practice for professionals from other states; requirements and limitations; liability; expiration of section.** (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

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS

---

(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 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:



KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS

---

- (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 this section is in force and effect;
    - (2) fingerprinting; and
    - (3) continuing education.
  - (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 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 January 20, 2023.

**48-969. COVID-19 public health emergency; extension of occupational or professional licenses; issuance of temporary licenses, certifications and registrations by KDADS, requirements therefor; issuance of temporary aide authorizations; special provisional licenses for isolation and cohorting of COVID-19 patients.** (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

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS

---

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.

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS

---

- (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.