

{As Amended by House Committee of the Whole}

Session of 2022

HOUSE BILL No. 2477

By Committee on Judiciary

1-12

Proposed Amendments to HB 2477

Senate Judiciary

Date change

1/19/2022

Prepared by: Jason Thompson

Office of Revisor of Statutes

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.
7

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

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.

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.~~

March 31, 2023

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.

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:*

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

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.

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:

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}**;

42 (2) fingerprinting;

43 (3) continuing education; and

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}**.

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.*

March 31, 2023

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

March 31, 2023

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.