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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: Thursday, January 13, 2022
Re: House Bill No. 2477

House Bill No. 2477 (HB 2477) would codify into statute the provisions of Executive Orders (EO) 22-01 and 22-02. Those EOs were issued by the Governor on January 6, 2022, in conjunction with a state of disaster emergency.

I. Section 1 (containing the provisions of EO 22-02)

Section 1 of HB 2477 includes the provisions of EO 22-02, entitled "licensure, certification, and registration for persons and licensure of 'adult care homes' during state of disaster emergency." These provisions suspend certain licensure requirements related to adult care homes.

The bill directs the Kansas Department for Aging and Disability Services (KDADS), any authority under the jurisdiction of KDADS or the Board of Adult Care Home Administrators to:

- Extend renewal deadlines for any occupational or professional license, certificate, or registration.
- Issue a temporary license, certification, or registration for any person who was previously licensed, certified, or registered and whose license, certification, or registration lapsed within the previous five years.
- Extend deadlines for continuing education requirements.
- Waive late fees associated with any license, certification, or registration associated with extended renewal deadlines or temporary licenses, certificates and registrations.

The bill also allows for:

- Temporary aide authorization for persons who receive minimum training within a nursing facility as set forth by KDADS, subject to specific minimum requirements.

- Temporary authorization for persons who were not previously licensed, certified, or registered, subject to specific minimum requirements, but limits care under such temporary authorization to only individuals who require minimal supervision or assistance.

Current law in K.S.A. 39-929 allows KDADS to issue a provisional license to any adult care home that is temporarily unable to conform to all the standards, requirements, and rules and regulations established by law, subject to approval by the state fire marshal. HB 2477 modifies provisional licenses as follows: 1) Allowing KDADS to issue such a provisional license to any adult care home that submits a checklist and a detailed plan for the isolation/cohorting of residents in response to the COVID-19 pandemic; and 2) suspending the requirement for state fire marshal approval if KDADS approves of the submitted checklist and plan.

II. Section 2 (renewing K.S.A. 48-966 and containing the provisions of EO 22-01)

Section 2 of HB 2477 includes the provisions of EO 22-02, entitled "temporary relief from certain restrictions and requirements governing the provision of medical services." These provisions suspend certain statutory and regulatory provisions governing the licensure and practice of healthcare providers.

The EO is substantially the same as EO 20-26, issued by the Governor on April 22, 2020. During the 2020 special session, the Legislature enacted most of the provisions of EO 20-26 in section 23 of House Bill No. 2016. This section was codified at K.S.A. 48-966, but that statute expired on March 31, 2021. The bill would renew the provisions of that statute and make two changes of a clarifying, technical nature, noted below.

The provisions of K.S.A. 48-966 renewed by HB 2477 provide that:

- 1) Certain healthcare providers may perform additional specified tasks without certain supervision requirements. Affected provider categories include: Licensed physician assistants; licensed advanced practice registered nurses; registered nurse anesthetists; registered professional nurses; licensed practical nurses; licensed pharmacists; students enrolled in programs to become healthcare professionals; healthcare professionals or emergency personnel serving in the military; medical students; physical therapists; and emergency medical service providers. The statute also allows for the expanded use of qualified volunteers and other qualified personnel.
- 2) A healthcare professional licensed and in good standing in another state may receive expanded reciprocal practice privileges, subject to any license limitations imposed by a professional's licensing state. Such professionals shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of the professional's lack of licensure in the state of Kansas. The bill amends K.S.A. 48-966 to add two changes of a clarifying, technical nature that were present in EO 22-01, but not the previous EO 20-26: First, the statute does not authorize a healthcare professional to practice a profession that is not authorized by law in the state of Kansas. Second, the statute does not supersede or waive the jurisdictional authority of any Kansas regulatory body over healthcare professionals practicing pursuant to the statute.

- 3) A healthcare professional whose license has lapsed within the previous five years may be licensed, certified, registered, renewed or reinstated without satisfying certain statutory or regulatory requirements, including: Examination, if the examination has been canceled during the state of disaster emergency; fingerprinting; continuing education; and payment of a fee.
- 4) Professional certifications in basic life support, advanced cardiac life support, or first aid shall remain valid, even if due to expire or be canceled during the state of disaster emergency.
- 5) Fingerprinting requirements are suspended for individuals as a condition of licensure and certification for hospitals, nursing homes, county medical care facilities, or psychiatric hospitals.