



To: House Judiciary Committee

From: Rachelle Colombo  
Executive Director

Date: January 19, 2021

Subject: SB 14 – concerning provisions under KEMA

The Kansas Medical Society appreciates the opportunity to provide testimony today regarding the extension of those provisions outlined in the Kansas Emergency Management Act (KEMA) as established through the passage of HB 2016. KMS particularly appreciates the provisions which were included to stabilize the medical professional liability climate in the wake of the nationally declared emergency pertaining to COVID-19. Those provisions have ensured ongoing access to care for Kansas patients despite a host of unpredictable factors affecting medical treatment. While they are not impacted by SB 14, we do believe the business liability provisions addressed in HB 2048 and SB 14 ought to be extended, and we prefer the June 1<sup>st</sup> deadline. That said, there are other provisions in both bills which we believe must be addressed after the initial work of extending the provisions is complete.

Until last week, the Kansas Medical Society had not previously provided public comment in a legislative venue on other aspects of KEMA as it represents a compilation of several policies that were first enacted through executive order. Kansas physicians understand the importance of extending the KEMA provisions contained in HB 2016, which was enacted by the Legislature as a temporary emergency response to the pandemic, in order to ensure an appropriate public policy framework for COVID related processes and necessary provisions, such as those relating to liability protections. However, several portions of the act present well-intended, temporary provisions that created significant inconsistencies within the laws governing patient safety in our state. **Specifically, allowing health-care providers to practice without appropriate licensure, appropriate training, education, training and oversight or limitation specifically to COVID 19 endangers public safety and is inconsistent with underlying statute and legislative intent.** Appropriate licensure and regulation of medical professionals protects the public and should not be disregarded in an effort to respond to COVID patients, the majority of which do not require hospitalization or ongoing COVID treatment. We urge the committee to reconsider these policies individually at the appropriate time in order to restore consistency across the statutes and ensure optimal patient care.

Thank you for the opportunity to offer these comments in support of extending the liability provisions included in the Kansas Emergency Management Act.