

COVID-19—Adult Care Homes; Health Care Professionals; HB 2477

HB 2477 creates and amends law to temporarily adjust requirements related to adult care homes and health care professionals in response to the COVID-19 pandemic. The bill took effect upon publication in the *Kansas Register* on January 21, 2022, and all provisions of the bill will expire on January 20, 2023.

Adult Care Homes

The bill creates law requiring the Kansas Department for Aging and Disability Services (KDADS) to extend through the expiration of the bill's provisions any renewal deadline for any occupational or professional license, certificate, or registration issued by KDADS.

KDADS is authorized to issue a temporary license, certification, or registration to any person who was previously licensed, certified, or registered by KDADS if the person was in good standing prior to the lapse of the license, certification, or registration, subject to conditions specified by the bill, and the license, certification, or registration was issued on or after January 6, 2017. KDADS is required to waive any late fee associated with any license, certificate, or registration extended or issued under the above provisions.

KDADS is required to extend through the expiration of the bill's provisions any deadline for continuing education requirements.

KDADS is allowed to issue a temporary aide authorization for any person who receives minimum training (as specified by the bill and KDADS) within a nursing facility.

KDADS is allowed to issue a temporary authorization for a person not previously licensed, certified, or registered by the state or any other state, and such persons may serve only individuals requiring minimal supervision or assistance with daily living activities. Nursing facilities are required to ensure that any person with a temporary authorization is competent to perform and execute certain duties specified by the bill.

The bill allows the Secretary for Aging and Disability Services to issue a provisional license to an adult care home that submits a checklist 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 is allowed to 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. The provisional license may issued without approval by the State Fire Marshal and will remain valid through the expiration of the bill's provisions. Such provisional licenses remain subject to all requirements applicable to provisional licenses other than for reasons related to the isolation and cohorting of residents in response to the COVID-19 pandemic.

The bill defines "adult care home" and "Kansas Department for Aging and Disability Services" for purposes of the new section.

Health Care Professionals

The bill renews a statute in the Kansas Intrastate Emergency Mutual Aid Act that allows physician assistants, advanced practice registered nurses, licensed practical nurses, nurse anesthetists, registered professional nurses, and licensed pharmacists to provide certain additional services in response to the COVID-19 pandemic; allows a registered professional nurse or licensed professional nurse whose license is exempt or inactive or has lapsed within the past five years to provide health care services; permits designated health care facilities to allow certain students, military members, and other personnel to volunteer or work within the facility in appropriate roles; allows an out-of-state health care professional to practice in Kansas without licensure in Kansas; and adjusts certain conditions of licensure, certification, or registration for health care professionals.

[*Note:* The provisions of this section were originally enacted in 2020 Special Session HB 2016 and were extended until March 31, 2021, by 2021 SB 14, at which point they expired.]

The bill amends the renewed statute to remove a provision exempting health care professionals from payment of a licensing, certification, or registration fee under certain circumstances.

Additionally, the bill amends the subsection allowing out-of state health care professionals to practice in Kansas to:

- Clarify that the subsection does not authorize a health care professional to practice a profession that is not authorized by Kansas law;
- Specify that such practice must be for the purposes of preparing for, responding to, or mitigating any effect of COVID-19;
- Require health care professionals practicing under the subsection to notify the appropriate Kansas regulatory body of such practice, within seven calendar days of initiating practice in Kansas, on a form and in a manner prescribed by the regulatory body; and
- State that such health care professionals shall be subject to all rules and regulations applicable to the practice of the licensed profession in Kansas and considered a licensee for the purposes of the applicable practice act administered by the regulatory body.

The bill also amends a section allowing the State Board of Healing Arts to grant temporary emergency licenses for the purpose of responding to COVID-19 to specify that no such license to practice a profession may be issued unless the profession is required by law to be licensed, certified, or registered in Kansas.