

## Executive Order No. 20-26

Governor Laura Kelly signed Executive Order No. 20-26 on April 22, 2020. It is to provide temporary relief from certain restrictions and requirements governing the provision of medical services. The entire Executive Order is available on our website, however here is an overview of the temporary changes for nurses:

1. Any and all provisions in Kansas Statutes related to supervision, delegation, and related issues by and to healthcare providers that are licensed, registered or certified and ancillary workers, are temporarily suspended, in whole or part, to the extent necessary to allow licensed, registered, or certified health care professionals to provide, within a designated health care facility at which the professional is employed or contracted to work, medical services that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to the professional's education, training, and experiences, as determined by the facility in consultation with the facility's medical leadership.
  - a. Medical services may be provided under this section without supervision from a licensed physician or nurse, without criminal, civil, or administrative penalty related to a lack of supervision or to a lack of a supervision agreement;
  - b. The suspensions under this section include, but are not limited to the following:
    - i. K.S.A. 65-1130, 65-1158, and K.A.R. 60-11-101, 60-11-104a, 60-11-104, 60-11-105, and 60-11-107 and related provisions of Kansas Law, as they relate to supervision, delegation, and related issues to the extent necessary to permit advanced practice registered nurses to provide care without a written collaborative agreement and protocols and including nurse anesthetists, to provide medical services appropriate to the professional's education, training, and experience, without physician supervision or direction and without criminal, civil, or administrative penalty related to a lack of such supervision;
    - ii. K.S.A. 65-1113 and related provisions of Kansas law, as they relate to supervision, delegation, and related issues to the extent necessary to permit registered nurses and licensed practical nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing;
    - iii. K.S.A. 65-1113 and related provisions of Kansas law, as they relate to supervision, delegation, and related issues to the extent necessary to permit licensed practical nurses to provide medical services appropriate to the professional's education, training, and experience, without registered nurse supervision and without criminal, civil, or administrative penalty related to a lack of supervision;
    - iv. K.S.A. 65-1115, 65-1116, 65-1117, and K.A.R. 60-3-112, 60-3-15, and 60-3-111 and related provisions of Kansas law, as they relate to supervision, delegation, and related issues to the extent necessary to permit registered nurses and licensed practical nurses, who hold a license that is exempt, inactive, or has lapsed within the past five (5) years, to provide medical services appropriate to their education, training, and experience and without criminal, civil, and

administrative penalty related to only having an exempt, inactive, or has lapsed license. **Nurses who hold a license that is exempt, inactive, or has lapsed within the past five (5) years must apply for a Temporary Emergency COVID-19 license that will expire when this Executive Order expires. If the nurse wants to reinstate their license after the Temporary Emergency COVID-19 license expires they will need to reinstate the license the normal way with the requirements of continuing education and a fee.**

- c. Nothing in this section diminishes the ability of unlicensed health care professionals to practice in Kansas, which statutes provide certain exceptions to licensure and which statutes remain in full force and effect.
2. Notwithstanding any law, regulation, or executive order to the contrary, and without the need for a clinical affiliation agreement, a designated health care facility is temporarily authorized:
    - a. To allow students who are enrolled in programs to become licensed, registered or certified health care professionals to volunteer or work within the facility in whatever roles that are necessary to support the facility’s response to the COVID-19 pandemic and are appropriate to the students’ education, training, and experience;
    - b. To allow licensed, registered, or certified health care professionals and emergency medical personnel who are serving in the military in any duty status, to volunteer or work within the facility in whatever roles that are necessary to support the facility’s response to the COVID-19 pandemic and are appropriate to the service member’s education, training, and experience; and
    - c. To allow medical students, physical therapists, and emergency medical personnel to volunteer or work within the facility as “respiratory therapist extenders; under the supervision of physician, respiratory therapists, or advanced practice registered nurses. Such extenders may assist respiratory therapists and other health care professionals in the operation of ventilators or related devices. Nothing in this section to be taken to preclude such extenders from providing any other services that are necessary to support the facility’s response to the COVID-19 pandemic and are appropriate to their education, training, and experiences, as determined by the facility in consultation with the facility’s medical leadership.
  3. Any and all provisions in Kansas law are temporarily suspended, in whole or part, to the extent necessary to allow health care professionals licensed and in good standing in any state or territory in the United States to practice in Kansas without criminal, civil, or administrative penalty related to lack of licensure. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state. **Nurses licensed in other states coming into Kansas to help with the COVID-19 pandemic**

**do not need to do anything with the Kansas State Board of Nursing. It is the responsibility of the employer to verify their license is in good standing.**

4. Notwithstanding any law or regulation to the contrary, a designated health care facility is temporarily authorized to use qualified volunteers or qualified personnel affiliated with other designated health care facilities, as if the volunteers or personnel were affiliated with the facility. This section is subject to any terms and conditions that may be established by the Secretary of the Kansas Department of Health and Environment.
5. Notwithstanding any other provision of law, all health care providers, including but not limited to “health care provider: as defined in K.S.A. 40-3401, and also including registered nurses, advanced practice registered nurses, licensed practical nurses, pharmacists, unlicensed volunteers, military personnel, or students and other support personnel and all entities or individuals referenced in K.S.A. 48-915, making clinical and triage decisions and rendering assistance, testing, care or advice in the care of patients reasonable suspected or confirmed to be infected with COVID-19, rendered in response to any Kansas Department of Emergency Management mission related to the COVID-19 outbreak, and the proclamation issued declaring a state of disaster emergency pursuant to K.S.A. 48-924, shall be deemed immune from suit pursuant to K.S.A. 48-915, unless it is established that any adverse event or injury was caused by the willful misconduct, gross negligence, recklessness, or bad faith of such facility or health care provider. Nothing in this Executive Order shall be construed to modify, impair or supersede State law governing legal standards, procedures, or judicial interpretation used in any civil action against an entity or individual where this Order is deemed not to cover such an entity or individual because of an allegation of willful misconduct for any other reason.
  - a. Nothing in this Executive Order shall be construed to limit or change the protections from liability provided under K.S.A. 48-915, K.S.A. 65-2891, K.S.A. 75-6106, *et seq.*, or any other state or federal statute.
  - b. The liability protections addressed in #5 are not intended to extend to medical treatment or procedures performed in the ordinary or customary course of practice.
6. Any and all provisions in Kansas law or regulations are temporarily suspended to the extent that they require for any health care professions as a condition of reinstatement within five (5) years of a lapsed license:
  - a. An exam, to the extent that the exam’s administration has been canceled while the emergency declaration is in effect (*this is not required by KSBN for reinstatement*)
  - b. Fingerprints, as locations to have fingerprints taken are substantially unavailable on account of closure arising from the COVID-19 pandemic (*this is not required by KSBN for reinstatement*);
  - c. Continuing education while the emergency declaration is in effect; and
  - d. Payment of a fee

**Nurses who hold a license that is exempt, inactive, or has lapsed within the past five (5) years must apply for a Temporary Emergency COVID-19 license that will expire when**

**this Executive Order expires. If the nurse wants to reinstate their license after the Temporary Emergency COVID-19 license expires they will need to reinstate the license the normal way with the normal requirements of continuing education and a fee.**

7. Any law or regulation is temporarily suspended to the extent that it requires fingerprinting of any individual as a condition of licensure and certification for hospitals, nursing homes, county medical care facilities, or psychiatric hospitals

This executive order is effective immediately and remains in force until rescinded, until May 31, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.