



Summary of Executive Order No. 20-26
Providing temporary relief from certain restrictions and requirements governing the provision of medical services

Designated Health Care Facilities (DHCFs)

The definition of a DHCF includes adult care homes, and entities used as surge capacity by nursing homes, assisted living, and residential health care facilities

1. All applicable Kansas statutes are waived to allow licensed/registered/certified health care professionals that work in a DHCF to perform COVID-19 related care and services appropriate to the professional's education, training, and experience – as determined by the DHCF and DHCF's medical leadership.
2. Medical services may be provided without supervision from a licensed physician or nurse. No civil/criminal/administrative penalty will be imposed for lack of supervision or a supervision agreement.
3. The suspension of Kansas statutes includes (but is not limited to):
 - a. Waivers to allow physician assistants to practice without a written practice agreement with a physician
 - b. Waivers to allow advanced practice registered nurses to provide care without a written collaborative agreement
 - c. Waivers to allow nurse anesthetists to provide services without physician supervision or direction
 - d. Waivers to allow registered nurses to --
 - i. Order the collection of throat or nasopharyngeal swab specimens from suspected COVID-19 infected patients
 - ii. Reactivate an RN license that is exempt/inactive/lapsed within the last five years
 - e. Waivers to allow licensed practical nurses to –
 - i. Provide medical services without registered nurse supervision
 - ii. Order the collection of throat or nasopharyngeal swab specimens from suspected COVID-19 infected patients
 - iii. Reactivate an LPN license that is exempt/inactive/lapsed within the last five years
 - f. Waivers to allow licensed pharmacists to provide care for routine health maintenance and chronic disease states without physician supervision

4. DHCFs are further authorized to:
 - a. Allow students currently enrolled in a licensure/registration/certification program to work or volunteer in the facility to provide COVID-19 care appropriate to their education, training and experience
 - b. Allow licensed/registered/certified military personnel to work or volunteer in the facility to provide COVID-19 care appropriate to their education, training and experience
 - c. Allow medical students, physical therapists and emergency medical personnel to work or volunteer in the facility to provide COVID-19 care appropriate to their education, training and experience
 - d. Allow medical students, physical therapists and emergency medical personnel to work or volunteer as “respiratory therapist extenders” under the supervision of physicians, respiratory therapists or advanced practice registered nurses
 - e. Use qualified volunteers and qualified personnel affiliated with another DHCF

Health Care Professionals

The following waivers and authorizations have been granted to health care professionals:

- Any health care professional that is licensed and in good standing in another state may practice in Kansas
 - A license that has been suspended, revoked or pending disciplinary action is not considered in good standing
 - A license that is subject to a limitation in another state is subject to the same limitation in Kansas
- Any health care professional seeking continuation, renewal or reinstatement (within 5 years) of a license/registration/certification has the following waivers during the state of emergency:
 - An exam, if the exam’s administration has been cancelled during the state of emergency
 - Fingerprinting
 - Continuing education
 - Fees
- First Aid, Basic Life Support and Advanced Cardiac Life Support certifications will remain in effect during the state of emergency
- Fingerprinting is not required as a condition of licensure or certification for hospitals, nursing homes, county medical care facilities or psychiatric hospitals

Legal Immunity

Immunity from civil suits is granted to certain health care providers under the following **very** specific circumstances during the state of emergency disaster.

Application

Legal immunity applies to all health care providers, including (but not limited to):

- “Health care provider” as defined in K.S.A. 40-3401 (i.e. nursing homes, assisted living, residential health care facilities, hospitals, doctors, etc.)
- Registered nurses
- Advanced practice registered nurses
- Licensed practical nurses

- Pharmacists
- Unlicensed volunteers
- Military personnel
- Students
- Other support personnel
- State, local government, and related persons, agents, workers and volunteers

Activities

Immunity extends to the clinical and triage decisions, assistance, testing, care or advice in the care of persons confirmed or reasonably suspected to be infected with COVID-19 **when rendered in response to:**

- Any Kansas Department of Emergency Management mission related to the COVID-19 outbreak
- The proclamation declaring a state of disaster emergency

What the immunity does not cover:

- Medical treatment or procedures (**including COVID-19 care**) performed in the ordinary or customary course of practice
- Any adverse event or injury caused by willful misconduct, gross negligence, recklessness or bad faith