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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 18, 2021

Subject: Bill Brief on SB 283

SB 283 extends many of the healthcare provisions enacted to respond to the COVID-19 pandemic and makes changes to the immunity provisions for healthcare providers and persons conducting business in the state.

Section 1 amends K.S.A. 48-963, which allows certain physicians to practice telemedicine. Current law requires an out-of-state physician to advise the state board of healing arts of such practice in writing and hold an unrestricted license to practice medicine and surgery in the other state. This section is also currently set to expire on March 31, 2021. This bill would allow such out-of-state physicians to practice telemedicine only if they hold a temporary emergency license granted by the state board of healing arts, and it would extend the provisions of this section until March 31, 2022.

Section 2 amends K.S.A. 48-964, which authorizes hospitals to admit patients in excess of such hospital's number of licensed beds when the hospital determines it is necessary to treat COVID-19 patients. Current law provides that this section shall expire 120 days after the termination of the state of disaster emergency related to COVID-19, and this bill changes that so the section would expire on March 31, 2022.

Section 3 amends K.S.A. 48-965, which allows the state board of healing arts to grant a temporary emergency license to practice any profession regulated by the board for the purpose of responding to COVID-19. Currently this section is set to expire on March 31, 2021. This bill would allow applicants for this license to practice in Kansas with such temporary emergency license upon submission of a non-resident healthcare provider certification form to the Kansas healthcare stabilization fund and would waive payment of the surcharge for these practitioners. The bill also extends the provisions of this section until March 31, 2022.

Section 4 amends K.S.A. 60-5503, which is the provision giving healthcare providers immunity from civil liability for certain actions related to COVID-19. Currently, this section of law does not have an expiration date, but this bill would expire this section of law on March 31, 2022.

Section 5 amends K.S.A. 60-5504, which is the provision giving people conducting business in this state immunity from civil liability for COVID-19 claims. Currently this section is set to expire on March 31, 2021, and this bill would extend that to March 31, 2022.

Section 6 amends K.S.A. 65-468, a statute concerning definitions related to rural health networks. The definition of “critical access hospital” currently contains a provisions that, prior to June 30, 2021, to the extent that a critical access hospital determines it is necessary to treat COVID-19 patients or to separate such patients from non-COVID-19 patients, the hospital shall not be limited to 25 beds or, in the case of a facility with an approved swing bed agreements, to a combined total of 25 extended care and acute care beds and shall not be limited to providing acute inpatient care for a period of time that does not exceed, on an annual average basis, 96 hours per patient. This bill extends the provisions of this section until March 31, 2022.