

# Kansas Register

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Photo by Todd Caywood

## State of Kansas

## Office of the Governor

## Executive Order No. 21-09

## Extending Professional and Occupational Licenses During State of Disaster Emergency

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, suspension of certain state statutes and administrative rules is necessary to reduce the risk of further exposure and spread of COVID-19 and to assist with mitigation efforts during the COVID-19 public health emergency;

**WHEREAS**, the State of Kansas, its boards, commissions, divisions, or other licensing authorities regularly renew thousands of occupational and professional licenses, certificates, permits, and registrations on a regular basis;

**WHEREAS**, the COVID-19 public health emergency presents significant—sometimes insurmountable—obstacles for the holders of licenses, certificates, permits, or registrations to renew or satisfy certain requirements for renewal during the public health emergency;

**WHEREAS**, the holders of licenses, certificates, permits, and registrations provide significant services within Kansas, and the unavailability of such services would hamper efforts to address the escalating COVID-19 public health emergency;

**WHEREAS**, the holders of licenses, certificates, permits, and registrations who provide medical care perform functions that are necessary to effectively respond to and mitigate the COVID-19 pandemic;

**WHEREAS**, on April 9, 2020, I executed Executive Order 20-19, which was extended by Executive Orders 20-39, 20-49, 20-64, and 21-02, extending professional and occupational licenses during the COVID-19 pandemic; and

**WHEREAS**, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including ensuring that Kansans who provide important services can continue their work without regulatory interruptions.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including but not limited to the authority granted me by K.S.A. 48-924 and K.S.A. 48-925, in order to slow the spread of COVID-19, I hereby direct and order the following:

1. All state agencies shall extend renewal deadlines for any occupational or professional license, certificate, permit, or registration issued by a state agency or any board, commission, division, or other licensing authority within a state agency to any individual, business, or organization, that was in good standing as of March 12, 2020, and that has expired or will expire during the State of Disaster Emergency, and such licenses, certificates, permits, and registrations shall remain valid until 90 days following the termination of the State of Disaster Emergency.
2. All state agencies shall extend renewal deadlines for any organization, establishment, facility, shop, or premises license, certificate, permit, or registration issued by a state agency or any board, commission, division or other licensing authority within a state agency to any individual, business, or organization that was in good standing as of March 12, 2020, and that has expired or will expire during the State of Disaster Emergency, and such licenses, certificates, permits, and registrations shall remain valid until 90 days following the termination of the State of Disaster Emergency.
3. All state agencies shall waive any late, delinquent, penalty, or expiration fees associated with any license, certificate, permit, or registration referred to in Sections 1 and 2 above.
4. All state agencies shall extend the deadlines for any continuing education requirements mandated by any state agency or any board, commission, division, or other licensing authority until 90 days following the termination of the State of Disaster Emergency.
5. For purposes of this Order, a "state agency" has the meaning set forth in K.S.A. 75-3701, and reports to or is otherwise located within an executive office under the control of the Governor.
6. For purposes of this Order, "in good standing" shall include a license, certificate, permit, or registration that is subject to probation, or non-disciplinary conditions, limitations, or restrictions, but shall not include a license, certificate, permit, or registration that is revoked, cancelled, surrendered, or suspended. Any license, certificate, permit, or registration that

*(continued)*

is subject to disciplinary conditions, limitations, or restrictions shall remain subject to such conditions, limitations, or restrictions.

7. This order does not affect licensing for attorneys.
8. The head of any state agency is authorized to reimpose through written order any fee or other requirement suspended by this order if reimposition of the fee or requirement is necessary to continue funding the performance of an important public safety regulatory function.
9. This order should be read in conjunction with previous executive orders responding to the COVID-19 pandemic.

This document shall be filed with the Secretary of State as Executive Order No. 21-09. It shall become effective immediately and remain in force until rescinded, or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048991

## State of Kansas

### Office of the Governor

#### Executive Order No. 21-10 Temporarily Allowing Notaries and Witnesses to Act Via Audio-Video Communication Technology During State of Disaster Emergency

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—with effects of illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and

extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, on April 9, 2020, I executed Executive Order 20-20, which was extended by Executive Orders 20-40, 20-49, 20-64, and 21-02, temporarily allowing notaries and witnesses to act via audio-video communication technology, and the justifications for that Order are fully set forth therein and incorporated herein by reference;

**WHEREAS**, K.S.A. 53-512 states that notarial acts performed by a notary public pursuant to an executive order shall be valid as if the notary appeared in person under relevant Kansas law;

**WHEREAS**, it is necessary and appropriate for the State of Kansas to immediately take measures to promote and secure the safety and protection of the people of the State in response to this COVID-19 outbreak while ensuring that all Kansas residents may continue to make vital personal decisions such as executing a will, power of attorney, or health care directive and business decisions so that businesses may continue to operate and finalize necessary documents during the pandemic; and

**WHEREAS**, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including but not limited to the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(c)(1) and (c)(11), in order to slow the spread of COVID-19, I hereby direct and order the following:

1. During the duration of the State of Disaster Emergency related to the outbreak of COVID-19, the requirements that a person must appear before a Notary Public commissioned under the laws of Kansas pursuant to K.S.A. 53-503 and any related statutes, are suspended and such requirements are satisfied if the Notary Public performs a remote notarization via two-way audio-video communication technology, provided that:
  - a. the Notary Public commissioned in Kansas and the individual signing the document are both physically within the State while performing the notarial act;
  - b. the Notary Public is able to identify the individual signing the document, from personal knowledge or satisfactory evidence of the identity of the individual; and
  - c. the transaction follows any guidance posted by the Kansas Secretary of State on its website.
2. During the duration of the State of Disaster Emergency related to the outbreak of COVID-19, any act of witnessing required by Kansas law may be completed remotely by two-way audio-video communication technology, provided that:

- a. The two-way audio-video communication technology must allow for direct, contemporaneous communication between the individual signing the document (“the signatory”) and the witness by sight and sound;
  - b. The signatory must attest to being physically located in Kansas during the two-way audio-video communication;
  - c. The witness must attest to being physically located in Kansas during the two-way audio-video communication;
  - d. The signatory must affirmatively state on the two-way audio-video communication what document the signatory is signing;
  - e. Each page of the document being witnessed must be shown to the witness on the two-way audio-video communication technology in a means clearly legible to the witness and initialed by the signatory in the presence of the witness;
  - f. The act of signing must be captured sufficiently up close on the two-way audio-video communication for the witness to observe;
  - g. The signatory must transmit by fax or electronic means a legible copy of the entire signed document directly to the witness no later than the day after the document is signed;
  - h. The witness must sign the transmitted copy of the document as a witness and transmit the signed copy of the document back via fax or electronic means to the signatory within 24 hours of receipt;
  - i. If necessary, the witness may sign the original signed document as of the date of the original execution by the signatory provided that the witness receives the original signed document together with the electronically witnessed copy within thirty days from the date of the remote witnessing; and
  - j. If the Notary Public is being asked to certify to the appearance of the witnesses to a document, multiple-way audio-video communication technology must allow for direct, contemporaneous communication between the Notary Public, the signatory, and the witness by sight and sound.
3. All provisions of Article 16 of Chapter 16 of the Kansas Statutes Annotated concerning electronic transactions remain in full effect.
  4. During the duration of the State of Disaster Emergency related to COVID-19, notwithstanding any law or regulation of the State of Kansas to the contrary, absent an express prohibition in a document against signing in counterparts, all legal documents, including deeds, last wills and testaments, trusts, durable powers of attorney for property, and powers of attorney for health care, may be signed in counterparts by the witness(es) and the signatory. A Notary Public must be presented with a fax or electronic copy of the document signature pages

showing the witness signatures on the same date the document is signed by the signatory if the Notary Public is being asked to certify to the appearance of the witnesses to a document.

This document shall be filed with the Secretary of State as Executive Order No. 21-10. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048992

## State of Kansas

### Office of the Governor

#### Executive Order No. 21-11 Temporarily Suspending Certain Rules Relating to Sale Alcoholic Beverages

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration’s top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 reported positive cases of COVID-19 in Kansas spread among all 105 counties, including 4,913 deaths;

**WHEREAS**, limitation or closure of in-person services at restaurants and bars effectively prohibits the sale of alcoholic beverages, specifically supplies of alcoholic beverages that will spoil if not consumed by a certain date, resulting in significant financial hardships for many Kansas

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businesses, further burdening Kansas employees and their families who have lost income due to these circumstances;

**WHEREAS**, many small Kansas business operating restaurants or bars rely on the sale of alcoholic beverages;

**WHEREAS**, provisions in 2020 Special Session House Bill 2016 and 2021 Session Senate Bill 14 enacted measures originally included in Executive Order 20-27 regarding the sale of partially consumed liquor and also expanded on the provisions in that order to allow additional sales of unopened alcoholic beverages from certain establishments;

**WHEREAS**, certain provisions of Senate Bill 14 expire on March 31, 2021;

**WHEREAS**, House Bill 2137—which is poised to receive final approval by the Legislature—would make permanent the provisions of Senate Bill 14 but will not become law before March 31;

**WHEREAS**, a brief period during which the provisions of Senate Bill 14 relating to liquor sales have expired and the pre-pandemic law is reinstated will result in confusion and financial losses to a restaurant and bar industry that has already been among the hardest hit by the COVID-19 pandemic, resulting in business closures and layoffs that threaten the continued mitigation of and recovery from the COVID-19 pandemic; and

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(c)(1) and (c)(11), in order to slow the spread and mitigate the effects of COVID-19 I hereby direct and order the following:

1. In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the provisions of subsection (a), a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more containers of alcoholic liquor that is not in the original container, subject to the following conditions:
  - a. It must be legal for the licensee to sell the alcoholic liquor;
  - b. each container of alcoholic liquor must have been purchased by a patron on the licensed premises;
  - c. the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and
  - d. before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

This document shall be filed with the Secretary of State as Executive Order No. 21-11. It shall become effective immediately and remain in force until House Bill 2137, introduced in the 2021 Legislative Session, becomes effective or May 28, 2021, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048993

State of Kansas

## Office of the Governor

### Executive Order No. 21-12 Licensure, Certification, and Registration for Persons and Licensure of "Adult Care Homes" During State of Disaster Emergency

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis – the pandemic and public health emergency of COVID-19— with effects of illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and such emergency was extended to May 28, 2021, by Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, on April 2, 2020, the Centers for Medicare & Medicaid Services (CMS) issued the *COVID-19 Long-Term Care Facility Guidance* to all states regarding the recommendations to help mitigate the spread of the 2019 Novel Coronavirus and to advise states on how to comply with CMS and CDC guidance to keep residents and patients safe and to maintain adequate staff levels and thereby to reduce the imminent threat of new outbreaks of COVID-19;

**WHEREAS**, on April 13, 2020, CMS issued a supplemental guidance *2019 Novel Coronavirus (COVID-19) Long-*

*Term Care Facility Transfer Scenarios (QSO-20-25-NH)* to all states, which further provided details of how to transfer/discharge residents between facilities for the purpose of cohorting residents based on COVID-19 status as well as other aspects of how to provide care in long-term care facilities;

**WHEREAS**, as authorized by the *COVID-19 Long-Term Care Facility Guidance* and additional guidance issued by CMS, blanket federal waivers for certain CMS requirements of participation for adult care homes have been issued; thus suspension/waiver of certain state statutes, regulations, and administrative rules has been necessary to reduce the risk of further exposure and spread of COVID-19 and to assist with mitigation efforts during the COVID-19 public health emergency;

**WHEREAS**, on May 18, 2020, CMS issued *QSO-20-30-NH Nursing Home Reopening Recommendations for State and Local Officials* that included recommendations for State and local officials to help determine the level of mitigation needed to prevent the transmission of COVID-19 in nursing homes. The recommendations provide guidance in the following areas: (1) criteria for relaxing certain restrictions and mitigating the risk of resurgence through a phased approach; (2) visitation and service considerations; and (3) restoration of certain survey activities in each phase;

**WHEREAS**, on September 17, 2020, CMS issued *QSO-20-39-NH Nursing Home Visitation – COVID-19* that provided new guidance for visitation in nursing facilities during the COVID-19 public health emergency. The guidance also provided reasonable ways a nursing facility could safely facilitate in-person visitation to address the psychosocial needs of residents based on a facility's structure and residents' needs, and in compliance with core principles and best practices that reduce the risk of COVID-19 transmission;

**WHEREAS**, on March 10, 2021, CMS issued revised *QSO-20-39-NH* to issue new guidance for visitation in nursing facilities during the public health emergency, including the impact of COVID-19 vaccination. The revised CMS visitation guidance allows for increased visitation in nursing facilities due to the high vaccination rate in the resident population that reside in nursing facilities, but maintains the core principles of COVID-19 infection prevention and establishes standards to carefully balance the psychosocial needs of residents with infection control precautions to protect unvaccinated residents and staff;

**WHEREAS**, "adult care homes," for purposes of this order, are defined as any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home, and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services in accordance with K.S.A. 39-923(a);

**WHEREAS**, licensed facilities regularly undergo licensing visits, extensive training, strict adherence to admission/transfer/discharge requirements for residents, specific requirements for how nursing facilities are phys-

ically structured, and many other requirements that require approval/collaboration from the various state agencies;

**WHEREAS**, licensed facilities and units also provide significant services within Kansas, and the current licensing structure, which is carried out regularly when the state and country are not in the midst of a pandemic, would detrimentally impact the provision of services and care provided to Kansans;

**WHEREAS**, on April 15, 2020, I executed Executive Order 20-23 addressing licensure, certification, and registration regarding adult care homes, and that order was extended by Executive Orders 20-41, 20-56, 20-64, and 21-02;

**WHEREAS**, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including preventing threats to the health and welfare of residents of state facilities;

**WHEREAS**, due to progress Kansas counties have made towards Vaccination Phases 1 and 2, this Administration, like CMS, will also ensure a careful balance is maintained to allow for visitation to occur in adult care homes in accordance with CMS and CDC guidance and core principles to address the psychosocial needs of the residents; and

**WHEREAS**, this Administration will also ensure State and local officials have appropriate statutory and regulatory authority available to protect the rights, health, safety and welfare of residents as each adult care home implements its visitation plan in accordance with CMS March 10, 2021 Revised *QSO-20-39-NH* guidance on *Nursing Home Visitation – COVID-19*.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including but not limited to the authority granted me by K.S.A 48-924 and K.S.A 48-925(b), (c)(1), and (c)(11), in order to respond to and mitigate the spread of COVID-19, I hereby direct and order the following:

#### Provisions Specific to Persons

1. Renewal deadlines shall be extended for any occupational or professional license, certificate, or registration issued by KDADS or any board, commission, or other licensing authority under the jurisdiction of KDADS or the Board of Adult Care Home Administrators (BACHA).
2. A temporary license, certification, or registration may be issued for persons who were previously licensed, certified, or registered by KDADS or any board, commission, division, or other licensing authority under the jurisdiction of KDADS or BACHA as long as the person was in good standing prior to the lapse of the license, certification, or registration. Additionally, the license, certificate, or registration may not have been issued more than five years from the date of this order.
3. KDADS and any board, commission, division, or other licensing authority under the jurisdiction of

*(continued)*

KDADS or BACHA shall extend the deadlines for any continuing education requirements mandated by statute or regulation until the termination of the State of Disaster Emergency.

4. KDADS and any board, commission, division, or other licensing authority under the jurisdiction of KDADS or BACHA shall waive any late fee associated with any license, certificate or registration associated with Sections 1 and 2 above.
5. For purposes of this Order, "in good standing" shall include a license, certificate or registration that is subject to probation, or non-disciplinary conditions, limitations, or restrictions, but shall not include a license, certificate or registration that is revoked, cancelled, or surrendered. If the records of KDADS or any board, commission, division, or other licensing authority under the jurisdiction of KDADS or BACHA reflect an individual has a prohibiting offense, such license, certificate, or registration shall not be considered "in good standing." Any license, certificate, or registration that is subject to disciplinary conditions, limitations, or restrictions shall remain subject to such conditions, limitations, or restrictions.
6. A temporary aide authorization may be issued for persons who receive minimum training within the nursing facility as set forth by KDADS. The facility, at a minimum, needs to ensure persons with a temporary aide authorization are competent to perform/execute their duties, including but not limited to: infection control, proper patient handling, and how to effectively assist with the performance of activities of daily living.
7. A temporary authorization may be issued for persons who were not previously licensed, certified, or registered by Kansas or any other state in the United States of America. The individuals who may be served by those who hold this temporary authorization are individuals who only require minimal supervision or assistance with activities of daily living. The facility, at a minimum, needs to ensure persons with a temporary authorization are competent to perform/execute their duties, including but not limited to: infection control, proper patient handling, and how to effectively assist with the performance of activities of daily living.

#### Provisions Specific to Facilities/Units/Locations

8. The Secretary of KDADS shall have authority to issue a provisional license, pursuant to K.S.A. 39-929, to an adult care home that submits a checklist, on a form approved by KDADS; and a detailed plan for isolation/cohorting of residents in response to the COVID-19 pandemic. The Secretary's approval of the checklist and plan may require temporary suspension of standards, requirements, rules, and regulations related to the physical environment, a change in bed capacity, or change in bed classification for the adult care home. The requirement of K.S.A. 39-929 that the state fire marshal approve issuance of the provisional license shall be suspended

only if KDADS has approved the adult care home's submission of the checklist and plan for cohorting residents in response to the COVID-19 pandemic. The provisional license shall be valid until the termination of the State of Disaster Emergency. Otherwise, if a provisional license is issued by KDADS for reasons other than the isolation/cohorting of residents in response to the COVID-19 pandemic, all requirements of K.S.A. 39-929 shall be effective.

9. If KDADS has granted a provisional license to the adult care home, pursuant to K.S.A. 39-929, for the purpose of isolation/cohorting of residents in response to the COVID-19 pandemic, the duties and responsibilities identified in K.S.A. 39-928 as it relates to the State Fire Marshall, those who contract with the State Fire Marshall, or other entities who perform similar duties to the State Fire Marshall regarding inspections of adult care homes shall be suspended for new or renewal KDADS-licensed facilities, units, or locations until the termination of the State of Disaster Emergency. K.S.A. 39-928 shall otherwise be effective.
10. With the exception of quality care assessments and penalties arising therefrom, any initial, renewal, modification, late, delinquent, penalty, or expiration fees associated with any Kansas-licensed adult care home that occur after March 12, 2020, are suspended until the termination of the State of Disaster Emergency.
11. Any fees associated with reducing, increasing, or modifying an adult care home's bed capacity for the purpose of cohorting residents in response to the COVID-19 pandemic, are waived until the termination of the State of Disaster Emergency. Any modification to bed capacity for the purpose of cohorting residents in response to the COVID-19 pandemic during the State of Disaster Emergency shall not impact the amount of quality care assessment owed by the adult care home, unless there is a change of ownership. Receiverships are exempt from this modification to quality care assessments. Upon termination of the State of Disaster Emergency, every adult care home shall return to the original bed capacity authorized prior to the commencement of the State of Disaster Emergency on March 12, 2020, unless a Change of Resident Capacity form was submitted to KDADS after March 12, 2020, requesting an increase or decrease of bed capacity for reasons other than the COVID-19 public health emergency and the appropriate fee was paid.
12. If KDADS has granted a provisional license to an adult care home, pursuant to K.S.A. 39-929, for the purpose of isolation/cohorting of residents in response to the COVID-19 pandemic, K.A.R. 26-39-101(g) is suspended until the termination of the State of Disaster Emergency. The facility shall provide KDADS written notice within 5 calendar days of such a change in capacity. If KDADS has not issued a provisional license as specified in this section, K.A.R. 26-39-101(g) shall otherwise be effective.

13. If KDADS has granted a provisional license to the adult care home, pursuant to K.S.A. 39-929, for the purpose of isolation/cohorting of residents in response to the COVID-19 pandemic, the requirement for at least a 30-day notification before the change of services identified in K.A.R. 26-39-103(c)(2) is suspended until the termination of the State of Disaster Emergency. K.A.R. 26-39-103(c)(2) shall otherwise be effective.
14. The requirement to produce documents for inspection within 2 calendar days of the request under K.A.R. 26-39-103(d)(1) is amended to require production of documents for inspection within 7 calendar days of the request until there is a termination of the State of Disaster Emergency. After the termination of the State of Disaster Emergency, the response timeframe for K.A.R. 26-39-103(d)(1) shall revert to the original requirement that was in effect immediately prior to commencement of the State of Disaster Emergency on March 12, 2020.
15. The free choice requirement under K.A.R. 26-39-103(f)(1) related to any change in physician shall be suspended until there is a termination of the State of Disaster Emergency only if one or more of the following events occur in an adult care home: (a) State or local authorities have imposed restrictions upon visitation in an adult care home; or (b) the resident's chosen physician cannot meet the screening requirements of the local health authorities. K.A.R. 26-39-103(f)(1) shall otherwise be effective.
16. If KDADS has granted a provisional license to the adult care home, pursuant to K.S.A. 39-929, for the purpose of isolation/cohorting of residents in response to the COVID-19 pandemic, the requirement to develop a comprehensive care plan as identified in K.A.R. 28-39-151(h)(2)(A) is suspended until the termination of the State of Disaster Emergency. K.A.R. 28-39-151(h)(2)(A) shall otherwise be effective.
17. If KDADS has granted a provisional license to the adult care home, pursuant to K.S.A. 39-929, for the purpose of isolation/cohorting of residents in response to the COVID-19 pandemic, adult care homes licensing requirements identified in K.S.A. 39-939(a), K.A.R. 26-40-301, K.A.R. 26-40-303 through 26-40-305, and K.A.R. 28-39-254 through 28-39-256 are suspended until the termination of the State of Disaster Emergency. K.S.A. 39-939(a), K.A.R. 26-40-301, K.A.R. 26-40-303 through 26-40-305, and K.A.R. 28-39-254 through 28-39-256 shall otherwise be effective.

#### General Provisions and Definitions

18. Additional guidance shall be provided by the responsible state agency to assist with implementation of this executive order.
19. For purposes of this Order, a "state agency" has the meaning set forth in K.S.A. 75-3701, and reports to or is otherwise located within an executive office under the control of the Governor.

20. Nothing in this Order shall prevent any state agency or any board, commission, division, or other licensing authority within a state agency from exercising its statutory or regulatory enforcement authority during the State of Disaster Emergency.

21. This Order should be read in conjunction with previous executive orders responding to the COVID-19 pandemic.

This document shall be filed with the Secretary of State as Executive Order No. 21-12. It shall become effective immediately, and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048994

#### State of Kansas

#### Office of the Governor

#### Executive Order No. 21-13 Temporarily Prohibiting Certain Foreclosures and Evictions

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

*(continued)*

**WHEREAS**, the COVID-19 pandemic threatens the stability of local, state, national, and global economies, and has caused layoffs, furloughs, and significant decreases in pay;

**WHEREAS**, Kansas law states that “[e]conomic insecurity, due to unemployment, is a serious menace to health, morals, and welfare of the people of this state”;

**WHEREAS**, in March of 2020, the unemployment rate in Kansas was 2.8 percent, in April and May the unemployment rate skyrocketed to 11.9 and 10.0 percent, respectively, and during June 2020 the rate remained at a discouraging 7.5 percent;

**WHEREAS**, in light of the heightened unemployment rate and unprecedented public health challenges facing our state, on March 23, 2020, I issued Executive Order 20-10, prohibiting certain foreclosures and evictions;

**WHEREAS**, when the federal government responded to the economic crisis created by the COVID-19 pandemic by increasing financial support for those who lost jobs or wages as a result of the pandemic and implementing protections against foreclosures and evictions, and as Kansas was poised to follow the Ad Astra Plan for a phased re-opening of our economy, I allowed Executive Order 20-10 (as extended by Executive Order 20-28) to expire;

**WHEREAS**, on August 8, 2020, the President issued an “Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners,” instituting some limited federal measures to discourage or prevent some evictions and foreclosures, but acknowledging that federal protections against evictions and foreclosures in the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act have expired;

**WHEREAS**, the President’s executive order also acknowledged that “homelessness poses multiple challenges that can exacerbate and amplify the spread of COVID-19”;

**WHEREAS**, on March 28, 2021, the Centers for Disease Control extended a federal moratorium on certain evictions to June 30, 2021, but the order is intended to supplement—not displace—state and local efforts to address the threat of eviction or foreclosure during the COVID-19 pandemic;

**WHEREAS**, the State of Kansas has established the Kansas Emergency Rental Assistance program to provide financial assistance to renters who have difficulty making payments due to the COVID-19 pandemic;

**WHEREAS**, during a pandemic emergency it becomes more important than ever for citizens to be safe and secure in their homes, and any interruption in housing threatens the public health and safety through increased burdens on social services, increased health risks, and increased spread of COVID-19;

**WHEREAS**, when the COVID-19 pandemic is stressing health care, local and state support systems, and our economy, any disruption in housing is likely to create additional and unnecessary burdens that will impede the response to the COVID-19 pandemic and potentially exacerbate it;

**WHEREAS**, in order to promote and secure the safety and protection of the civilian population in these unprecedented circumstances it is necessary to prevent housing disruption caused by the COVID-19 pandemic; and

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, especially vulnerable Kansans in danger of losing their homes because of the COVID-19 pandemic.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(c) (11), in order to mitigate the spread and the effects of the spread of COVID-19 I hereby direct and order the following:

1. As used in this order, a “financial hardship resulting from the COVID-19 pandemic” occurs when (1) an individual or family suffers a significant loss of income, significant increase in necessary expenses, or inability to work as a direct or indirect result of the COVID-19 pandemic, and (2) the individual’s or family’s financial resources are depleted to the extent that making mortgage or rent payments would leave them unable to purchase food, medicine, or other goods, supplies, or services necessary to their health and safety.
2. This order does not prohibit the continuation of any judicial foreclosure or judicial eviction proceedings filed before the effective date of this order or predecessor orders regarding evictions and foreclosures.
3. No bank or financial lending entity operating in Kansas shall foreclose on a residential property in Kansas when all defaults or violations of the mortgage are substantially caused by a financial hardship resulting from the COVID-19 pandemic.
  - a. The provisions of paragraph 3 and paragraph 5 do not apply to foreclosures on multi-family residential properties in which residential tenants rent from a landlord, as long as the foreclosure will not result in the eviction of any tenants.
4. No landlords—whether individuals, companies, banks, financial lending entities, nursing homes, long-term care facilities, or other entities—shall evict a residential tenant when all defaults or violations of the rental agreement are substantially caused by a financial hardship resulting from the COVID-19 pandemic.
  - a. Residential tenants invoking the protections of this order must establish that the tenant has made reasonable efforts to receive emergency rental assistance from the Kansas Emergency Rental Assistance program administered by the Kansas Housing Resources Corporation.
5. Any bank, financial lending entity, or landlord initiating judicial foreclosure or judicial eviction proceedings after the effective date of this order shall have the burden of pleading and proving that the foreclosure or eviction proceeding is not being initiated solely because of defaults or violations of mort-

gages or rental agreements substantially caused by a financial hardship resulting from the COVID-19 pandemic.

6. This order does not relieve mortgage borrowers or tenants who have not suffered a financial hardship resulting from the COVID-19 pandemic from the obligation to comply with mortgage or rental agreements or to continue making required mortgage or rent payments.
7. This order does not prevent foreclosures or evictions for mortgage or rental agreement defaults or violations not due to a financial hardship resulting from the COVID-19 pandemic.
8. After the statewide State of Disaster Emergency proclaimed on March 12, 2020, and extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session, relating to COVID-19 expires and financial hardships resulting from the COVID-19 pandemic abate, borrowers, lenders, renters, and landlords are encouraged to negotiate payment plans or other agreements to allow borrowers or renters to address any defaults, missed payments, or late fees substantially caused by a financial hardship resulting from the COVID-19 pandemic.
9. This order does not apply to foreclosures initiated by the United States government.
10. All other laws or regulations relating to foreclosures and landlord-tenant rights remain in effect.
11. This order supersedes any contrary order by any local health department regarding foreclosures or evictions and should be read in conjunction with previous executive orders responding to the COVID-19 pandemic. Any contrary provision in previous orders is superseded by this order.

This document shall be filed with the Secretary of State as Executive Order No. 21-13. It shall become effective immediately and remain in force until rescinded, or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048995

## State of Kansas

### Office of the Governor

#### Executive Order No. 21-14 Establishing a Face Coverings Protocol

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, death, quarantines, school closures, and temporary

closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020 and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, in Kansas there have been more than 302,372 reported positive cases of COVID-19 spread among all 105 Kansas counties, including 4,913 deaths;

**WHEREAS**, in the late spring and early summer 2020, Kansas experienced a steady trend of decreasing COVID-19 cases, hospitalizations, and deaths, but by mid-summer that downward trend gave way to a worrying spike in COVID-19 cases, hospitalizations, and deaths in Kansas and across the nation;

**WHEREAS**, if the healthcare system is overrun with COVID-19 patients, as the pandemic has threatened at various times since last spring, communities will be forced to close schools and businesses, and non-COVID-19 healthcare services will be postponed due to lack of staffing, space, and supplies in hospitals and doctor's offices; at worst, Kansans battling COVID-19 or other serious illnesses could suffer and die from the lack of available healthcare services;

**WHEREAS**, wearing a face covering in public is the easiest and most effective way to protect each other, ease the burden on our overburdened healthcare system, and help keep our businesses open and our economy running;

**WHEREAS**, the Centers for Disease Control has determined that even "increasing universal masking by 15% could prevent the need" for restrictions on businesses and gatherings and could avoid severe economic losses;

**WHEREAS**, wearing a face covering in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities;

**WHEREAS**, the State of Kansas must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely and strategically operating businesses and facilitating economic recovery and revitalization;

(continued)

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of Kansas, increasing the wearing of face coverings is necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, in these challenging times, this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(b) and (c)(11), in order to ensure that Kansans can help keep each other safe, relieve unsustainable burdens on our healthcare system, and keep our businesses open as we restore our economy, I hereby direct and order the following:

1. The provisions of paragraphs 2 through 5 below do not apply in counties or municipalities in which a local ordinance or order in effect as of the date this order is issued requires that face coverings be worn in public places and in businesses.
2. Any person in Kansas shall wear a face covering when they are in the following situations:
  - a. Inside, or in line to enter, any indoor public space;
  - b. Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;<sup>1</sup>
  - c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
  - d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
3. All businesses or organizations in Kansas must require all employees, customers, visitors, members, or members of the public to wear a face covering when:
  - a. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
  - b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
  - c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
  - d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
4. The following are exempt from wearing face coverings pursuant to the provisions of this order:
  - a. Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
  - b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
  - c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
  - d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
  - e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
  - f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity;
  - g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
  - h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a face covering;
  - i. Persons engaged in an activity or event held or managed by the Kansas Legislature;
  - j. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
  - k. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law.
5. Definitions:
  - a. “Face covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a face covering has two or more layers. A face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

- b. "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.
6. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.
  7. Local governments retain authority to issue and enforce equally or more restrictive orders or provisions and retain any authority to issue or enforce isolation or quarantine orders or other orders as necessary to respond to escalating or worsening conditions in any local jurisdiction. Counties may also exercise authority granted by K.S.A. 48-925 as amended by 2021 Senate Bill 40, Sec. 6.
  8. As currently permitted pursuant to state law, the Attorney General, county attorneys, and district attorneys enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.
  9. In order to more accurately track and assess statewide status of COVID-19 cases, private labs conducting testing for COVID-19 shall report both positive and negative tests to the Kansas Department of Health and Environment.
  10. The Four Tribes of Kansas (Iowa Tribe, Kickapoo Nation, Prairie Band Potawatomi Nation, and Sac & Fox Nation) retain any authority to regulate through their respective tribal councils for the health and welfare of their population.
  11. This order should be read in conjunction with other executive orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders.

This document shall be filed with the Secretary of State as Executive Order No. 21-14. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

<sup>1</sup> Unless directed otherwise by an employee or healthcare provider.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048996

## State of Kansas

### Office of the Governor

#### Executive Order No. 21-15 Requiring COVID-19 Testing in Certain Adult Care Homes

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis – the pandemic and public health emergency of COVID-19— with effects of illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and such emergency was extended to May 28, 2021, by Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, the health and safety of vulnerable residents residing in adult care homes in Kansas, and the health and safety of the valuable staff that provide direct care and treatment to those residents, have been significantly impacted by COVID-19 infection outbreaks;

**WHEREAS**, a requirement to test staff and residents living and working in state-licensed adult care homes for COVID-19 is an important and necessary addition to other infection prevention and control (IPC) recommendations aimed at preventing COVID-19 from entering adult care homes, detecting cases quickly, and stopping transmission; swift identification of confirmed COVID-19 cases allows the facility to take immediate action to remove exposure risks to residents and staff who live and work in state-licensed adult care homes;

**WHEREAS**, adult care homes subject to federal regulations are subject to COVID-19 testing requirements as set out in QSO-20-38-NH, and this order is intended to subject adult care homes that are exclusively regulated by the state to similar testing requirements; and

(continued)

WHEREAS, on December 9, 2020, I executed Executive Order 20-69, which established COVID-19 testing requirements for adult care homes.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(b), (c)(1), and (c)(11), in order to address the effects of the spread of COVID-19, I hereby direct and order the following:

1. Adult care homes subject to this order shall include all facilities identified in K.S.A. 39-923(a), except those facilities that must comply with QSO-20-38-NH issued on August 26, 2020, by the Centers for Medicare & Medicaid Services (CMS), pursuant to 42 CFR 483.80(h), which requires nursing facilities that are federally certified to receive Medicare and Medicaid funding to test all residents and staff for COVID-19 in accordance with guidance established by CMS. This executive order is intended to require testing of staff and residents in all other state-licensed facilities that are classified as adult care homes under K.S.A. 39-923(a)
2. "Adult care homes" or "facility" as used in this order includes any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services in accordance with K.S.A. 39-923(a);
3. **Testing of Adult Care Home Staff and Residents**
  - a. To enhance efforts to keep COVID-19 from entering and spreading through nursing homes, adult care homes are required to test residents and staff with authorized nucleic acid or antigen detection assays based on parameters and a frequency set forth by this executive order.
  - b. Adult care homes can meet the testing requirements through the use of rapid point-of-care (POC) diagnostic testing devices or through an arrangement with an offsite laboratory. POC Testing is diagnostic testing that is performed at or near the site of resident care. For a facility to conduct these tests with their own staff and equipment (including POC devices provided by the Department of Health and Human Services), the facility must have a CLIA Certificate of Waiver.
  - c. Adult care homes without the ability to conduct COVID-19 POC testing must have arrangements with a laboratory to conduct tests to meet these requirements. Laboratories that can quickly process large numbers of tests with rapid reporting of results (e.g., within 48 hours) must be selected to rapidly inform infection prevention initiatives to prevent and limit transmission. Adult care homes have access to laboratories contracted

with the State of Kansas through the "It's Up to Us, Kansas" testing strategy. This access is established through December 30, 2020.

- d. "Adult care home staff" or "facility staff" includes employees, consultants, contractors, volunteers, and caregivers who provide care and services to residents on behalf of the adult care home, and students in the adult care home's nurse aide training programs or from affiliated academic institutions. For the purpose of testing "individuals providing services under arrangement and volunteers," adult care homes must prioritize those individuals who are regularly in the facility (e.g., weekly) and have contact with residents or staff. The facility may have a provision under its arrangement with a vendor or volunteer that requires them to be tested from another source (e.g., their employer or on their own). However, the adult care home is still required to obtain documentation that the required testing was completed during the timeframe that corresponds to the facility's testing frequency.
  - e. Regardless of the frequency of testing being performed or the adult care home's COVID-19 status, the facility must continue to screen all staff (each shift), each resident (daily), and all persons entering the facility, such as vendors, volunteers, and visitors, for signs and symptoms of COVID-19.
4. **Testing of Staff and Residents with COVID-19 Symptoms or Signs**
    - a. Staff with symptoms or signs of COVID-19 must be tested and are required to be restricted from the adult care home pending the results of COVID-19 testing. If COVID-19 is confirmed, staff must follow KDHE and local health department guidance and mandates for isolation. Staff who do not test positive for COVID-19 but have symptoms shall follow the facility's policies to determine when they can return to work.
    - b. Residents who have signs or symptoms of COVID-19 must be tested. While test results are pending, residents with signs or symptoms must be placed on transmission-based precautions (TBP) in accordance with KDHE and CDC guidance. Once test results are obtained, the adult care home must take the appropriate actions based on the results.
  5. **Testing of Staff and Residents in Response to an Outbreak**
    - a. An outbreak is defined as a new COVID-19 infection in any healthcare personnel (HCP) or any adult care home-onset COVID-19 infection in a resident that is acquired at the facility. In an outbreak investigation, rapid identification and isolation of new cases is critical in stopping further viral transmission. A resident who is admitted to the adult care home with COVID-19 does not constitute a facility outbreak.

b. Upon identification of a new case of COVID-19 infection in any staff or residents of the adult care home, some type of limited or more expansive facility-wide testing must occur. This testing includes testing all staff and residents, and all staff and residents that tested negative must be retested every 3 days to 7 days until testing identifies no new cases of COVID-19 infection among staff or residents for a period of at least 14 days since the most recent positive result. If an adult care home needs technical assistance on determining the extent of facility-wide testing, the facility should call the KDHE Epidemiology Hotline. KDHE will help the facility identify the appropriate amount of facility-wide testing through either the KDHE laboratory or other laboratory resources.

#### 6. Routine Testing of Staff

- a. Routine testing must be based on the extent of the virus in the community; therefore, facilities are required to use their county positivity rate in the prior week as the trigger for staff testing frequency.
- b. Adult care homes are required to use the COVID-19 county positivity rate reported by the Kansas Department of Health and Environment as the primary information to determine how frequently to conduct routine testing of staff. The minimum testing interval based on the county positivity rates are as follows:
  - Low (<5% positive test result rate) or Green – Once month
  - Medium (5%–10% positive test result rate) or Yellow – Once a week
  - High (>10% positive test result rate) or Red – Twice a Week
- c. The county positivity data table referenced in paragraph 6.b. above is located on the Kansas Department of Health and Environments webpage under Nursing Home Metrics (<https://www.coronavirus.kdheks.gov/160/COVID-19-in-Kansas>) Facilities may also monitor other factors to understand the level of COVID-19 risk, such as rates of COVID-19-Like Illness, visits to the emergency department or the positivity rate of a county adjacent to the county where the adult care home is located for additional routine testing considerations.
- d. The adult care home shall begin testing all staff at the frequency prescribed in the Routine Testing table based on the county positivity rate reported in the past week. Facilities shall monitor their county positivity rate every week and adjust the frequency of performing staff testing according to the paragraph 6.b. above.
  - i. If the county positivity rate increases to a higher level of activity, the facility shall begin testing staff at the frequency shown in the ta-

ble above as soon as the criteria for the higher activity are met.

- ii. If the county positivity rate decreases to a lower level of activity, the facility shall continue testing staff at the higher frequency level until the county positivity rate has remained at the lower activity level for at least two weeks before reducing testing frequency.

e. The testing frequency requirement in paragraph 6.b. above represents the minimum testing required. Adult care homes may consider additional factors, such as the positivity rate in an adjacent (i.e., neighboring) county to test at a frequency that is higher than required. For example, if a facility in a county with a low positivity rate has many staff that live in a county with a medium positivity rate, the facility should consider testing based on the higher positivity rate (in scenario described, weekly staff testing would be indicated).

#### 7. Refusal of Testing

- a. Adult care homes must have procedures in place to address staff who refuse testing. Procedures must ensure that staff who have signs or symptoms of COVID-19 and refuse testing are prohibited from entering the building until the return to work criteria are met. If outbreak testing has been triggered and a staff member refuses testing, the staff member must be restricted from the building until the procedures for outbreak testing have been completed. The facility must follow its occupational health and local jurisdiction policies with respect to any asymptomatic staff who refuse routine testing.
- b. Residents (or resident representatives) may exercise their right to decline COVID-19 testing in accordance with the requirements under K.A.R. 26-39-103. In discussing testing with residents, staff should use person-centered approaches when explaining the importance of testing for COVID-19. Adult care homes must have procedures in place to address residents who refuse testing.
- c. Procedures must ensure that residents who have signs or symptoms of COVID-19 and refuse testing are placed on TBP until the criteria for discontinuing TBP have been met. If outbreak testing has been triggered and an asymptomatic resident refuses testing, the adult care home must be extremely vigilant, such as through additional monitoring, to ensure the resident maintains appropriate distance from other residents, wears a face covering (unless otherwise determined inappropriate for the resident per the person centered support plan or medical documentation), and practices effective hand hygiene until the procedures for outbreak testing have been completed.

(continued)

- d. Clinical discussions about testing may include alternative specimen collection sources that may be more acceptable to residents than nasopharyngeal swabs (e.g., anterior nares). Providing information about the method of testing and reason for pursuing testing may facilitate discussions with residents or resident representatives.
- e. If a resident has symptoms consistent with COVID-19 or has been exposed to COVID-19, or if there is a facility outbreak and the resident declines testing, he or she must be placed on or remain on TBP until he or she meets the symptom-based criteria for discontinuation.

#### 8. Other Testing Considerations

- a. Individuals who are determined to be potentially infectious must undergo evaluation and remain isolated until they meet criteria for discontinuation of isolation or discontinuation of transmission-based precautions, depending on their circumstances.
- b. For residents or staff who test positive, adult care homes must contact the KDHE epidemiology hotline or the appropriate county health department for contact tracing.
- c. While not required, adult care homes may test residents' visitors to help facilitate visitation while also preventing the spread of COVID-19. Facilities shall prioritize resident and staff testing and have adequate testing supplies to meet required testing, prior to testing resident visitors.

#### 9. Conducting Testing

- a. Adult care homes required to conduct testing must obtain an order from a physician, physician assistant, nurse practitioner, or clinical nurse specialist in accordance with State law, including scope of practice laws, to provide or obtain laboratory services for a resident, which includes COVID-19 testing. This may be accomplished through the use of physician approved policies (e.g., standing orders), or other means as specified by scope of practice laws and facility policy. KDHE also has created a standing order to access testing in Kansas for people meeting the Person Under Investigation criteria.
- b. Rapid POC Testing devices are prescription use tests under the Emergency Use Authorization and must be ordered by a healthcare professional licensed under the applicable state law or a pharmacist under HHS guidance. Accordingly, the adult care home must have an order from a healthcare professional or pharmacist, as previously described, to perform a rapid POC COVID-19 test on an individual.
- c. Collecting and handling specimens correctly and safely is imperative to ensure the accuracy of test results and prevent any unnecessary exposures. The specimen shall be collected and, if necessary, stored in accordance with the man-

ufacturer's instructions for use for the test and CDC guidelines.

- d. During specimen collection, adult care homes must maintain proper infection control and use recommended personal protective equipment (PPE), which includes an N95 or higher-level respirator (or facemask if a respirator is not available), eye protection, gloves, and a gown, when collecting specimens.

#### 10. Reporting Test Results

- a. In order to conduct point of care COVID-19 testing, each adult care home must have a CLIA certificate of waiver that specifically states testing for COVID-19. They need to contact the KDHE CLIA office to get a waiver or update their waiver before doing any POC testing. Adult care homes conducting tests under a CLIA certificate of waiver are subject to regulations that require laboratories to report data for all testing completed, for each individual tested.
- b. For additional information on reporting requirements see: Frequently Asked Questions: COVID-19 Testing at Skilled Nursing Facilities/ Nursing Homes CMS Memorandum: Interim Final Rule (IFC), CMS-3401-IFC, Updating Requirements for Reporting of SARS-CoV-2 Test Results by Clinical Laboratory Improvement Amendments of 1988 (CLIA) Laboratories, and Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency
- c. In addition to reporting in accordance with CLIA requirements, adult care homes must continue to report COVID-19 information to the CDC's National Healthcare Safety Network (NHSN), in accordance with 42 CFR § 483.80(g)(1)–(2). As appropriate to the facility, reporting must satisfy the Kansas public health requirements for reporting infectious disease outbreaks.

#### 11. Documentation of Testing

- a. Adult care homes must document the results of COVID-19 testing. To do so, adult care homes must do the following:
  - i. For symptomatic residents and staff, document the date(s) and time(s) of the identification of signs or symptoms, when testing was conducted, when results were obtained, and the actions the facility took based on the results.
  - ii. Upon identification of a new COVID-19 case in the facility (i.e., outbreak), document the date the case was identified, the date that all other residents and staff are tested, the dates that staff and residents who tested negative are retested, and the results of all tests. All residents and staff that tested negative are required to be retested until testing identifies no new cases of COVID-19 infection among staff or residents for a period of at least 14

days since the most recent positive result (see section Testing of Staff and Residents in response to an outbreak above).

- iii. For staff routine testing, document the facility's county positivity rate, the corresponding testing frequency indicated (e.g., every other week), and the date each positivity rate was collected. Also, document the date(s) that testing was performed for all staff, and the results of each test.
  - iv. Document the facility's procedures for addressing residents and staff that refuse testing or are unable to be tested and document any staff or residents who refused or were unable to be tested and how the facility addressed those cases.
  - v. When necessary, such as in emergencies due to testing supply shortages, document that the facility contacted state and local health departments to assist in testing efforts, such as obtaining testing supplies or processing test results.
- b. Adult care homes may document the conducting of tests in a variety of ways, such as a log of county positivity rates, schedules of completed testing, and/or staff and resident records. However, the results of tests must be done in accordance with standards for protected health information. For residents, the facility must document testing results in the medical record. For staff, including individuals providing services under arrangement and volunteers, the facility must document testing results in a secure manner consistent with requirements specified in compliance with K.S.A. 39-938.

12. This order should be read in conjunction with other executive orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders.

This document shall be filed with the Secretary of State as Executive Order No. 21-15. It shall become effective immediately and remain in force until rescinded, or until the statewide State of Disaster Emergency extended by section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution, expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048997

State of Kansas

Office of the Governor

Executive Order No. 21-16  
Provisions Related to Drivers' License and  
Identification Cards During the State  
of Disaster Emergency

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis – the pandemic and public health emergency of COVID-19— resulting in illness, quarantines, school closures, and business disruptions resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 reported positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, on July 8, 2020, I executed Executive Order 20-55, extended by Executive Orders 20-64 and 20-70, paragraph 3 of which extended the "terms of drivers' licenses and identification cards for all Kansas residents with State driver's licenses and identification cards that expire or will expire between March 12, 2020, and September 15, 2020, and who are not able to renew at a State driver's license examination office due to the State's COVID-19 response";

**WHEREAS**, on July 29, 2020, I executed Executive Order 20-60, extended by Executive Order 20-70, which lifted the statutory prohibition on those over 50 years old renewing driver's licenses online and allowed those up to age 64 to renew online;

**WHEREAS**, to protect Kansans, and especially those who may be members of a vulnerable population, it continues to be necessary to make it as safe as possible for Kansans to renew their driver's licenses and identification cards, and to extend deadlines for Kansas residents and entities to renew their driver's licenses and identification cards to avoid unnecessary exposure to COVID-19;

(continued)

**WHEREAS**, as of March 17, 2021, a total of 149,796 licenses and identification cards are scheduled for renewal before June 30, 2021, and under current operating conditions the average number of renewals per month has been 28,136;

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(b), (c)(1), and (c)(11), in order to address the effects of the spread of COVID-19, I hereby direct and order the following:

1. The Division of Vehicles shall extend the terms of drivers' licenses and identification cards for all Kansas residents with State driver's licenses and identification cards that expired or will expire from March 12, 2020, through June 30, 2021, and who are not able to renew at a State driver's license examination office due to the State's COVID-19 response.
2. All driver's license and identification card renewals extended by this Executive Order must be completed by June 30, 2021, or normal late fees will be assessed.
3. The provision in K.S.A. 2019 Supp. 8-240(j)(2)(B) prohibiting applicants 50 years of age or older, from utilizing the electronic online driver's license renewal application is suspended through June 30, 2021, for the limited purpose of allowing drivers 50 years of age or older to use the electronic online renewal system.
4. Any contrary provisions in Executive Orders 20-55, 20-60, 20-64, 20-66, and 20-70 are superseded by this order.
5. Other than as provided in paragraphs 1-4 above, this order does not alter other laws, regulations, or rules relating to the requirements in K.S.A. 2019 Supp. 8-240 for an applicant to renew their driver's license.

This document shall be filed with the Secretary of State as Executive Order 21-16. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048998

## State of Kansas

### Office of the Governor

#### Executive Order No. 21-17

#### Temporary Relief from Certain Unemployment Insurance Requirements During State of Disaster Emergency

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in ill-

ness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of Kansas, as expressed in K.S.A. 44-702 of the Kansas Employment Security Law;

**WHEREAS**, federal efforts to address unemployment caused by the COVID-19 pandemic have included, , federal funding for certain unemployment benefits such as benefits to be paid during what would otherwise be deemed a "waiting week" period;

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans by providing greater access to state unemployment benefits.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(b), (c)(1), and (c)(11), in order to mitigate the effects of COVID-19, I hereby direct and order the following:

1. The waiting week requirement for unemployment benefits, provided for in K.S.A. 44-705(d), is temporarily waived for all claimants.

This document shall be filed with the Secretary of State as Executive Order 21-17. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 048999

## State of Kansas

## Office of the Governor

**Executive Order No. 21-18**  
**Temporary Provisions for Employer Payment**  
**of Income Tax Withholding for Work**  
**Performed in Another State**

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, Kansas law requires employers to withhold from wages whenever the wage recipient is a Kansas resident or the wages are paid on account of personal service performed in Kansas;

**WHEREAS**, Kansans and Kansas businesses have had to suddenly adapt to the COVID-19 pandemic by adjusting work schedules and employee work sites, including requiring many employees to telework, sometimes across state lines; and

**WHEREAS**, Kansas must do what it can to facilitate the payment and accounting of income tax withholding for employers who responsibly encouraged or required telework or a change in primary work location to protect their employees and keep businesses operating during the COVID-19 pandemic.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(b), (c)(1), and (c)(11), in order to mitigate the effects of COVID-19, I hereby direct and order the following:

1. For the period of March 13, 2020, through December 31, 2020, inclusive, for wages paid to employees who are temporarily teleworking in a state other than their primary work location, employers shall have the option to continue to withhold income taxes based on the state of the employee's primary work location and not based on the state in which the employee is teleworking or otherwise working during the pandemic. Any provisions of K.S.A. 79-3296 in conflict with the provisions of this paragraph are hereby suspended.
2. On and after January 1, 2021, employers shall comply with K.S.A. 79-3296 and make all necessary adjustments to withhold from wages whenever the wage recipient is a Kansas resident or the wages are paid on account of personal service performed in Kansas.
3. Other than as provided in paragraph 1, above, this order does not affect any other laws, regulations, or rules relating to the filing requirements in K.S.A. 79-3201 *et seq.*, known as the Kansas income tax act and K.S.A. 79-3294 *et seq.*, known as the Kansas withholding and declaration of estimated tax act.

This document shall be filed with the Secretary of State as Executive Order No. 21-18. It shall become effective immediately and remain in force until rescinded, or until statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 049000

## State of Kansas

## Office of the Governor

**Executive Order No. 21-19**  
**Temporary Relief from Certain Tuberculin Testing**  
**Requirements During State of Disaster Emergency**

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

*(continued)*

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, persons who reside and work in adult care home settings, as defined by K.S.A. 39-923, will be given to access to vaccines as supplies are available under Phase 1 of Kansas' COVID-19 Vaccination Plan, and persons who reside, attend or work in other congregate settings will be given access to vaccines as supplies are available under Phase 2. Amongst other types of settings included in Phase 2's "congregate settings," such settings may include residential and day services programs for persons with disabilities or the frail and elderly, pre-schools, school age programs, day care settings, and various residential settings and placements for foster youth;

**WHEREAS**, the Advisory Committee on Immunization Practices (ACIP) issued interim recommendations for the use Pfizer-BioNTech and Moderna COVID-19 vaccines for prevention of coronavirus disease 2019 (COVID-19) in the United States. Both vaccines are lipid nanoparticle-formulated, nucleoside-modified mRNA vaccines encoding the prefusion spike glycoprotein of SARS-CoV-2, the virus that causes COVID-19.

**WHEREAS**, on November 20, 2020, the Centers for Disease Control and Prevention ("CDC") issued interim clinical guidelines for mRNA vaccines (which apply only to the Pfizer-BioNTech and Moderna COVID-19 vaccines), and the CDC mRNA Immunization Guidelines recommend if the mRNA COVID-19 vaccination has been given, tuberculin ("TB") screening drawing blood for interferon gamma release assay ("IGRA") or utilizing the Tuberculin Skin Test ("TST") should be deferred until 4 weeks after the Pfizer-BioNTech or Moderna COVID-19 vaccine 2-dose is completed;

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid threats to the health, safety, and welfare of Kansans by following CDC immunization guidelines for tuberculin testing.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(b), (c)(1), and (c)(11), in order to mitigate the effects of COVID-19, I hereby direct and order the following:

1. Definitions

- a. "Adult care homes" or "facility" as used in this order includes any nursing facility, nursing fa-

cility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services in accordance with K.S.A. 39-923(a).

- b. "Congregate setting" or "program" as used in this order includes only those congregate settings identified in Phase 2 of Kansas' COVID Vaccination Plan licensed by the Kansas Department for Health and Environment ("KDHE") or the Kansas Department for Aging and Disability Services ("KDADS"), and if such State agencies require tuberculin testing of recipients, staff or unpaid persons as a requirement to entry or onboarding.
- c. "Staff" as used in this order includes employees, consultants, contractors, volunteers, and caregivers who provide care to residents of an adult care home, and students in such adult care home's nurse aide training programs or from affiliated academic institutions. "Staff" shall also include employees, consultants, contractors, volunteers, and caregivers who provide care to recipients of services offered in a congregate setting.
- d. "Resident" as used in this order shall include all residents of adult care homes as defined by K.S.A. 39-923(a).
- e. "Recipient" shall include persons who receive services in a congregate setting only if such persons are required by KDHE or KDADS to receive tuberculin testing for admission or receipt of the services offered by the program.
2. TB Testing of Staff and Residents in Adult Care Homes and Congregate Settings
- a. According to the CDC Interim mRNA Immunization Guidelines, inactive vaccines do not interfere with TB test results, and there is no immunologic reason to believe either a TST or IGRA tuberculin test would affect the safety or effectiveness of mRNA COVID-19 vaccines. There is no data to inform the impact of the COVID-19 mRNA vaccines on either the TST or IGRA tuberculin test for infection.
- b. At the time of entry or onboarding, the CDC Interim mRNA Immunization Guidelines recommend that TB symptom screening be performed on all staff, residents and applicable recipients. If the facility or program is utilizing the IGRA, the blood draw for the interferon gamma release assay should be done prior to the COVID-19 vaccination. If the facility or program is utilizing the TST, the skin test should be placed prior to the COVID-19 vaccination. If the mRNA COVID-19 vaccination has been given and TB testing needs to be performed, defer the TST or IGRA until 4 weeks after the COVID-19

vaccine 2-dose completion. Staff, residents, and recipients who have received the COVID-19 vaccination should weigh the risks and benefits of delaying TST/IGRA tuberculin testing with their medical providers.

- c. K.A.R. 28-4-126(c), applicable to preschools, day care homes or child care centers licensed by the Kansas Department of Health and Environment, that requires tuberculin testing of each person living, working or regularly volunteering in such preschool, day care home or child care center is suspended. During the period K.A.R. 28-4-126(c) is suspended, tuberculin testing for residents, recipients and staff of preschools, day care homes and child care centers shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements of K.A.R. 28-4-126(c)(2) for notification to the Kansas Department of Health and Environment of any significant exposure to an active case of tuberculosis, or symptoms compatible with tuberculosis develop, shall otherwise be effective.
- d. K.A.R. 28-4-126(c) and K.A.R. 28-4-126(e), applicable to group boarding homes and residential facilities licensed by the Kansas Department for Children and Families, that requires tuberculin testing of each person living, working or regularly volunteering in such group boarding home or residential facility is suspended. During the period K.A.R. 28-4-126(c) and K.A.R. 28-4-126(e) are suspended, tuberculin testing for residents, recipients and staff of group boarding homes and residential facilities shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements of K.A.R. 28-4-126(c)(2) for notification to the Kansas Department of Health and Environment of any significant exposure to an active case of tuberculosis, or symptoms compatible with tuberculosis develop, shall otherwise be effective.
- e. K.A.R. 28-4-291(c)(2), applicable to attendant care centers licensed by the Kansas Department for Children and Families, that requires each attendant shall present written proof of freedom from active tuberculosis is suspended. During the period 28-4-291(c)(2) is suspended, tuberculin testing for attendants of attendant care centers shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b).
- f. K.A.R. 28-4-356(b)(2)(C) and K.A.R. 28-4-356(d)(4)(5)(6), applicable to detention and secure care centers and staff secure facilities licensed by the Kansas Department for Children and Families, that requires tuberculin testing of each person living, working or regularly volunteering in such detention or secure care center and staff secure facility is suspended. During the period K.A.R. 28-4-356(b)(2)(C) and K.A.R. 28-4-356(d)(4)(5)(6), are suspended, tuberculin testing for staff, volunteers, and residents of a detention or secure care center or staff secure facility shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements of K.A.R. 28-4-356(d)(4)(5) for notification to the Kansas Department of Health and Environment of any significant exposure to an active case of tuberculosis, or symptoms compatible with tuberculosis develop, shall otherwise be effective.
- g. K.A.R. 28-4-590(c)(1), applicable to school age programs licensed by the Kansas Department of Health and Environment, that requires a Mantoux tuberculin test when an operator, program director, staff member, child or youth in such program is exposed to an active case of tuberculosis or, if the location of the program is in an area identified by the local health department or the Secretary of KDHE as a high-risk area for tuberculosis exposure, is suspended. During the period K.A.R. 28-4-590(c)(1) is suspended, tuberculin testing for residents, recipients and staff of school age programs shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirement of K.A.R. 28-4-590(c)(1) that such individuals shall obtain a chest x-ray if there is exposure to an active case of tuberculosis and all other provisions of K.A.R. 28-4-590(c) shall otherwise be effective.
- h. K.A.R. 28-4-819(e)(1), applicable to family foster home licensed by the Kansas Department for Children and Families, that requires tuberculin testing of each person living, working or regularly volunteering in such family foster home is suspended. During the period K.A.R. 28-4-819(e)(1) is suspended, tuberculin testing for residents, and youth in placement of a family foster home shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements of K.A.R. 28-4-819(e)(3) for notification to the Kansas Department of Health and Environment of any significant exposure to an active case of tuberculosis, or symptoms compatible with tuberculosis develop, shall otherwise be effective.
- i. K.A.R. 28-4-1259(b)(7)(A) and KAR 28-4-1259(f)(5)(A)(B), applicable to staff secure facilities licensed by the Kansas Department for Children and Families, that requires tuberculin testing of each person living, working or regularly volunteering in such staff secure facility are suspended. During the period K.A.R. 28-4-1259(b)(7)(A) and KAR 28-4-1259(f)(5)(A)(B) are suspended, tuberculin testing for staff, volunteers and resi-

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dents off a staff secure facility shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements of K.A.R. 28-4-1259((7)(D) and K.A.R. 28-4-1259(f)(5)(A) for notification to the Kansas Department of Health and Environment of any significant exposure to an active case of tuberculosis, or symptoms compatible with tuberculosis develop, shall otherwise be effective.

- j. K.A.R. 28-39-161(b)(3), applicable to adult care homes licensed by the Kansas Department for Aging and Disability Services, that requires tuberculosis skin testing to be administered to each new resident and staff as soon as residency or employment begins, unless the resident or staff has documentation of a previous significant reaction is suspended. During the period K.A.R. 28-39-161(b)(3) is suspended, tuberculin testing for residents and staff of adult care homes shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements of K.A.R. 28-39-161(b)(3) for each facility to follow the CDC recommendations for prevention and control of tuberculosis shall otherwise be effective.
- k. K.A.R. 28-39-163(h)(3), applicable to adult care homes licensed by the Kansas Department for Aging and Disability Services, that requires tuberculosis testing for each professional staff before employment or not later than seven days after employment is suspended. During the period K.A.R. 28-39-163(h)(3) is suspended, tuberculin testing for residents and staff of adult care homes shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirement of K.A.R. 28-39-161(b)(3) for each facility to perform health screening for each professional staff before employment or not later than seven days after employment is otherwise effective.
- l. K.A.R. 28-51-103(c)(6), applicable to home health aides licensed by the Kansas Department of Health and Environment, that requires evidence in the personnel records of a negative tuberculin skin test or chest x-ray upon employment is suspended. During the period K.A.R. 28-51-103(c)(6) is suspended, tuberculin testing for home health aides shall be conducted in accordance with the protocols established by the CDC Interim mRNA Immunization Guidelines described in paragraph 2(b). The requirements applicable to home health aides of K.A.R. 28-39-161(b)(3) for evidence of good health upon employment and subsequent periodic health assessments or physical examinations given in accordance with agency policies after employment shall otherwise be effective.

This document shall be filed with the Secretary of State as Executive Order 21-19. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 049001

**State of Kansas**

**Office of the Governor**

**Executive Order No. 21-20  
Extending Time for Kansas Rural Water  
Districts to Hold Annual Meetings During  
the COVID-19 Pandemic**

**WHEREAS**, securing the health, safety and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis – the pandemic and public health emergency of COVID-19 – resulting in illness, quarantines, school closures and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, Kansas rural water districts organized and operating pursuant to K.S.A. § 82a-612, et seq., provide an important service to rural communities throughout the state in providing water to homes, farms, and businesses within the district's territory;

**WHEREAS**, state statutes and rural water district by-laws require that an annual meeting take place for the membership of the district on or before April 1st of each year for, among other things, the election of directors for

the coming year; all members of the rural water district may attend and vote at these meetings, which can involve hundreds of individuals at a single meeting location;

**WHEREAS**, K.S.A. § 82a-648 provides for certain mail ballot elections for rural districts, however, this may require an amendment to the by-laws of the district, which in turn requires a special meeting of the entire membership of the district which cannot be easily and safely performed; and

**WHEREAS**, to protect Kansans, especially those who may be members of a vulnerable population, and to avoid a substantial gathering of people during the pandemic, it is necessary to extend annual meeting deadlines for rural water districts in order to allow districts the opportunity meet either through virtual or remote means or at a time when it may be safer to gather in person.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. § 48-924 and K.S.A. § 48-925(b), (c)(1), and (c)(11), in order to address the effects of the spread of COVID-19, I hereby direct and order the following:

1. The provisions of K.S.A. § 82a-626 are suspended so as to allow all rural water districts in the State of Kansas until October 1, 2021, to hold their annual meetings.
2. In order to comply with any applicable social distancing or mass gathering requirements set by law, the Board of a rural water district may limit in-person attendance at its meetings. However, any rural water district so limiting in-person attendance must provide for the use of remote meeting software, phone conferencing, or other online or virtual technology to provide a method of remote participation for those members who do not attend in person.
3. Rural water districts may meet through the use of remote meeting software, phone conferencing, or other online or virtual technology, regardless of any statutory, regulatory, or rural water district by-law provision that may be construed to prohibit holding or participating in a meeting remotely or virtually. If a rural water district holds a meeting with the assistance of remote meeting software, phone conferencing, or other online or virtual technology, the district is encouraged to review K.A.R. 16-20-1 regarding compliance with the Kansas Open Meetings Act during an emergency declaration.

This document shall be filed with the Secretary of State as Executive Order No. 21-20. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 049002

State of Kansas

Office of the Governor

**Executive Order No. 21-21**  
**Temporary Authorization for Additional**  
**Vaccinators During State of Disaster Emergency**

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, there have been over 302,372 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,913 deaths as a result of the illness;

**WHEREAS**, although current supply of COVID-19 vaccines has not exceeded the ability of licensed vaccinators in Kansas to administer the vaccines expeditiously, as vaccine supply increases and as the state moves into Phase 5—in which all Kansans aged 16 and older will be eligible to receive the vaccine—there is likely to be a need to allow additional medical and other professionals with knowledge, education, and experience in injections and inoculations to perform vaccinations; and

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans by providing greater access to state unemployment benefits.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925(b) and (c)(11), in order to mitigate the effects of COVID-19, I hereby direct and order the following:

1. The temporary grant of authority in paragraphs 2 and 3 applies to any Kansas pharmacist, pharmacy student or intern, podiatrist, dentist, dental hy-

(continued)

gienist, physician's assistant, advanced practice registered nurse, nurse, advanced emergency medical technician, emergency medical technician, and paramedic or any of the above professionals who are allowed to practice in the State during the public health emergency involving COVID-19 who may administer injections or inoculations within their scope of practice.

2. Subject to the limitations stated in paragraph 4, the professionals identified in paragraph 1 may administer a coronavirus vaccine that is approved or authorized by the federal Food and Drug Administration to an adult patient.
3. Subject to the limitations stated in paragraph 4 and with the approval of a Kansas licensed physician, the professionals identified in paragraph 1 may administer a coronavirus vaccine that is approved or authorized by the federal Food and Drug Administration to a child patient who is 12 years of age or older.
4. The authority granted under paragraphs 2 and 3 is limited to those professionals who have successfully completed:
  - a. a course of study and training in vaccination storage, protocols, injection technique, emergency procedures, and recordkeeping as part of their profession; and
  - b. have taken a course in cardiopulmonary resuscitation (CPR) for humans and have a current CPR certificate when administering the vaccine.
5. Nothing in this order is intended or should be construed to have the effect of preventing any person from administering COVID-19 vaccines if the person was lawfully administering or allowed to administer COVID-19 vaccines prior to the execution of this order or Executive Order 21-06 or the person is otherwise authorized under other relevant state or federal law.

This document shall be filed with the Secretary of State as Executive Order 21-21. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution expires, whichever is earlier.

Dated April 1, 2021.

Laura Kelly  
Governor

Doc. No. 049003

## State of Kansas

### Secretary of State

#### Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab  
Secretary of State

(Published in the Kansas Register April 1, 2021.)

## Senate Bill No. 283

AN ACT concerning the governmental response to the COVID-19 pandemic in Kansas; extending the expanded use of telemedicine in response to the COVID-19 public health emergency; extending the authority of the board of healing arts to grant certain temporary emergency licenses; imposing requirements related thereto and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the COVID-19 response and reopening for business liability protection act; extending immunity from civil liability for certain healthcare providers and for certain persons conducting business in this state for COVID-19 claims until March 31, 2022; amending K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503, 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, 60-5508 and 65-468 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-963.

(a) A physician may issue a prescription for or order the administration of medication, including a controlled substance, for a patient without conducting an in-person examination of such patient.

(b) A physician under quarantine, including self-imposed quarantine, may practice telemedicine.

(c) (1) A physician holding a license issued by the applicable licensing agency of another state may practice telemedicine to treat patients located in the state of Kansas, if such out-of-state physician:

~~(A) Advises the state board of healing arts of such practice in writing and in a manner determined by the state board of healing arts; and~~

~~(B) holds an unrestricted license to practice medicine and surgery in the other state and is not the subject of any investigation or disciplinary action by the applicable licensing agency holds a temporary emergency license granted pursuant to K.S.A. 2020 Supp. 48-965, and amendments thereto.~~

(2) The state board of healing arts may extend the provisions of this subsection to other healthcare professionals licensed and regulated by the board as deemed necessary by the board to address the impacts of COVID-19 and consistent with ensuring patient safety.

(d) A physician practicing telemedicine in accordance with this section shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

(e) Nothing in this section shall supersede or otherwise affect the provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020 Supp. 40-2,215, and amendments thereto.

(f) As used in this section:

(1) "Physician" means a person licensed to practice medicine and surgery.

(2) "Telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

(g) This section shall expire on March 31, 2021/2022.

Sec. 2. K.S.A. 2020 Supp. 48-964 is hereby amended to read as follows: 48-964. (a) (1) A hospital may admit patients in excess of such hospital's number of licensed beds or inconsistent with the licensed classification of such hospital's beds to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) A hospital admitting patients in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to admit patients in such manner.

(b) (1) A hospital may utilize non-hospital space, including off-campus space, to perform COVID-19 testing, triage, quarantine or patient care to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) The department of health and environment may impose reasonable safety requirements on such use of non-hospital space to maximize the availability of patient care.

(3) Non-hospital space used in such manner shall be deemed to meet the requirements of K.S.A. 65-431(d), and amendments thereto.

(4) A hospital utilizing non-hospital space in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to utilize non-hospital space in such manner.

(c) A medical care facility may permit healthcare providers authorized to provide healthcare services in the state of Kansas to provide healthcare services at such medical care facility without becoming a member of the medical care facility's medical staff.

(d) As used in this section, "hospital" and "medical care facility" mean the same as defined in K.S.A. 65-425, and amendments thereto.

(e) This section shall expire ~~120 calendar days after the expiration or termination of the state of disaster emergency proclamation issued by the governor in response to the COVID-19 public health emergency; or any extension thereof~~ on March 31, 2022.

Sec. 3. K.S.A. 2020 Supp. 48-965, as amended by section 8 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 48-965. (a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose of preparing for, responding to or mitigating any effect of COVID-19.

(b) *Notwithstanding any statute to the contrary, an applicant may practice in Kansas pursuant to a temporary emergency license upon submission of a non-resident healthcare provider certification form to the Kansas healthcare stabilization fund and without paying the surcharge required by K.S.A. 40-3404, and amendments thereto.*

(c) This section shall expire on March 31, ~~2021~~2022.

Sec. 4. K.S.A. 2020 Supp. 60-5503 is hereby amended to read as follows: 60-5503. (a) Notwithstanding any other provision of law, except as provided in subsection (c), a healthcare provider is immune from civil liability for damages, administrative fines or penalties for acts, omissions, healthcare decisions or the rendering of or the failure to render healthcare services, including services that are altered, delayed or withheld, as a direct response to ~~any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.~~

(b) The provisions of this section shall apply to any claims for damages or liability that arise out of or relate to acts, omissions or healthcare decisions occurring ~~during any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto~~ between March 12, 2020, and March 31, 2022, related to the COVID-19 public health emergency.

(c) (1) The provisions of this section shall not apply to civil liability when it is established that the act, omission or healthcare decision constituted gross negligence or willful, wanton or reckless conduct.

(2) The provisions of this section shall not apply to healthcare services not related to COVID-19 that have not been altered, delayed or withheld as a direct response to the COVID-19 public health emergency.

Sec. 5. K.S.A. 2020 Supp. 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 60-5504. (a) Notwithstanding any other provision of law, a person, or an agent of such person, conducting business in this state shall be immune from liability in a civil action for a COVID-19 claim if such person was acting pursuant to and in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued.

(b) The provisions of this section shall expire on March 31, ~~2021~~2022.

Sec. 6. K.S.A. 2020 Supp. 60-5508 is hereby amended to read as follows: 60-5508. (a) The provisions of K.S.A. 2020 Supp. 60-5504, 60-5505 and 60-5507, and amendments thereto, shall apply retroactively to any cause of action accruing on or after March 12, 2020.

(b) The provisions of K.S.A. 2020 Supp. ~~60-5503 and~~ 60-5506, and amendments thereto, shall apply retroactively to any cause of action accruing on or after March 12, 2020, and prior to termination of the state of disaster emergency related to the COVID-19 public health emergency declared pursuant to K.S.A. 48-924, and amendments thereto.

(c) *The provisions of K.S.A. 2020 Supp. 60-5503, and amendments thereto, shall apply retroactively to any cause of action accruing on or after March 12, 2020, and prior to March 31, 2022.*

Sec. 7. K.S.A. 2020 Supp. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 through 65-474, and amendments thereto:

(a) "Healthcare provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) "Mid-level practitioner" means a physician assistant or advanced practice registered nurse who has entered into a written protocol with a rural health network physician.

(d) "Physician" means a person licensed to practice medicine and surgery.

(e) "Rural health network" means an alliance of members, including at least one critical access hospital and at least one other hospital, that has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding: Patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) (1) "Critical access hospital" means a member of a rural health network that: Makes available 24-hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, advanced practice registered nurse or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit shall count toward the 25-bed limit or be subject to the average 96-hour length of stay restriction.

(2) Notwithstanding the provisions of paragraph (1), prior to ~~June 30, 2021~~March 31, 2022, to the extent that a critical access hospital determines it is necessary to treat COVID-19 patients or to separate COVID-19 patients and non-COVID-19 patients, such critical access hospital shall not be limited to 25 beds or, in the case of a facility with an approved swing bed agreement, 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.

(g) "Hospital" means a hospital other than a critical access hospital that has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.

Sec. 8. K.S.A. 2020 Supp. 48-963, as amended by section 7 of 2021 Senate Bill No. 14, 48-964, 48-965, as amended by section 8 of 2021 Senate Bill No. 14, 60-5503, 60-5504, as amended by section 10 of 2021 Senate Bill No. 14, 60-5508 and 65-468 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2020 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at [http://www.sos.ks.gov/pubs/pubs\\_kar.aspx](http://www.sos.ks.gov/pubs/pubs_kar.aspx).

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-8-13	Amended	V. 40, p. 320
4-8-14a	Amended	V. 40, p. 320
4-8-27	Amended	V. 40, p. 320
4-8-28	Amended	V. 40, p. 320
4-8-29	Amended	V. 40, p. 320
4-8-30	Amended	V. 40, p. 320
4-8-31	Amended	V. 40, p. 320
4-8-32	Amended	V. 40, p. 320
4-8-33	Amended	V. 40, p. 320
4-8-34	Amended	V. 40, p. 321
4-8-35	Amended	V. 40, p. 321
4-8-36	Amended	V. 40, p. 321
4-8-37	Amended	V. 40, p. 321
4-8-38	Amended	V. 40, p. 321
4-8-39	Amended	V. 40, p. 321
4-8-40	Amended	V. 40, p. 321
4-8-41	Revoked	V. 40, p. 321
4-8-42	Revoked	V. 40, p. 321
4-8-43	Revoked	V. 40, p. 321
4-8-44	New	V. 40, p. 321
4-8-45	New	V. 40, p. 322
4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-22	New	V. 39, p. 1578
4-34-23	New	V. 39, p. 1579
4-34-24	New	V. 39, p. 1580
4-34-25	New	V. 39, p. 1581
4-34-26	New	V. 39, p. 1581
4-34-27	New	V. 39, p. 1581
4-34-28	New	V. 39, p. 1582
4-34-29	New	V. 39, p. 1582
4-34-30	New	V. 39, p. 1583

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-48-1	New	V. 40, p. 263

**AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH**

Reg. No.	Action	Register
9-2-35	New	V. 39, p. 1358
9-3-9	Amended	V. 39, p. 1359

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-24-1	New (T)	V. 39, p. 732
10-24-1	New	V. 39, p. 1074
10-24-2	New (T)	V. 39, p. 732
10-24-2	New	V.39, p. 1074

10-24-3	New (T)	V. 39, p. 732
10-24-3	New	V. 39, p. 1075

**AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION**

Reg. No.	Action	Register
11-9-5	Amended	V. 40, p. 427

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-14-1	Amended	V. 39, p. 1155
16-14-10	Amended	V. 39, p. 1155
16-14-11	Amended	V. 39, p. 1155
16-19-1	New	V. 39, p. 208
16-19-2	New	V. 39, p. 208
16-19-3	New	V. 39, p. 208
16-20-1	New (T)	V. 39, p. 462
16-20-1	New	V. 39, p. 1075

**AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER**

Reg. No.	Action	Register
17-23-9	Revoked	V. 39, p. 146

**AGENCY 21: HUMAN RIGHTS COMMISSION**

Reg. No.	Action	Register
21-40-10	Revoked	V. 40, p. 265
21-41-1	Revoked	V. 40, p. 265
21-41-2	Amended	V. 40, p. 265
21-41-3	Amended	V. 40, p. 265
21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
21-41-8	Amended	V. 40, p. 265
21-41-10	Amended	V. 40, p. 265
21-41-11	Revoked	V. 40, p. 265

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-26-1	New (T)	V. 40, p. 161
22-26-2	New (T)	V. 40, p. 162
22-26-3	New (T)	V. 40, p. 163
22-26-4	New (T)	V. 40, p. 163
22-26-5	New (T)	V. 40, p. 164
22-26-6	New (T)	V. 40, p. 164
22-26-7	New (T)	V. 40, p. 164
22-26-8	New (T)	V. 40, p. 164
22-26-9	New (T)	V. 40, p. 164
22-26-10	New (T)	V. 40, p. 165
22-26-11	New (T)	V. 40, p. 165
22-26-12	New (T)	V. 40, p. 165
22-26-13	New (T)	V. 40, p. 166
22-26-14	New (T)	V. 40, p. 166
22-26-15	New (T)	V. 40, p. 167
22-26-16	New (T)	V. 40, p. 167

**AGENCY 26: DEPARTMENT FOR AGING AND DISABILITY SERVICES**

Reg. No.	Action	Register
26-38-1	New	V. 39, p. 1155
26-38-2	New	V. 39, p. 1156
26-38-3	New	V. 39, p. 1157
26-38-4	New	V. 39, p. 1157
26-38-5	New	V. 39, p. 1157
26-38-6	New	V. 39, p. 1158
26-38-7	New	V. 39, p. 1158
26-38-8	New	V. 39, p. 1159
26-38-9	New	V. 39, p. 1160
26-38-10	New	V. 39, p. 1160
26-38-11	New	V. 39, p. 1160

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-40	New (T)	V. 39, p. 1018

28-1-40	New	V. 39, p. 1384
28-1-41	New (T)	V. 39, p. 1018
28-1-41	New	V. 39, p. 1384
28-1-42	New (T)	V. 39, p. 1018
28-1-42	New	V. 39, p. 1384
28-1-43	New (T)	V. 39, p. 1018
28-1-43	New	V. 39, p. 1385
28-1-44	New (T)	V. 39, p. 1019
28-1-44	New	V. 39, p. 1385
28-15-52	Amended	V. 39, p. 171
28-15-53	Amended	V. 39, p. 171
28-19-719	Revoked	V. 39, p. 1459
28-19-720	Amended	V. 39, p. 1459
28-24-1	Amended	V. 39, p. 336
28-24-2	Amended	V. 39, p. 336
28-24-3	Amended	V. 39, p. 336
28-24-4	Amended	V. 39, p. 337
28-24-5	Amended	V. 39, p. 337
28-24-6	Amended	V. 39, p. 337
28-24-7	Amended	V. 39, p. 337
28-24-8	Amended	V. 39, p. 337
28-24-9	Amended	V. 39, p. 337
28-24-10	Amended	V. 39, p. 338
28-24-11	Amended	V. 39, p. 338
28-24-12	Amended	V. 39, p. 338
28-24-13	Amended	V. 39, p. 339
28-24-14	Amended	V. 39, p. 339
28-38-18	Revoked	V. 39, p. 1160
28-38-19	Revoked	V. 39, p. 1160
28-38-20	Revoked	V. 39, p. 1160
28-38-21	Revoked	V. 39, p. 1160
28-38-22	Revoked	V. 39, p. 1161
28-38-23	Revoked	V. 39, p. 1161
28-38-26	Revoked	V. 39, p. 1161
28-38-28	Revoked	V. 39, p. 1161
28-38-29	Revoked	V. 39, p. 1161
28-38-30	Revoked	V. 39, p. 1161
28-44-12	Amended	V. 39, p. 819
28-44-13	Amended	V. 39, p. 819
28-44-14	Amended	V. 39, p. 819
28-44-15	Amended	V. 39, p. 820
28-44-16	Amended	V. 39, p. 820
28-44-17	Amended	V. 39, p. 820
28-44-18	Amended	V. 39, p. 821
28-44-19	Amended	V. 39, p. 821
28-44-20	Amended	V. 39, p. 821
28-44-21	Amended	V. 39, p. 821
28-44-22	Amended	V. 39, p. 822
28-44-23	Amended	V. 39, p. 822
28-44-24	Amended	V. 39, p. 822
28-44-25	Amended	V. 39, p. 822
28-44-26	Amended	V. 39, p. 823
28-44-27	Amended	V. 39, p. 823
28-44-28	Revoked	V. 39, p. 824
28-44-29	Amended	V. 39, p. 824
28-44-30	New	V. 39, p. 825
28-44-31	New	V. 39, p. 825
28-65-1	Amended	V. 40, p. 318
28-65-2	Amended	V. 40, p. 318
28-65-3	Amended	V. 40, p. 318
28-65-4	Amended	V. 40, p. 319

**AGENCY 36: KANSAS DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-45-1	New (T)	V. 39, p. 1104
36-45-1	New	V. 39, p. 1490
36-45-2	New (T)	V. 39, p. 1105
36-45-2	New	V. 39, p. 1491
36-45-3	New (T)	V. 39, p. 1105
36-45-3	New	V. 39, p. 1491
36-45-4	New (T)	V. 39, p. 1106
36-45-4	New	V. 39, p. 1491
36-45-5	New (T)	V. 39, p. 1106
36-45-5	New	V. 39, p. 1492
36-45-6	New (T)	V. 39, p. 1106

36-45-6	New	V. 39, p. 1492
36-45-7	New (T)	V. 39, p. 1106
36-45-7	New	V. 39, p. 1492
36-45-8	New (T)	V. 39, p. 1107
36-45-8	New	V. 39, p. 1493
36-45-10	New (T)	V. 39, p. 1108
36-45-10	New	V. 39, p. 1494

**AGENCY 40: INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-28	Amended	V. 40, p. 191
40-1-52	New	V. 40, p. 191

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-11-116	Amended	V. 39, p. 1021
60-11-119	Amended	V. 39, p. 1022
60-13-110	Amended	V. 39, p. 1022
60-16-101	Amended	V. 39, p. 12
60-16-103	Amended	V. 39, p. 12
60-16-104	Amended	V. 39, p. 13

**AGENCY 61: BOARD OF BARBERING**

Reg. No.	Action	Register
61-4-3	New	V. 40, p. 161

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 39, p. 1425
66-6-10	Amended	V. 39, p. 1426
66-7-1	Amended	V. 39, p. 1427
66-8-3	Amended	V. 39, p. 1427
66-8-4	Amended	V. 39, p. 1427
66-9-5	Amended	V. 39, p. 1427
66-10-4	Amended	V. 39, p. 1427
66-10-9	Amended	V. 39, p. 1428
66-10-10b	Amended	V. 39, p. 1428
66-10-10c	New	V. 39, p. 1428
66-10-12	Amended	V. 39, p. 1428
66-10-13	Amended	V. 39, p. 1429
66-11-5	Amended	V. 39, p. 1429
66-14-1	Amended	V. 39, p. 1429
66-14-2	Amended	V. 39, p. 1430
66-14-3	Amended	V. 39, p. 1430
66-14-5	Amended	V. 39, p. 1430
66-14-6	Amended	V. 39, p. 1431
66-14-7	Amended	V. 39, p. 1431
66-14-8	Amended	V. 39, p. 1431
66-14-9	Amended	V. 39, p. 1431
66-14-10	Revoked	V. 39, p. 1431
66-14-11	Revoked	V. 39, p. 1431
66-14-12	Amended	V. 39, p. 1431
66-15-1	New	V. 39, p. 14

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-2-5	Amended	V. 39, p. 105
68-5-16	Amended	V. 39, p. 106

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 39, p. 1186
69-3-8	Amended	V. 39, p. 1583

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 39, p. 1495

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-3	Amended	V. 38, p. 1337

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-4-3a	Amended (T)	V. 39, p. 1188
82-4-3a	Amended	V. 39, p. 1608
82-4-30a	Amended (T)	V. 39, p. 1383
82-4-30a	Amended	V. 40, p. 160

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-10	Amended	V. 39, p. 54
86-1-11	Amended	V. 39, p. 55
86-1-12	Amended	V. 39, p. 56
86-1-13	Revoked	V. 39, p. 56
86-1-16	Revoked	V. 39, p. 56
86-1-17	Amended	V. 39, p. 56
86-1-18	Revoked	V. 39, p. 56
86-3-6a	Revoked	V. 39, p. 56
86-3-7	Amended	V. 39, p. 56
86-3-20	Revoked	V. 39, p. 57

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-10-1	Revoked	V. 39, p. 1270
88-10-2	Revoked	V. 39, p. 1270
88-10-3	Revoked	V. 39, p. 1270
88-10-4	Revoked	V. 39, p. 1270
88-10-5	Revoked	V. 39, p. 1270
88-10-6	Revoked	V. 39, p. 1270
88-10-7	Revoked	V. 39, p. 1270
88-10-8	Revoked	V. 39, p. 1270
88-10-10	Revoked	V. 39, p. 1270
88-10-12	Revoked	V. 39, p. 1270
88-11-1	Revoked	V. 39, p. 1270
88-11-2	Revoked	V. 39, p. 1270
88-11-3	Revoked	V. 39, p. 1270
88-11-4	Revoked	V. 39, p. 1270
88-11-5	Revoked	V. 39, p. 1270
88-11-6	Revoked	V. 39, p. 1270
88-11-7	Revoked	V. 39, p. 1270
88-11-8	Revoked	V. 39, p. 1270
88-11-9	Revoked	V. 39, p. 1270
88-11-11	Revoked	V. 39, p. 1270
88-11-12	Revoked	V. 39, p. 1270
88-25-1	New	V. 39, p. 748
88-25-2	New	V. 39, p. 748
88-25-3	New	V. 39, p. 748
88-25-4	New	V. 39, p. 748
88-25-5	New	V. 39, p. 748
88-29-1	Revoked	V. 39, p. 1215
88-29-3	Amended	V. 39, p. 1215
88-29-11	Revoked	V. 39, p. 1216
88-29-12	Amended	V. 39, p. 1216
88-29-13	Amended	V. 39, p. 1216
88-29-14	Amended	V. 39, p. 1218
88-29-15	Amended	V. 39, p. 1218
88-29-16	Amended	V. 39, p. 1219
88-29-17	Amended	V. 39, p. 1220
88-29-18	Revoked	V. 39, p. 1221
88-29-19	Revoked	V. 39, p. 1221
88-29a-1	Amended	V. 39, p. 1221
88-29a-5	Amended	V. 39, p. 1223
88-29a-6	Amended	V. 39, p. 1223
88-29a-7	Amended	V. 39, p. 1223
88-29a-7a	Amended	V. 39, p. 1224
88-29a-9	Amended	V. 39, p. 1224
88-29a-10	Amended	V. 39, p. 1225
88-29a-11	Amended	V. 39, p. 1227
88-29a-18	Amended	V. 39, p. 1228

88-29a-19	Amended	V. 39, p. 1229
88-29b-1	Amended	V. 39, p. 1229
88-29b-3	Amended	V. 39, p. 1231
88-29b-5	Amended	V. 39, p. 1231
88-29b-6	Amended	V. 39, p. 1232
88-29b-7	Amended	V. 39, p. 1233
88-29b-7a	Amended	V. 39, p. 1234
88-29b-9	Amended	V. 39, p. 1234
88-29b-10	Amended	V. 39, p. 1235
88-29c-1	Amended	V. 39, p. 1236
88-29c-5	Amended	V. 39, p. 1238
88-29c-7	Amended	V. 39, p. 1238
88-29c-9	Amended	V. 39, p. 1238
88-29c-10	Amended	V. 39, p. 1239
88-29d-1	Amended	V. 39, p. 1240
88-29d-5	Amended	V. 39, p. 1241
88-29d-7	Amended	V. 39, p. 1242
88-29d-9	Amended	V. 39, p. 1242
88-29d-10	Amended	V. 39, p. 1243
88-30-1	Amended (T)	V. 39, p. 890
88-30-1	Amended	V. 39, p. 1269
88-30-2	Amended	V. 39, p. 1270

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-19-47	Revoked	V. 40, p. 290
92-19-67	Revoked	V. 40, p. 290

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-6-2a	New	V. 40, p. 290
100-7-1	Amended	V. 39, p. 1359
100-76-6	Amended	V. 39, p. 1360
100-78-1	New (T)	V. 39, p. 250
100-78-1	New	V. 39, p. 570
100-78-2	New (T)	V. 39, p. 250
100-78-2	New	V. 39, p. 570

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-5-2	Amended	V. 39, p. 252
105-5-3	Amended	V. 39, p. 252
105-5-6	Amended	V. 39, p. 252
105-5-7	Amended	V. 39, p. 252
105-5-8	Amended	V. 39, p. 252

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-3-3	Amended	V. 39, p. 30
109-3-4	Amended	V. 39, p. 31
109-5-1a	Amended	V. 39, p. 32
109-11-1a	Amended	V. 39, p. 32

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list

of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*.

Reg. No.	Action	Register
111-2-328	New	V. 39, p. 1460
111-4-3595	New	V. 39, p. 57
111-4-3596	New	V. 39, p. 58
111-4-3597	New	V. 39, p. 59
111-4-3598	New	V. 39, p. 60
111-4-3599	New	V. 39, p. 61
111-4-3600	New	V. 39, p. 63
111-4-3601	New	V. 39, p. 532
111-4-3602	New	V. 39, p. 533
111-4-3603	New	V. 39, p. 570
111-4-3604	New	V. 39, p. 572
111-4-3605	New	V. 39, p. 573
111-4-3606	New	V. 39, p. 574
111-4-3607	New	V. 39, p. 576
111-4-3608	New	V. 39, p. 621
111-4-3609	New	V. 39, p. 623
111-4-3610	New	V. 39, p. 624
111-4-3611	New	V. 39, p. 854
111-4-3612	New	V. 39, p. 855
111-4-3613	New	V. 39, p. 856
111-4-3614	New	V. 39, p. 858
111-4-3615	New	V. 39, p. 859
111-4-3616	New	V. 39, p. 860
111-4-3617	New	V. 39, p. 861
111-4-3618	New	V. 39, p. 862
111-4-3619	New	V. 39, p. 862
111-4-3620	New	V. 39, p. 864
111-4-3621	New	V. 39, p. 865
111-4-3623	New	V. 39, p. 866
111-4-3624	New	V. 39, p. 891
111-4-3625	New	V. 39, p. 892
111-4-3626	New	V. 39, p. 893
111-4-3627	New	V. 39, p. 894
111-4-3628	New	V. 39, p. 896
111-4-3629	New	V. 39, p. 897
111-4-3630	New	V. 39, p. 900
111-4-3631	New	V. 39, p. 1076
111-4-3632	New	V. 39, p. 1077
111-4-3633	New	V. 39, p. 1109
111-4-3634	New	V. 39, p. 1109
111-4-3635	New	V. 39, p. 1110
111-4-3636	New	V. 39, p. 1111
111-4-3637	New	V. 39, p. 1113
111-4-3638	New	V. 39, p. 1114
111-4-3639	New	V. 39, p. 1333
111-4-3640	New	V. 39, p. 1334
111-4-3641	New	V. 39, p. 1335
111-4-3642	New	V. 39, p. 1336
111-4-3643	New	V. 39, p. 1404

111-4-3644	New	V. 39, p. 1460
111-4-3645	New	V. 39, p. 1462
111-4-3646	New	V. 39, p. 1463
111-4-3647	New	V. 39, p. 1465
111-4-3648	New	V. 39, p. 1466
111-4-3649	New	V. 40, p. 40
111-4-3650	New	V. 40, p. 41
111-4-3651	New	V. 40, p. 192
111-4-3652	New	V. 40, p. 193
111-4-3653	New	V. 40, p. 194
111-4-3654	New	V. 40, p. 196
111-4-3655	New	V. 40, p. 197
111-4-3656	New	V. 40, p. 199
111-4-3657	New	V. 40, p. 427
111-5-223	Amended	V. 40, p. 428
111-5-245	New	V. 39, p. 577
111-5-246	New	V. 40, p. 429
111-9-223	New	V. 39, p. 625
111-9-224	New	V. 39, p. 867
111-15-1	Amended	V. 39, p. 1405
111-15-3	Amended	V. 39, p. 1080
111-15-4	Amended	V. 39, p. 1081
111-15-5	Amended	V. 39, p. 1081
111-15-6	Amended	V. 39, p. 1081
111-15-10	Amended	V. 39, p. 1082
111-19-72	Amended	V. 39, p. 64
111-19-73	New	V. 39, p. 64
111-19-74	New	V. 39, p. 65
111-19-75	New	V. 39, p. 65
111-19-76	New	V. 39, p. 74
111-19-77	New	V. 39, p. 578
111-19-78	New	V. 39, p. 579
111-19-79	New	V. 39, p. 580
111-19-80	New	V. 39, p. 626
111-19-81	New	V. 39, p. 626
111-19-82	New	V. 39, p. 868
111-19-83	New	V. 39, p. 868
111-19-84	New	V. 39, p. 868
111-19-85	New	V. 39, p. 869
111-19-86	New	V. 39, p. 870
111-19-87	New	V. 39, p. 901
111-19-88	New	V. 39, p. 901
111-19-89	New	V. 39, p. 1082
111-19-90	New	V. 39, p. 1115
111-19-91	New	V. 39, p. 1116
111-19-92	New	V. 39, p. 1116
111-19-93	New	V. 39, p. 1337
111-19-94	New	V. 39, p. 1405
111-19-95	New	V. 39, p. 1405
111-19-96	New	V. 39, p. 1406
111-19-97	New	V. 40, p. 42
111-19-98	New	V. 40, p. 43
111-19-99	New	V. 40, p. 44
111-19-100	New	V. 40, p. 200
111-19-101	New	V. 40, p. 430
111-301-4	Amended	V. 39, p. 534
111-301-5	Amended	V. 39, p. 534
111-301-6	Amended	V. 39, p. 535
111-301-43	Amended	V. 39, p. 537
111-301-60	Amended	V. 39, p. 66
111-301-62	Amended	V. 39, p. 67
111-301-64	Amended	V. 39, p. 538

111-301-66	Amended	V. 39, p. 538
111-301-72	New	V. 39, p. 1338
111-301-73	New	V. 39, p. 1338
111-301-74	New	V. 39, p. 1338
111-301-75	New	V. 39, p. 1338
111-301-76	New	V. 39, p. 1339
111-302-4	Amended	V. 39, p. 68
111-302-5	Amended	V. 39, p. 1082
111-305-5	Amended	V. 39, p. 539
111-305-6	Amended	V. 39, p. 539
111-401-253	New	V. 39, p. 69
111-401-254	New	V. 39, p. 69
111-401-255	New	V. 39, p. 71
111-501-71	Amended	V. 39, p. 1340
111-501-81	Amended	V. 39, p. 1340
111-501-105	Amended	V. 40, p. 430
111-501-107	Amended	V. 40, p. 431
111-501-108	Amended	V. 40, p. 431
111-501-109	Amended	V. 40, p. 431
111-501-149	New	V. 39, p. 72
111-501-150	New	V. 39, p. 72
111-501-151	New	V. 39, p. 73
111-501-152	New	V. 39, p. 73
111-501-153	New	V. 39, p. 74
111-601-4	Amended	V. 39, p. 1117
111-601-6	Amended	V. 39, p. 1117

#### AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-105-1	Amended	V. 39, p. 251

#### AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

Reg. No.	Action	Register
115-1-1	Amended	V. 39, p. 1523
115-2-1	Amended	V. 39, p. 1525
115-4-2	Amended	V. 39, p. 617
115-4-4	Amended	V. 39, p. 618
115-4-4a	Amended	V. 39, p. 1527
115-4-6	Amended	V. 39, p. 619
115-5-1	Amended	V. 39, p. 1103
115-6-1	Amended	V. 39, p. 1103
115-7-3	Amended	V. 39, p. 1528
115-7-10	Amended	V. 39, p. 1528
115-14-12	Amended	V. 39, p. 1271
115-14-13	Amended	V. 39, p. 1273
115-14-14	Amended	V. 39, p. 1275
115-18-7	Revoked	V. 39, p. 1528
115-18-10	Amended	V. 39, p. 1528
115-18-12	Amended	V. 39, p. 1529

#### AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

Reg. No.	Action	Register
129-6-103	Amended	V. 39, p. 1557
129-9-9	New (T)	V. 39, p. 647
129-9-9	New	V. 39, p. 1019
129-10-31	Amended	V. 39, p. 800

**Kansas Register**  
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