STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 20-35

Temporarily expanding telemedicine and addressing certain licensing requirements to facilitate economic recovery and prevent future outbreaks of COVID-19

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 of economic insecurity resulting from a rapid increase in unemployment and lost wages;

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, the economic recovery of Kansas is imperiled by the imminent threat of surges in COVID-19 infections in the State of Kansas as statewide restrictions on businesses and individual movement and gatherings are lifted—since May 15, 2020, fifteen counties in the State have for the first time issued an emergency declaration resulting from the pandemic, indicating a further threat to the State's economic recovery;

WHEREAS, on March 20, 2020, I executed Executive Order 20-08 temporarily expanding telemedicine and addressing certain licensing requirements to combat the effects of COVID-19, and the justifications for that Order are fully set forth therein and incorporated herein by reference;

WHEREAS, the operative provisions of Executive Order 20-08 were not only necessary to deal with the public health crisis caused by COVID-19 but are now also necessary to deal with the economic emergency resulting from COVID-19 in that the operative provisions allow medical professionals and healthcare workers to continue to provide needed services that members of the public may still not be willing to seek in-person due to fear of contracting or spreading the disease;

WHEREAS, continuing the operative provisions of Executive Order 20-08 minimizes the economic loss that would result if these medical professionals and healthcare workers were no longer able to provide telemedicine services to patients who might otherwise forego care;

WHEREAS, the imminent threat of new COVID-19 outbreaks requires the continued availability of medical services through telemedicine; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, especially vulnerable Kansans and those requiring routine health care.

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 mitigate the economic effects of the spread of COVID-19, to prevent and identify new outbreaks of COVID-19, and to promote and secure the safety and protection of the civilian population, I hereby direct and order the following:

1. The Kansas State Board of Healing Arts ("the Board") shall not enforce any statute, rule, or regulation that would require physicians to conduct an in-person examination of a patient prior to the issuance of a prescription or order the administration of medication, including controlled substances, as long as the physician otherwise complies with the provisions of this order.

2. All physicians are encouraged to utilize telemedicine services, when appropriate for their patients, to avoid unnecessary patient travel both in-state and out of state.

3. Out-of-state physicians may utilize telemedicine when treating patients in Kansas without the necessity of securing a license to practice medicine in the state, provided the out of state physician advises the Board of the physician's practice in this state via telemedicine in writing in a manner to be determined by the Board and holds an unrestricted license to practice medicine in the state in which the physician practices and is not the subject of an investigation or disciplinary proceeding. The Board is authorized to extend the provisions of this paragraph to other healthcare professionals regulated by the Board to the extent the board deems such extension both necessary or appropriate to address impacts of the COVID-19 pandemic and consistent with patient safety.

4. Physicians under quarantine or self-quarantine are permitted to practice telemedicine.

5. Every physician practicing pursuant to the provisions of this order is encouraged to access the Prescription Monitoring Program, if in the judgment of the physician, it is appropriate for the individual patient being evaluated or treated, before a controlled substance prescription is issued.

6. Every physician treating a patient through telemedicine shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

7. The Board is authorized to grant a temporary emergency license to practice any profession regulated by the Board to an applicant whose qualifications the Board determines to be sufficient to protect public safety and welfare within the scope of professional practice permitted by the temporary emergency license for the purpose of preparing for, responding to, and mitigating any effect of COVID-19. Further, the Board is authorized to temporarily waive, to the extent the Board determines such waiver will not harm public safety and

welfare, any other regulatory requirements falling under the Board's enforcement authorities for the purpose of preparing for, responding to, and mitigating any effect of COVID-19.

8. Except as specifically stated herein, all other regulations remain in full force and effect.

9. Nothing in this order shall affect the enforcement or applicability of any laws, including K.S.A. 65-4a10 and K.S.A. 40-2,215, regulating the provision or performance of abortions in Kansas.

10. For the purposes of this order, the terms "telemedicine," "telemedicine services," and "telehealth" have the same meaning.

11. This order supersedes any contrary order by any local health department regarding telemedicine 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. 20-35. It shall become effective immediately and remain in force until rescinded, until June 30, 2020, or until the statewide State of Disaster Emergency proclaimed on May 26, 2020, expires, whichever is earlier.

THE GOVERNOR'S OFFICE BY THE GOVERNOR Laura Kelly

DATED 5.26.2020

Scott Schwab

Secretary of State

Assistant Secretary of State

FILED
MAY 26 2020
SCOTT SCHWAB
SECRETARY OF STATE