

1 A JOINT RESOLUTION extending emergency executive actions and declaring an
2 emergency.

3 WHEREAS, emergency executive orders, administrative regulations, and other
4 directives have been issued by the Governor and executive branch agencies in response to
5 the SARS-COV-2 virus; and

6 WHEREAS, KRS 39A.090 limits certain emergency executive actions,
7 administrative regulations, and directives issued by the Governor to 30 days unless an
8 extension is approved by the General Assembly, and some of the SARS-COV-2
9 emergency executive actions, administrative regulations, and other directives set out
10 herein were extended by 2021 RS HJR 77 to 90 days after March 30, 2021; and

11 WHEREAS, a number of SARS-COV-2 emergency executive orders,
12 administrative regulations, or directives need to be extended past the expiration date set
13 out in 2021 RS HJR 77 and continued until January 15, 2022, in order to protect the
14 citizens of Kentucky;

15 NOW, THEREFORE,

16 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

17 ➔Section 1. All SARS-COV-2-related executive orders issued by the Governor
18 and all executive actions and administrative orders, administrative regulations, or other
19 administrative actions not specifically extended by this Resolution are of no further force
20 or effect as of the effective date of this Resolution.

21 ➔Section 2. The General Assembly hereby approves, extends, and in some cases
22 modifies as stated, the following executive orders issued in response to the SARS-COV-2
23 virus, and declares that the same shall be in effect until and expire on January 15, 2022:

24 (1) 2020 Executive Order 2020-215, which declared a state of emergency, to the extent
25 necessary to:

26 (a) Secure current or future federal funding, including reimbursements, related to
27 the SARS-COV-2 virus;

- 1 (b) Preserve the protections and status afforded by 2021 RS SB 5, 2021 Ky. Acts
2 ch. 205; and
- 3 (c) Extend 2020 RS SB 150, 2020 Ky. Acts ch. 73, until January 15, 2022, to the
4 extent the provisions are not superseded by statute or administrative
5 regulation;
- 6 (2) Notwithstanding any statutory provisions to the contrary, 2021 Executive Order
7 2021-666, related to the dispensing of pharmaceuticals;
- 8 (3) Notwithstanding any statutory provisions to the contrary, 2021 Executive Order
9 2021-665, related to price gouging;
- 10 (4) 2020 Executive Order 2020-220, related to health insurers waiving costs for
11 COVID-19 screening, testing, and immunizations;
- 12 (5) 2020 Executive Order 2020-265, related to retired first responders returning to work
13 during an emergency;
- 14 (6) 2020 Executive Order 2020-266, related to retired state employees returning to
15 work during an emergency, except the provisions in paragraphs 8 and 9;
- 16 (7) 2020 Executive Order 2020-277, related to temporary disability from occupational
17 exposure to COVID-19, except the provisions in paragraph 3;
- 18 (8) 2020 Executive Order 2020-243 to the extent that the order:
- 19 (a) Encourages social distancing among citizens; and
- 20 (b) Requires state agencies to:
- 21 1. Encourage social distancing;
- 22 2. Provide and conduct services by mail, Internet, phone, and/or video
23 conferencing;
- 24 3. Extend licenses, credentials, or certificates that require in-person
25 appearances or education for renewal;
- 26 4. Permit education and continuing education to be satisfied online;
- 27 5. Extend deadlines for statutory or regulatory reporting; and

1 6. Extend deadlines for payments of fees, taxes, and assessments, and
2 waive late payment penalties incurred;

3 (9) Secretary of the Governor's Executive Cabinet Order, dated March 31, 2020, related
4 to the suspension of statutes and administrative regulations that require advanced
5 practice registered nurses to have collaborative agreements with physicians in order
6 to prescribe legend drugs and controlled substances; and

7 (10) Secretary of the Governor's Executive Cabinet Order, dated April 24, 2020, related
8 to the "practice of pharmacy" shall include initiating, ordering, and administering
9 SARS-COV-2 testing.

10 ➔Section 3. The General Assembly hereby approves, ratifies, modifies, and
11 extends the following executive actions and administrative regulations issued by a
12 cabinet, agency, or department in response to the SARS-COV-2 virus until January 15,
13 2022:

14 (1) Labor Cabinet Administrative Order 2020-001, dated April 10, 2020, related to the
15 allowing of digital signatures;

16 (2) Cabinet for Health and Family Services Order, dated July 8, 2021, related to not
17 requiring a clinician's order to administer, bill, or insure SARS-COV-2 testing and
18 prohibiting cost-sharing;

19 (3) Education and Workforce Development Administrative Order 2020-02 paragraphs
20 5, 7, 9, and 10 only, related to unemployment insurance;

21 (4) Education and Workforce Development Administrative Order 2020-07, dated July
22 30, 2020, related to unemployment insurance clarification per federal law;

23 (5) Labor Cabinet Administrative Order 2021-02, dated May 24, 2021, related to
24 permitting auto industry employers to file electronically for unemployment
25 insurance benefits for employees with recall rights;

26 (6) Personnel Cabinet Memorandum No. 21-14, dated August 5, 2021, except that the
27 annual leave shall be leave only and shall not be credited for compensation;

- 1 (7) Cabinet for Health and Family Services Directive, dated August 18, 2021, related to
2 out-of-state medical providers providing COVID-19 services;
- 3 (8) Cabinet for Health and Family Services Directive, dated August 8, 2021, related to
4 SARS-COV-2 testing waivers;
- 5 (9) The Department of Financial Institutions Guidance issued June 5, 2021, and any
6 extension, but not including Section 2 of the Guidance;
- 7 (10) The Department of Financial Institutions Guidance, undated, related to waiving the
8 requirement for physical signatures on U4 forms and updates on annual filings;
- 9 (11) 201 KAR 8:505E, Administration of COVID-19 immunizations;
- 10 (12) Energy and Environment Cabinet Emergency Bulletin to all solid waste
11 management facilities from the secretary of the Energy and Environment Cabinet,
12 dated March 26, 2020, related to the response to the request of the National Waste
13 and Recycling Association dated March 24, 2020, asking that the Department for
14 Environmental Protection consider granting relief or flexibility to certain
15 administrative regulations concerning the handling, storage, and disposal of solid
16 waste and recycling materials;
- 17 (13) Energy and Environment Cabinet Memorandum to Department of Environmental
18 Protection staff from the secretary of the Energy and Environment Cabinet, dated
19 March 26, 2020, related to the SARS-COV-2 state of emergency, method 9 visual
20 opacity measurements, and asbestos certification/accreditation renewals;
- 21 (14) Energy and Environment Cabinet Memorandum to the staff of the Department of
22 Environmental Protection, for dissemination, from the secretary of the Energy and
23 Environment Cabinet, dated March 26, 2020, related to SARS-COV-2 state of
24 emergency, waste water operators certification;
- 25 (15) Energy and Environment Cabinet Memorandum to Department of Natural
26 Resources staff, for dissemination, from the secretary of the Energy and
27 Environment Cabinet, dated May 4, 2020, related to the SARS-COV-2 state of

- 1 emergency extension of miner training deadlines;
- 2 (16) Energy and Environment Cabinet and Public Service Commission Memorandum,
3 dated July 31, 2020, related to the SARS-COV-2 state of emergency, requests for
4 temporary flexibility relating to the specific instruction program conducted by the
5 Kentucky Public Service Commission for water district commissioners under KRS
6 74.020(8)(b);
- 7 (17) Energy and Environment Cabinet Memorandum to Department of Environmental
8 Protection staff, for dissemination, from the secretary of the Energy and
9 Environment Cabinet, dated August 6, 2020, related to the SARS-COV-2 state of
10 emergency, requests for temporary regulatory flexibility relating to the
11 consideration of the use of enforcement discretion for regulated entities for issues of
12 noncompliance caused by SARS-COV-2;
- 13 (18) Energy and Environment Cabinet Memorandum to the Department for Natural
14 Resources staff, for dissemination, from the secretary of the Energy and
15 Environment Cabinet, dated January 25, 2021, related to the SARS-COV-2 state of
16 emergency, temporary master logger designations and master logger designations;
- 17 (19) Public Protection Cabinet Orders, dated March 31, 2020, and April 7, 2020, related
18 to licensure and the temporary suspension of the building code for hospital overflow
19 areas;
- 20 (20) Kentucky Economic Development Finance Authority Resolution No. 2020-0730,
21 dated July 30, 2020, related to the deferral of job and wage requirements per
22 financial incentive programs;
- 23 (21) Department of Insurance Order, dated March 18, 2020, related to telehealth remote
24 communications and the prior relationship requirement;
- 25 (22) Cabinet for Health and Family Services, Office of the Secretary Order, dated April
26 6, 2020, related to waiver CHFS approval for a waiver if state law requirements are
27 more stringent than HHS 1135 blanket waivers; and

1 (23) Labor Cabinet Administrative Order 2020-04, dated December 15, 2020, related to
2 unemployment insurance reserve ratios for employers with 100 or less employees,
3 but not including section 3 of the administrative order.

4 ➔Section 4. The General Assembly hereby approves, ratifies, and extends the
5 following administrative actions issued by boards, commissions, corporations, and
6 authorities in response to the SARS-COV-2 virus until January 15, 2022:

- 7 (1) Board of Veterinary Examiners Order, dated April 16, 2020, to the extent that the
8 order fulfills the objectives of subsection (8) of Section 2 of this Act;
- 9 (2) Kentucky Applied Behavior Analysis Licensing Board Order, dated March 23,
10 2020, related to telehealth services;
- 11 (3) Kentucky Board of Alcohol and Drug Counselors Order, dated April 2, 2020,
12 related to licensure;
- 13 (4) Kentucky Board of Licensed Diabetes Educators Order, dated July 21, 2020, related
14 to social distancing and telework;
- 15 (5) Kentucky Board of Licensure for Long-Term Care Administrators Orders, dated
16 May 29, 2020, and March 26, 2021, related to continuing education and licensure;
- 17 (6) Kentucky Board of Licensed Professional Counselors Order, dated April 2, 2020,
18 related to distance counseling;
- 19 (7) Kentucky Board of Licensure for Marriage and Family Therapists Order, dated
20 March 31, 2020, related to telework;
- 21 (8) Kentucky Board of Licensure for Occupational Therapy Order, dated March 24,
22 2020, related to telehealth;
- 23 (9) Kentucky Board of Licensure for Private Investigators Order, dated June 10, 2020,
24 related to licensure;
- 25 (10) Kentucky Board of Examiners of Psychology Orders, dated March 25, 2020, June 8,
26 2020, and August 3, 2020, related to licensure, continuing education, and telehealth;
- 27 (11) Kentucky Board of Speech-Language Pathology and Audiology Orders, dated

- 1 March 25, 2020, and June 25, 2020, related to licensure and telehealth;
- 2 (12) Kentucky Board of Interpreters for Deaf and Hard of Hearing Order, dated April 27,
3 2020, related to fees, licensure, and continuing education;
- 4 (13) Kentucky Licensing Board for Specialists in Hearing Instruments Order, dated May
5 21, 2021, related to licensure and continuing education;
- 6 (14) Kentucky Board of Barbering Order, to the extent that the order fulfills the
7 objectives of subsection (8) of Section 2 of this Act;
- 8 (15) Kentucky Board of Licensure for Massage Therapy Order, dated May 11, 2020,
9 related to licensure;
- 10 (16) Board of Pharmacy Order, dated April 24, 2020, related to the suspension of
11 administrative regulations which relate to in-person work;
- 12 (17) Bluegrass State Skills Corporation May 21, 2020, exemption to Guidelines 2020-
13 2021;
- 14 (18) Board of Dentistry Order, dated April 17, 2020, to the extent that the order fulfills
15 the objectives of subsection (8) of Section 2 of this Act;
- 16 (19) Board of Nursing Emergency Memoranda, dated March 5, 2021, August 26, 2020,
17 April 17, 2020, and March 27, 2020, related to clinical education, APRN licensure,
18 and temporary licensure;
- 19 (20) Board of Social Work Memorandum, dated March 30, 2020, related to licensure
20 and out-of-state practitioners;
- 21 (21) Board of Licensure for Pastoral Counselors action, dated April 24, 2020, related to
22 licensure;
- 23 (22) Board of Licensure for Dietitians and Nutritionists actions, dated March 30, 2020,
24 March 25, 2020, and October 30, 2019, related to licensure, telehealth, and
25 continuing education;
- 26 (23) Board of Durable Medical Equipment Suppliers action, dated May 19, 2020, related
27 to suspension of license renewals;

- 1 (24) Board of Chiropractic Examiners actions, dated April 24, 2020, and May 15, 2020,
2 related to SARS-COV-2 mitigation and continuing education;
- 3 (25) Kentucky Board of Podiatry actions, dated April 13, 2021, and July 28, 2020,
4 related to a fee waiver;
- 5 (26) Board of Prosthetics, Orthotics, and Pedorthics action, dated May 26, 2020, related
6 to telehealth and continuing education;
- 7 (27) Board of Respiratory Care undated action premised on the August 18, 2021,
8 Cabinet for Health and Family Services directive, related to licensure;
- 9 (28) Board of Licensure for Professional Art Therapists action, dated May 13, 2020,
10 related to licensure;
- 11 (29) Board of Emergency Medical Services:
- 12 (a) 202 KAR 7:201, First responders;
- 13 (b) 202 KAR 7:301, EMT;
- 14 (c) 202 KAR 7:330, Requirements for examination, certification, and
15 recertification of the advanced emergency medical technician;
- 16 (d) 202 KAR 7:401, Paramedics;
- 17 (e) 202 KAR 7:501, Ambulance agency licensure;
- 18 (f) 202 KAR 7:510, Air ambulance services;
- 19 (g) 202 KAR 7:540, EMS data collection, management, and compliance;
- 20 (h) 202 KAR 7:545, License classifications;
- 21 (i) 202 KAR 7:550, Required equipment and vehicle standards;
- 22 (j) 202 KAR 7:555, Ground agencies;
- 23 (k) 202 KAR 7:560, Ground vehicle staff;
- 24 (l) 202 KAR 7:601, Training, education, and continuing education;
- 25 (m) 202 KAR 7:701, Scope of practice matters; and
- 26 (n) 202 KAR 7:801, Medical directors.
- 27 (30) Kentucky Real Estate Commission action, dated March 19, 2020, related to

1 licensure;

2 (31) Kentucky Board of Home Inspectors action, dated August 18, 2020, related to
3 licensure; and

4 (32) Kentucky Board of Auctioneers action, dated April 8, 2020, related to distance
5 learning.

6 ➔Section 5. All executive orders, cabinet and agency orders, guidances,
7 memoranda, directives, or actions identified herein shall be forwarded to the Secretary of
8 State for posting prominently on the secretary's Web site until the conclusion of the
9 SARS-COV-2 emergency.

10 ➔Section 6. Upon the expiration of an executive order, other directive, or
11 administrative regulation declaring an emergency or other implementation of powers
12 under KRS Chapter 39A, the Governor shall not declare a new emergency or continue to
13 implement any of the powers under KRS Chapter 39A based upon the same or
14 substantially similar facts and circumstances as the original declaration or implementation
15 without the prior approval of the General Assembly.

16 ➔Section 7. The state of emergency declared by the Governor in response to the
17 flash flooding in Nicholas County, and in particular the City of Carlisle, on August 3,
18 2021, by Executive Order No. 2021-565 dated August 3, 2021, is extended an additional
19 30 days to ensure any necessary emergency services that may be required are provided to
20 residents and businesses of Nicholas County and the City of Carlisle, as the
21 Commonwealth's request for federal assistance submitted to the President of the United
22 States through the Federal Emergency Management Agency on August 19, 2021, remains
23 under review.

24 ➔Section 8. If any of the executive or administrative actions identified herein
25 becomes necessary after January 15, 2022, the Governor, responsible cabinet, agency, or
26 department shall promulgate an emergency administrative regulation according to KRS
27 Chapter 13A. If any suspension of statutes is included in the executive or administrative

1 actions identified herein, or in any executive or administrative action contemplated after
2 January 15, 2021, prior approval of the Attorney General shall be obtained as required by
3 KRS 39A.180.

4 ➔Section 9. Nothing in this Resolution shall be interpreted to allow state agencies
5 to remain closed for regular in-person business.

6 ➔Section 10. It is not the intention of the General Assembly that this Resolution
7 should impair or delay the ability of the Commonwealth to receive any federal stimulus or
8 pandemic-related funds.

9 ➔Section 11. Whereas, the General Assembly desires to ensure that the citizens of
10 the Commonwealth are protected during the SARS-COV-2 pandemic, an emergency is
11 declared to exist, and this Resolution takes effect upon its passage and approval by the
12 Governor or upon its otherwise becoming law.