AN ACT relating to licensing protection for health care providers and declaring an
emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

⇒ SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Board" means the Kentucky Board of Medical Licensure;

(b) "COVID-19" means the novel coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of SARS-CoV-2, and medical conditions associated with the virus;

(c) "Physician" has the same meaning as in KRS 311.550; and

(d) "Physician assistant" means a physician assistant licensed under KRS 311.840 to 311.862 who is authorized by the board to prescribe drugs.

⇒ SECTION 2. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "APRN" means an advanced practice registered nurse licensed under this chapter who is authorized by the board to prescribe drugs; and
(b) "COVID-19" means the novel coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of SARS-CoV-2, and medical conditions associated with the virus.

(2) The board shall not reprimand, deny, limit, revoke, probate, or suspend the license of an APRN based solely on the APRN's recommendation to a patient for medical treatment for COVID-19, including the prescription of a drug not approved by the United States Food and Drug Administration as a medical treatment for COVID-19, if:

(a) The APRN believes the recommendation for medical treatment is in the best interest of the patient; and

(b) The patient provides written, informed consent, for the medical treatment.

SECTION 3. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "APRN" means an advanced practice registered nurse licensed under KRS Chapter 314 and authorized by the Board of Nursing to prescribe and dispense nonscheduled legend drugs;

(b) "COVID-19" means the novel coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of SARS-CoV-2, and medical conditions associated with the virus;

(c) "Physician" has the same meaning as in KRS 311.550; and

(e) "Physician assistant" means a physician assistant licensed under KRS 311.840 to 311.862 who is authorized by the Kentucky Board of Medical Licensure to prescribe drugs.

(2) A pharmacist shall not block or attempt to block a patient's access to a drug prescribed by a physician, a physician assistant, or an APRN for the medical treatment of COVID-19 on the basis that the United States Food and Drug
Administration has not approved the drug to treat COVID-19.

(3) The board shall not revoke, suspend, deny, decline to renew, limit, or restrict the license of a pharmacist based solely on the pharmacist's dispensing of a drug to a patient for the treatment of COVID-19 that was prescribed by a physician, or a physician assistant, or an APRN, which is not approved by the United States Food and Drug Administration as a medical treatment for COVID-19.

Section 4. Whereas there is a great need for medical treatment options for COVID-19, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.