

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

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

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

6 *(1) As used in this section:*

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

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

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

12 *(d) "Physician assistant" means a physician assistant licensed under KRS*
13 *311.840 to 311.862 who is authorized by the board to prescribe drugs.*

14 *(2) The board shall not revoke, suspend, deny, decline to renew, limit, or restrict the*
15 *license of a physician or a physician assistant based solely on the physician's or*
16 *physician assistant's recommendation to a patient for medical treatment for*
17 *COVID-19, including the prescription of a drug not approved by the United*
18 *States Food and Drug Administration as a medical treatment for COVID-19, if:*

19 *(a) The physician or physician assistant believes the recommendation for*
20 *medical treatment is in the best interest of the patient; and*

21 *(b) The patient provides written, informed consent, to the physician or*
22 *physician assistant for the medical treatment.*

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

25 *(1) As used in this section:*

26 *(a) "APRN" means an advanced practice registered nurse licensed under this*
27 *chapter who is authorized by the board to prescribe drugs; and*

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

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

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

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

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

14 **(1) As used in this section:**

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

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

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

22 **(e) "Physician assistant" means a physician assistant licensed under KRS**
23 **311.840 to 311.862 who is authorized by the Kentucky Board of Medical**
24 **Licensure to prescribe drugs.**

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

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

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