

SENATE BILL No. 312

By Committee on Public Health and Welfare

1-23

1 AN ACT concerning the Kansas dental board; relating to the practice of
2 dental therapy; ***the practice of dental hygiene***; licensure of dental
3 therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-
4 1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-1431, 65-1434,
5 65-1436, 65-1447, **65-1456**, 65-1469, 65-4915, 65-4921, 65-5912, 65-
6 7304, 74-1405, 75-2935 and 75-6102 and repealing the existing
7 sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) No person shall practice as a dental therapist in
11 this state until such person has passed an examination by the Kansas dental
12 board under such rules and regulations as the board may adopt. The fee for
13 such examination shall be fixed by the board pursuant to K.S.A. 65-1447,
14 and amendments thereto. A license fee shall be paid to the board in the
15 amount fixed by the board pursuant to K.S.A. 65-1447, and amendments
16 thereto.

17 (b) The board shall authorize a person to practice as a dental therapist
18 if such person is qualified under this section, works under the direct or
19 general supervision of a Kansas licensed dentist in accordance with section
20 2, and amendments thereto, is licensed by the board and practices in
21 accordance with this section and rules and regulations adopted by the
22 board. Any supervising dentist of a dental therapist shall: (1) Enter into
23 agreements to supervise no more than three dental therapists; and (2) be
24 employed by an indigent health care clinic or enrolled as a medicaid
25 provider.

26 (c) To be qualified to practice under this section, such person shall be
27 a licensed dental hygienist and shall meet the following requirements:

28 (1) (A) The person shall be a graduate of a dental therapist education
29 program approved by the board that requires the study of dental therapy,
30 that the board determines has standards of education not less than that
31 required for accreditation by the commission on dental accreditation of the
32 American dental association or its equivalent or, prior to such accreditation
33 process for dental therapy programs, is approved by a licensing entity of
34 another state or federal jurisdiction and that requires no less than 500
35 hours of clinical training; and

36 (B) if the person's dental therapist training program did not include

1 training on any individual competency listed in section ~~2(e)~~ **2(d) or (e)**,
2 and amendments thereto, the person shall provide documentation to the
3 board's satisfaction that such person has successfully completed additional
4 training on that competency;

5 (2) the person shall pass a comprehensive, competency-based clinical
6 examination that is approved by the board and administered independently
7 of an institution that provides dental therapist education; and

8 (3) the person shall obtain a policy of professional liability insurance
9 and show proof of such insurance as required by rules and regulations.

10 (d) Any person practicing as a dental therapist in violation of the
11 provisions of sections 1 through 3, and amendments thereto, shall be guilty
12 of a misdemeanor, and the board may revoke or suspend such person's
13 license.

14 (e) This section shall be part of and supplemental to the dental
15 practices act.

16 (f) This section shall take effect from and after July 1, 2020.

17 New Sec. 2. (a) The Kansas dental board may suspend or revoke the
18 license of any dentist who shall direct any dental therapist operating under
19 such dentist's supervision to perform any operation other than that
20 permitted under the provisions of article 14 of chapter 65 of the Kansas
21 Statutes Annotated, and amendments thereto, and may suspend or revoke
22 the license of any dental therapist found guilty of performing any
23 operation other than those permitted under the provisions of article 14 of
24 chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No
25 license of any dentist or dental therapist shall be suspended or revoked in
26 any administrative proceeding without first complying with the notice and
27 hearing requirements of the Kansas administrative procedure act.

28 (b) Except as otherwise provided in this section, the practice of dental
29 therapy shall be performed under the direct or general supervision of a
30 licensed dentist. As used in sections 1 through 3, and amendments thereto:

31 (1) "Direct supervision" means ~~that the dentist in the dental office~~ **the**
32 ***supervision of tasks and procedures with the presence of the dentist in***
33 ***the office or on the premises at the time the tasks or procedures are***
34 ***being performed where the dentist*** personally diagnoses the condition to
35 be treated, personally authorizes the procedure and, before dismissal of the
36 patient, evaluates the dental therapist's performance; and (2) "general
37 supervision" means the supervision of tasks or procedures without the
38 presence of the dentist in the office or on the premises at the time the tasks
39 or procedures are being performed, so long as those tasks and procedures
40 are within the scope of practice for a dental therapist.

41 (c) ***Subject to prohibitions, limitations and conditions imposed by***
42 ***rules and regulations adopted by the Kansas dental board, a licensed***
43 ***dental therapist may perform dental hygiene tasks and procedures that***

1 *may be performed by a licensed dental hygienist under K.S.A. 65-1456,*
2 *and amendments thereto, except that restrictions imposed by K.S.A. 65-*
3 *1456, and amendment thereto, that limit the locations or premises where*
4 *a licensed dental hygienist may perform extended care permit III dental*
5 *hygiene tasks and procedures shall not apply to a licensed dental*
6 *therapist.*

7 (d) A licensed dental therapist may perform the following services
8 under general supervision:

9 (1) Identification of oral and systemic conditions requiring evaluation
10 or treatment, or both, by dentists, physicians or other healthcare providers,
11 and management of referrals;

12 (2) comprehensive charting of the oral cavity;

13 (3) oral health instruction—~~and, disease prevention education,—~~
14 ~~including and oral health-related~~ nutritional—~~counseling~~ and dietary
15 ~~analysis~~ instruction;

16 (4) exposure of radiographic images;

17 (5) dental prophylaxis, including sub-gingival scaling or polishing
18 procedures, or both;

19 (6) application of topical preventive or prophylactic agents;

20 (7) pulp vitality testing;

21 (8) application of desensitizing medication or resin;

22 (9) fabrication of athletic mouthguards;

23 (10) placement of a temporary filling, including glass ionomer and
24 other palliative materials;

25 (11) fabrication of soft occlusal guards;

26 (12) tissue conditioning and soft reline;

27 (13) changing of periodontal dressings;

28 (14) tooth reimplantation and stabilization;

29 (15) administration of local anesthetic, if the dental therapist has
30 completed a course on local anesthesia as required by sections 1 through 3,
31 and amendments thereto;

32 (16) administration of nitrous oxide, if the dental therapist has
33 completed a course on nitrous oxide as required by sections 1 through 3,
34 and amendments thereto;

35 (17) dispensing and administering by the oral or topical route, or
36 both, non-narcotic analgesics, anti-inflammatory and antibiotic
37 medications as prescribed by a licensed health care provider, as defined in
38 K.S.A. 40-3401, and amendments thereto;

39 (18) the formulation of a dental therapy care plan limited to the
40 procedures in this section;

41 (19) emergency palliative treatment of dental pain limited to the
42 procedures in this section;

43 (20) the placement and removal of space maintainers;

- 1 (21) fabrication and placement of single-tooth temporary crowns;
- 2 (22) suture removal;
- 3 (23) brush biopsies;
- 4 (24) minor adjustments and repairs on removable prostheses;
- 5 (25) re-cementing of permanent crowns; and
- 6 (26) prevention, identification and management of dental and medical
- 7 emergencies.

8 ~~(d)~~(e) A licensed dental therapist may perform the following services
9 under direct supervision:

- 10 (1) Extraction of erupted primary teeth that are non-ankylosed and
- 11 that have a majority resorption of all root structures;
- 12 (2) preparation and placement of direct restoration fabricated or made
- 13 directly inside the mouth in primary and permanent teeth;
- 14 (3) preparation and placement of preformed crowns on primary teeth;
- 15 (4) indirect pulp capping on permanent teeth; and
- 16 (5) indirect pulp capping on primary teeth.

17 ~~(e)~~(f) Any dental therapist is authorized to supervise any dental
18 hygienist or unlicensed person.

19 ~~(f)~~(g) Any dental therapist shall maintain current basic cardiac life
20 support certification from the American heart association, or an equivalent
21 certification approved by the Kansas dental board.

22 ~~(g)~~(h) This section shall be part of and supplemental to the dental
23 practices act.

24 ~~(h)~~(i) This section shall take effect from and after July 1, 2020.

25 New Sec. 3. (a) The Kansas dental board shall revoke or suspend the
26 license of any licensed dental therapist who is found guilty of using or
27 attempting to use in any manner whatsoever any prophylactic lists, call
28 lists, records, reprints or copies of same, or information gathered
29 therefrom, of the names of patients whom the dental therapist might have
30 served in the office of a prior employer, unless such names appear upon
31 the bona fide call or prophylactic list of the dental therapist's present
32 employer and were caused to so appear through the legitimate practice of
33 dentistry as provided for in sections 1 and 2, and amendments thereto.

34 (b) The board shall suspend or revoke the license of any licensed
35 dentist who is found guilty of aiding or abetting or encouraging a dental
36 therapist employed by such dentist to make use of a so-called prophylactic
37 call list, or calling by telephone or by use of written letters transmitted
38 through the mails to solicit patronage from patients served in the office of
39 any dentist formerly employing such dental therapist.

40 (c) No order of suspension or revocation provided in this section shall
41 be made or entered except after notice and opportunity for hearing in
42 accordance with the provisions of the Kansas administrative procedure act.
43 Any final order of suspension or revocation of a license shall be

1 reviewable in accordance with the Kansas judicial review act.

2 (d) This section shall be part of and supplemental to the dental
3 practices act.

4 (e) This section shall take effect from and after July 1, 2020.

5 New Sec. 4. Prior to July 1, 2020, the Kansas dental board shall adopt
6 rules and regulations as may be necessary to administer the provisions of
7 sections 1 through 3, and amendments thereto, regarding the licensure of
8 dental therapists. Prior to July 1, 2020, the board shall have such rules and
9 regulations: Proposed; submitted to the secretary of administration and to
10 the attorney general for approval as required by K.S.A. 77-420, and
11 amendments thereto; and notice of the proposed rules and regulations
12 given and a hearing held thereon in the manner provided by K.S.A. 77-
13 421, and amendments thereto.

14 New Sec. 5. The department of health and environment and the
15 Kansas dental board shall submit a joint report to the legislature on or
16 before the first day of the 2030 regular session of the legislature that
17 details the effects that enactment of sections 1 through 3, and amendments
18 thereto, have on access to dental care in rural Kansas, including, but not
19 limited to: The number and geographical distribution of practicing dental
20 therapists; the number of dentists supervising dental therapists; the number
21 of participating medicaid providers; the treated and untreated tooth decay
22 rates of medicaid beneficiaries; urgent need rates; and federally designated
23 dental health professional shortage areas.

24 Sec. 6. On and after July 1, 2020, K.S.A. 65-1421 is hereby amended
25 to read as follows: 65-1421. It shall be unlawful for any person to practice
26 dentistry, *dental therapy* or dental hygiene in the state of Kansas, except:

27 (a) Those who are now duly licensed dentists, pursuant to law;

28 (b) *those who are now duly licensed dental therapists, pursuant to*
29 *law;*

30 (c) those who are now duly licensed dental hygienists, pursuant to
31 law; *and*

32 ~~(e)~~(d) those who may hereafter be duly licensed as dentists, *dental*
33 *therapists* or dental hygienists, pursuant to the provisions of this act.

34 Sec. 7. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1424 is
35 hereby amended to read as follows: 65-1424. (a) As used in this act:

36 (1) "Proprietor" means any person who employs dentists, *dental*
37 *therapists* or dental hygienists in the operation of a dental office.

38 (2) "Dental franchisor" means any person or entity, pursuant to a
39 written agreement, who provides a licensed dentist any dental practice
40 management consulting services, ~~which may include~~ *including* marketing
41 or advertising services, signage or branding consulting, or places in
42 possession of a licensed dentist such dental material or equipment as may
43 be necessary for the management of a dental office on the basis of a lease

1 or any other agreement for compensation. A person or entity is not a dental
2 franchisor if the agreement with the dentist:

3 (A) Permits the person or entity to interfere with the professional
4 judgment of the dentist; or

5 (B) contains terms that would constitute a violation of the dental
6 practices act, rules and regulations adopted by the board, any orders and
7 directives issued by the board or any other applicable law.

8 (3) "Unlicensed proprietor" means any person or entity not authorized
9 to own or operate a dental practice that enters into an agreement with a
10 dentist, *dental therapist* or dental hygienist related to the practice of
11 dentistry, *dental therapy* or dental hygiene~~which that~~:

12 (A) Permits the person or entity to interfere with the professional
13 judgment of the dentist; or

14 (B) contains terms that would constitute a violation of the dental
15 practices act, rules and regulations adopted by the board, any orders and
16 directives issued by the board or any other applicable law.

17 A licensee of dentistry who enters into any arrangement with an
18 unlicensed proprietor may have such license limited, suspended or revoked
19 by the board.

20 (b) The estate or agent for a deceased or substantially disabled dentist
21 may employ dentists, for a period of not more than 18 months following
22 the date of death or substantial disability of the dentist, to provide service
23 to patients until the practice can be sold or closed. Upon application
24 showing good cause, including, but not limited to, evidence of a good faith
25 effort to sell or close the dental practice, the Kansas dental board may
26 extend the time in six-month increments for a period of not more than one
27 additional year for which the practice can be sold or closed. The Kansas
28 dental board may adopt rules and regulations as necessary to carry out the
29 provisions of this section.

30 Sec. 8. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1431 is
31 hereby amended to read as follows: 65-1431. (a) Each license to practice
32 as a dentist, *dental therapist* or dental hygienist issued by the board, shall
33 expire on December 1 of the year specified by the board for the expiration
34 of the license and shall be renewed on a biennial basis. Each application
35 for renewal shall be made on a form prescribed and furnished by the
36 board. Every licensed dentist, *dental therapist* or dental hygienist shall pay
37 to the board a renewal fee fixed by the board as provided in K.S.A. 65-
38 1447, and amendments thereto.

39 (b) To provide for a staggered system of biennial renewal of licenses,
40 the board may renew licenses for less than two years.

41 (c) On or before December 1 of the year in which the licensee's
42 license expires, the licensee shall transmit to the board a renewal
43 application, upon a form prescribed by the board,~~which that~~ shall include

1 such licensee's signature, post office address, the number of the license of
2 such licensee, whether such licensee has been engaged during the
3 preceding licensure period in active and continuous practice whether
4 within or without this state, and such other information as may be required
5 by the board, together with the biennial licensure fee for a *dentist, dental*
6 *therapist or dental hygienist*—~~which~~ *that* is fixed by the board pursuant to
7 K.S.A. 65-1447, and amendments thereto.

8 (d) (1) The board shall require every licensee to submit with the
9 renewal application evidence of satisfactory completion of a program of
10 continuing education required by the board. The board by duly adopted
11 rules and regulations shall establish the requirements for such program of
12 continuing education as soon as possible after the effective date of this act.

13 (2) A dentist who is a charitable healthcare provider in Kansas who
14 has signed an agreement to provide gratuitous services pursuant to K.S.A.
15 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of
16 continuing education credit by the performance of two hours of gratuitous
17 services to medically indigent persons up to a maximum of six continuing
18 education credits per licensure period.

19 (e) Upon fixing the biennial license renewal fee, the board shall
20 immediately notify all licensees of the amount of the fee for the ensuing
21 licensure period. Upon receipt of such fee and upon receipt of evidence
22 that the licensee has satisfactorily completed a program of continuing
23 education required by the board, the licensee shall be issued a renewal
24 license authorizing the licensee to continue to practice in this state for a
25 period of no more than two years.

26 (f) (1) Any license granted under authority of this act shall
27 automatically be canceled if the holder thereof fails to apply for and obtain
28 renewal prior to March 1 of the year following the December in which a
29 renewal application is due.

30 (2) Any licensee whose license is required to be renewed for the next
31 biennial period may obtain renewal, prior to February 1, by submitting to
32 the board the required renewal application, payment of the biennial
33 renewal fee and proof that such licensee has satisfactorily completed a
34 program of continuing education required by the board. Any licensee
35 whose license is required to be renewed for the next biennial period may
36 obtain renewal, between February 1 and March 1, by submitting to the
37 board the required renewal application, payment of the biennial renewal
38 fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and
39 regulations by the board and proof that such licensee has satisfactorily
40 completed a program of continuing education required by the board. The
41 penalty fee in effect immediately prior to the effective date of this act shall
42 continue in effect until rules and regulations establishing a penalty fee
43 under this section become effective.

1 (g) Upon failure of any licensee to pay the applicable renewal fee or
2 to present proof of satisfactory completion of the required program of
3 continuing education by February 1 of the year following the December in
4 which a renewal application is due, the board shall notify such licensee, in
5 writing, by mailing notice to such licensee's last registered address. Failure
6 to mail or receive such notice shall not affect the cancellation of the
7 license of such licensee.

8 (h) The board may waive the payment of biennial fees and the
9 continuing education requirements for the renewal of licenses without the
10 payment of any fee for a person who has held a Kansas license to practice
11 dentistry, *dental therapy* or dental hygiene if such licensee has retired from
12 such practice or has become temporarily or permanently disabled and such
13 licensee files with the board a certificate stating either of the following:

14 (1) A retiring licensee shall certify to the board that the licensee is not
15 engaged, except as provided in K.S.A. 65-1466, and amendments thereto,
16 in the provision of any dental service, the performance of any dental
17 operation or procedure or the delivery of any *dental therapy or* dental
18 hygiene service as defined by the statutes of the state of Kansas; or

19 (2) a disabled licensee shall certify to the board that such licensee is
20 no longer engaged in the provision of dental services, the performance of
21 any *dental therapy or* dental operation or the provision of any dental
22 hygiene services as defined by the statutes of the state of Kansas by reason
23 of any physical disability, whether permanent or temporary, and shall
24 describe the nature of such disability.

25 (i) The waiver of fees under subsection (h) shall continue so long as
26 the retirement or physical disability exists. Except as provided in K.S.A.
27 65-1466, and amendments thereto, in the event the licensee returns to the
28 practice for which such person is licensed, the requirement for payment of
29 fees and continuing education requirements shall be reimposed
30 commencing with and continuing after the date the licensee returns to such
31 active practice. Except as provided in K.S.A. 65-1466, and amendments
32 thereto, the performance of any dental service, including consulting
33 service, or the performance of any *dental therapy or* dental hygiene
34 service, including consulting service, shall be deemed the resumption of
35 such service, requiring payment of license fees.

36 (j) The Kansas dental board may adopt such rules and regulations
37 requiring the examination and providing means for examination of those
38 persons returning to active practice after a period of retirement or
39 disability as the board shall deem necessary and appropriate for the
40 protection of the people of the state of Kansas except that for an applicant
41 to practice *dental therapy or* dental hygiene who is returning to active
42 practice after a period of retirement or disability, the board shall authorize
43 as an alternative to the requirement for an examination that the applicant

1 successfully complete a refresher course as defined by the board in an
2 approved dental hygiene school *or dental therapy program*.

3 Sec. 9. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1434 is
4 hereby amended to read as follows: 65-1434. (a) The board, without
5 examination, may issue a license as a dentist, *dental therapist* or dental
6 hygienist to an applicant holding a license in another state upon
7 compliance with the requirements of professional qualification and
8 experience set forth in subsection (b). The board shall prepare and adopt a
9 form of application to be submitted by an applicant for a license to be
10 issued under this section. On the receipt of any such application, the board
11 shall conduct such review, verification or other investigation of the
12 applicant and the professional qualifications, background, experience and
13 practice of the applicant as the board deems necessary to assure full
14 compliance with the requirements of this section. Any license so issued
15 may be revoked by the board upon evidence that an applicant has obtained
16 a license under this section through misrepresentation or omission of a
17 material fact in the application or other information submitted to the board.

18 (b) Each applicant for licensure under this section must evidence the
19 qualifications and meet the following requirements:

20 (1) Each applicant for licensure as a dentist under this section must
21 meet the requirements set forth in K.S.A. 65-1426, and amendments
22 thereto. *Each applicant for licensure as a dental therapist must meet all*
23 *applicable requirements set forth in section 1, and amendments thereto.*
24 Each applicant for licensure as a dental hygienist must meet any applicable
25 requirements set forth in K.S.A. 65-1455, and amendments thereto.

26 (2) Each applicant shall show evidence of having successfully
27 completed both a national board examination or an equivalent examination
28 accepted by the state in which the applicant has been previously licensed,
29 and a clinical examination, administered by any state or clinical dental
30 testing agency, of equivalent merit to the clinical examination accepted by
31 the board at the time such applicant completed such examinations.

32 (3) Each applicant for licensure as a dentist under this section shall
33 have held a license to practice dentistry in one or more other states of the
34 United States for the five-year period immediately preceding the date of
35 application and shall have engaged in the active practice of dentistry for at
36 least five years prior to the date of application. *Each applicant for*
37 *licensure as a dental therapist under this section shall have held a license*
38 *to practice dental therapy in another state of the United States for a three-*
39 *year period immediately preceding the date of application and shall have*
40 *engaged in the active practice of dental therapy for at least three years*
41 *prior to the date of application.* Each applicant for licensure as a dental
42 hygienist under this section shall have held a license to practice dental
43 hygiene in another state of the United States for the three-year period

1 immediately preceding the date of application and shall have engaged in
2 the active practice of dental hygiene for at least three years prior to the
3 date of application. Successive and continuous periods of active practice in
4 other states will comply with the active practice requirements of this
5 paragraph~~(3)~~. For the purpose of determining the period of practice,
6 periods of military service will be considered to the extent approved by the
7 Kansas dental board. Service as a full-time faculty member in a school of
8 dentistry will be considered the practice of dentistry to the extent service
9 involved full-time instruction in dentistry including clinical dentistry.
10 Service as a faculty member in a school of dental hygiene will be
11 considered the practice of dental hygiene to the extent such service
12 involved instruction in dental hygiene including clinical dental hygiene. To
13 be considered for the purposes of this statute, any such school of dentistry,
14 *dental therapy* or dental hygiene must be approved by the Kansas dental
15 board within the meaning of K.S.A. 65-1426, and amendments thereto.

16 (4) Each such applicant shall show evidence that the applicant has
17 fully complied with all continuing education requirements imposed by the
18 state or states in which the applicant has been licensed and has practiced
19 during the ~~five years~~ *applicable time period* immediately preceding the
20 date of the application. In the event the state or states in which the
21 applicant has been licensed and practiced has no such requirement, the
22 applicant shall provide such information concerning continuing education
23 received by the applicant during the ~~five-year~~ *applicable time period*
24 preceding application as may be required by the board. All applicants must
25 have completed continuing education sufficient to comply with that
26 continuing education required of Kansas licensees during the ~~twenty-four~~
27 *24-month period* prior to the date of the application for licensure unless the
28 Kansas dental board determines, for good cause shown, that the
29 requirement will work an undue hardship upon the applicant and the
30 requirement is not necessary for the protection of the people of Kansas
31 based upon the training and experience of the applicant.

32 (5) The applicant shall provide such other information concerning the
33 applicant and the dental education, qualification, experience and
34 professional conduct of the applicant as the board in its discretion deems
35 necessary to its determination to issue a license.

36 (6) Each applicant shall provide a certificate of the executive director
37 of the board or other agency governing licensure of dentists, *dental*
38 *therapists* or dental hygienists of the state in which the applicant has been
39 licensed and has practiced during the required period preceding the date of
40 the application. Such certificate shall state that: (A) The applicant is
41 licensed to practice dentistry, *dental therapy* or dental hygiene in the state;
42 (B) the license of the applicant has never been suspended or revoked; (C)
43 the applicant has never been the subject of any proceeding for suspension,

1 revocation or other disciplinary action initiated by the board of licensure of
2 any such state during the period the applicant has held a license to practice
3 dentistry, *dental therapy* or dental hygiene in such state; and (D) no
4 complaint has been filed against the applicant of such substance as, in the
5 judgment of the board of licensure of such state, has required the initiation
6 of proceedings against the applicant. In the event the applicant has
7 practiced dentistry, *dental therapy* or dental hygiene in more than one
8 other state in the United States, the applicant shall file a similar certificate
9 with respect to such period or periods during which the applicant has
10 practiced in each such state.

11 (c) The Kansas dental board may direct an applicant to appear before
12 the board at a date, time and place to be determined by the Kansas dental
13 board to answer questions and provide such information concerning the
14 qualifications, background, experience and practice of the applicant as the
15 Kansas dental board may deem necessary.

16 (d) The term "applicant" as used in this section shall apply to ~~both~~
17 applicants for licensure as a dentist, *applicants for licensure as a dental*
18 *therapist* and applicants for licensure as a dental hygienist unless the
19 context otherwise indicates.

20 Sec. 10. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1436 is
21 hereby amended to read as follows: 65-1436. (a) The Kansas dental board
22 may refuse to issue the license under the dental practices act, or may take
23 any of the actions with respect to any dental, *dental therapy* or dental
24 hygiene license as set forth in subsection (b), whenever it is established,
25 after notice and opportunity for hearing in accordance with the provisions
26 of the Kansas administrative procedure act, that any applicant for a dental,
27 *dental therapy* or dental hygiene license or any licensed dentist, *dental*
28 *therapist* or dental hygienist practicing in the state of Kansas has:

29 (1) Committed fraud, deceit or misrepresentation in obtaining any
30 license, money or other thing of value;

31 (2) habitually used intoxicants or drugs ~~which~~ *that* have rendered
32 such person unfit for the practice of dentistry, *dental therapy* or dental
33 hygiene;

34 (3) been determined by the board to be professionally incompetent;

35 (4) committed gross, wanton or willful negligence in the practice of
36 dentistry, *dental therapy* or dental hygiene;

37 (5) employed, allowed or permitted any unlicensed person or persons
38 to perform any work in the licensee's office ~~which~~ *that* constitutes the
39 practice of dentistry, *dental therapy* or dental hygiene under the provisions
40 of the dental practices act;

41 (6) willfully violated the laws of this state relating to the practice of
42 dentistry, *dental therapy* or dental hygiene or the rules and regulations of
43 the secretary of health and environment or of the board regarding

1 sanitation;

2 (7) engaged in the division of fees, or agreed to split or divide the fee
3 received for dental service with any person for bringing or referring a
4 patient without the knowledge of the patient or the patient's legal
5 representative, except:

6 (A) The division of fees between dentists practicing in a partnership
7 and sharing professional fees;

8 (B) the division of fees between one licensed dentist employing
9 another; or

10 (C) the division of fees between a licensed dentist and a dental
11 franchisor;

12 (8) committed complicity in association with or allowed the use of
13 the licensed dentist's name in conjunction with any person who is engaged
14 in the illegal practice of dentistry;

15 (9) been convicted of a felony or a misdemeanor involving moral
16 turpitude in any jurisdiction and the licensee fails to show that the licensee
17 has been sufficiently rehabilitated to warrant the public trust;

18 (10) prescribed, dispensed, administered or distributed a prescription
19 drug or substance, including a controlled substance, in an excessive,
20 improper or inappropriate manner or quantity outside the scope of practice
21 of dentistry or in a manner that impairs the health and safety of an
22 individual;

23 (11) prescribed, purchased, administered, sold or given away
24 prescription drugs, including a controlled substance, for other than legal
25 and legitimate purposes;

26 (12) violated or been convicted of any federal or state law regulating
27 possession, distribution or use of any controlled substance;

28 (13) failed to pay license fees;

29 (14) used the name "clinic," "institute" or other title that may suggest
30 a public or semipublic activity except that the name "clinic" may be used
31 as authorized in K.S.A. 65-1435, and amendments thereto;

32 (15) committed, after becoming a licensee, any conduct ~~which~~ that is
33 detrimental to the public health, safety or welfare as defined by rules and
34 regulations of the board;

35 (16) engaged in a misleading, deceptive, untrue or fraudulent
36 misrepresentation in the practice of dentistry or on any document
37 connected with the practice of dentistry by knowingly submitting any
38 misleading, deceptive, untrue or fraudulent misrepresentation on a claim
39 form, bill or statement, including the systematic waiver of patient co-
40 payment or co-insurance;

41 (17) failed to keep adequate records;

42 (18) the licensee has had a license to practice dentistry revoked,
43 suspended or limited, has been censured or has had other disciplinary

1 action taken, has had an application for license denied, or voluntarily
2 surrendered the license after formal proceedings have been commenced by
3 the proper licensing authority or another state, territory or the District of
4 Columbia or other country, a certified copy of the record of the action of
5 the other jurisdiction being conclusive evidence thereof;

6 (19) failed to furnish the board, or its investigators or representatives
7 any information legally requested by the board; or

8 (20) assisted suicide in violation of K.S.A. 21-3406, prior to its
9 repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, as
10 established by any of the following:

11 (A) A copy of the record of criminal conviction or plea of guilty for a
12 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017
13 Supp. 21-5407, and amendments thereto;

14 (B) a copy of the record of a judgment of contempt of court for
15 violating an injunction issued under K.S.A. 60-4404, and amendments
16 thereto; or

17 (C) a copy of the record of a judgment assessing damages under
18 K.S.A. 60-4405, and amendments thereto.

19 (b) Whenever it is established, after notice and opportunity for
20 hearing in accordance with the provisions of the Kansas administrative
21 procedure act, that a licensee is in any of the circumstances or has
22 committed any of the acts described in subsection (a), the Kansas dental
23 board may take one or any combination of the following actions with
24 respect to the license of the licensee:

25 (1) Revoke the license;

26 (2) suspend the license for such period of time as may be determined
27 by the board;

28 (3) restrict the right of the licensee to practice by imposing limitations
29 upon dental, *dental therapy* or dental hygiene procedures ~~which that~~ may
30 be performed, categories of dental disease ~~which that~~ may be treated or
31 types of patients ~~which that~~ may be treated by the dentist, *dental therapist*
32 or dental hygienist. Such restrictions shall continue for such period of time
33 as may be determined by the board, and the board may require the licensee
34 to provide additional evidence at hearing before lifting such restrictions; or

35 (4) grant a period of probation during which the imposition of one or
36 more of the actions described in subsections (b)(1) through (b)(3) will be
37 stayed subject to such conditions as may be imposed by the board
38 including a requirement that the dentist, *dental therapist* or dental
39 hygienist refrain from any course of conduct ~~which that~~ may result in
40 further violation of the dental ~~practice~~ *practices* act or the dentist or dental
41 hygienist complete additional or remedial instruction. The violation of any
42 provision of the dental ~~practice~~ *practices* act or failure to meet any
43 condition imposed by the board as set forth in the order of the board will

1 result in immediate termination of the period of probation and imposition
2 of such other action as has been taken by the board.

3 (c) As used in this section, "professionally incompetent" means:

4 (1) One or more instances involving failure to adhere to the
5 applicable standard of dental, *dental therapy* or dental hygienist care to a
6 degree—~~which~~ *that* constitutes gross negligence, as determined by the
7 board;

8 (2) repeated instances involving failure to adhere to the applicable
9 standard of dental, *dental therapy* or dental hygienist care to a degree
10 ~~which~~ *that* constitutes ordinary negligence, as determined by the board; or

11 (3) a pattern of dental, *dental therapy* or dental hygienist practice or
12 other behavior—~~which~~ *that* demonstrates a manifest incapacity or
13 incompetence to practice dentistry.

14 (d) In addition to or in lieu of one or more of the actions described in
15 subsections (b)(1) through (b)(4) or in ~~subsection (c)~~ of K.S.A. 65-
16 1444(c), and amendments thereto, the board may assess a fine not in
17 excess of \$10,000 against a licensee. All fines collected pursuant to this
18 subsection shall be remitted to the state treasurer in accordance with the
19 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
20 each such remittance, the state treasurer shall deposit the entire amount in
21 the state treasury and of the amount so remitted, an amount equal to the
22 board's actual costs related to fine assessment and enforcement under this
23 subsection, as certified by the president of the board to the state treasurer,
24 shall be credited to the dental board fee fund and the balance shall be
25 credited to the state general fund.

26 (e) The board, upon its own motion or upon the request of any
27 licensee who is a party to a licensure action, may require a physical or
28 mental examination, or both, of such licensee either prior to a hearing to be
29 held as a part of a licensure action or prior to the termination of any period
30 of suspension or the termination of any restrictions imposed upon the
31 licensee as provided in subsection (b).

32 Sec. 11. On and after July 1, 2020, K.S.A. 65-1441 is hereby
33 amended to read as follows: 65-1441. Whoever sells or offers to sell a
34 diploma conferring a dental degree, or a license granted pursuant to this
35 act, or procures such diploma or license with intent that it be used as
36 evidence of the right to practice dentistry, *dental therapy* or dental
37 hygiene, as defined by law, by a person other than the one upon whom it
38 was conferred, or to whom such license certificate or renewal certificate
39 was granted, or with fraudulent intent alters such diploma or license
40 certificate or renewal certificate, or uses or attempts to use it when it is so
41 altered, shall be deemed guilty of a misdemeanor. The board may refuse to
42 grant a license to practice dentistry, *dental therapy* or dental hygiene to
43 any person found guilty of making a false statement, or cheating or of

1 fraud or deception either in applying for a license or in taking any of the
 2 examinations provided for under the dental practices act.

3 Sec. 12. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1447 is
 4 hereby amended to read as follows: 65-1447. (a) On or before October 1 of
 5 each year, the Kansas dental board shall determine the amount of funds
 6 ~~which that~~ will be required during the ensuing fiscal year to properly
 7 administer the laws—~~which that~~ the board is directed to enforce and
 8 administer and shall fix fees in accordance with this section in such
 9 reasonable sums as may be necessary for such purposes, within the
 10 limitations prescribed by subsection (b).

11 (b) The board shall collect fees provided for in this act as follows:

12 Examination fee for dental applicants—not more than.....	\$200
13 Subsequent examination fee for dental applicants—not more	
14 than.....	100
15 Examination fee for specialty qualifications—not more	
16 than.....	200
17 Credentials/qualifications fee—not more than.....	300
18 Duplicate certificate fee—not more than.....	25
19 Certificate fee, including certificate for credentials/qualifications,	
20 for dentists, <i>dental therapists</i> and dental hygienists—not	
21 more than.....	25
22 Biennial license renewal fee for dentists—not more than.....	325
23 Examination fee for dental hygienist applicants—not more	
24 than.....	100
25 Subsequent examination fee for dental hygienist applicants—not	
26 more than.....	100
27 Biennial license renewal fee for dental hygienists—not	
28 more than.....	160
29 <i>Biennial license renewal fee for dental therapists—not more than.....</i>	<i>200</i>
30 <i>Examination fee for dental therapist applicants—not more than.....</i>	<i>150</i>
31 <i>Subsequent examination fee for dental therapist applicants—not</i>	
32 <i>more than.....</i>	<i>100</i>
33 Reinstatement of a revoked license—not more than.....	2,000
34 Processing fee for failure to notify of change of address—not	
35 more than.....	100
36 Registration fee to operate a mobile dental facility or portable	
37 dental operation—not more than.....	500
38 Biennial registration renewal fee for mobile dental facility or	
39 portable dental operation—not more than.....	350
40 Sedation permit—not more than.....	200

41 (c) The amounts of fees in effect on the day preceding the effective
 42 date of this act and the act of which this section is amendatory shall remain
 43 in effect until fixed in different amounts by the board under this section.

1 The board may adopt rules and regulations for the proration of fees for a
2 license issued for a period of time less than the biennial licensure period.

3 Sec. 13. On and after July 1, 2020, K.S.A. 65-1449 is hereby
4 amended to read as follows: 65-1449. (a) Except as provided by subsection
5 (b), no action to revoke or suspend a license shall be taken until the
6 licensee has been furnished a statement in writing of the charges against
7 the licensee, together with a notice of the time and place of the hearing.
8 The statement of charges and notice shall be served upon the licensee in
9 accordance with the provisions of the Kansas administrative procedure act.

10 (b) If the board determines that there is probable cause to revoke or
11 suspend the license of a dentist, *dental therapist* or dental hygienist for any
12 reason that exists pursuant to K.S.A. 65-1436, and amendments thereto,
13 and if the licensee's continued practice would constitute an imminent
14 danger to public health and safety, the board may initiate administrative
15 proceedings for an emergency adjudication under the provisions of the
16 Kansas administrative procedure act.

17 In no case shall a temporary suspension or temporary limitation of a
18 license under this section be in effect for more than 90 days. At the end of
19 such period of time, the licensee shall be reinstated to full licensure unless
20 the board has revoked or suspended the license of the licensee after notice
21 and hearing, provided in accordance with the provisions of the Kansas
22 administrative procedure act.

23 Sec. 14. On and after July 1, 2020, K.S.A. 65-1460 is hereby
24 amended to read as follows: 65-1460. Any person who shall practice
25 dentistry, *dental therapy* or dental hygiene in this state within the meaning
26 of this act without having first obtained a license from the board, or who
27 violates any of the provisions of this act, the penalty for which is not
28 herein specifically provided, shall be deemed guilty of a misdemeanor.
29 Anyone convicted of a misdemeanor under this act shall be punished by a
30 fine of not more than ~~one thousand dollars~~ \$1,000, or by imprisonment in
31 the county jail for not more than twelve months, or by both such fine and
32 imprisonment, in the discretion of the court.

33 ***Sec. 15. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1456 is***
34 ***hereby amended to read as follows: 65-1456. (a) The board may suspend***
35 ***or revoke the license of any dentist who shall permit any dental hygienist***
36 ***operating under such dentist's supervision to perform any operation***
37 ***other than ~~that those permitted under the provisions of article 14 of~~***
38 ***chapter 65 of the Kansas Statutes Annotated, and amendments thereto,***
39 ***and may suspend or revoke the license of any hygienist found guilty of***
40 ***performing any operation other than those permitted under article 14 of***
41 ***chapter 65 of the Kansas Statutes Annotated, and amendments thereto.***
42 ***No license of any dentist or dental hygienist shall be suspended or***
43 ***revoked in any administrative proceedings without first complying with***

1 *the notice and hearing requirements of the Kansas administrative*
2 *procedure act.*

3 *(b) The practice of dental hygiene shall include those educational,*
4 *preventive, and therapeutic procedures—~~which~~ that result in the removal*
5 *of extraneous deposits, stains and debris from the teeth and the*
6 *rendering of smooth surfaces of the teeth to the depths of the gingival*
7 *sulci. Included among those educational, preventive and therapeutic*
8 *procedures are the instruction of the patient as to daily personal care,*
9 *protecting the teeth from dental caries, the scaling and polishing of the*
10 *crown surfaces and the planing of the root surfaces, in addition to the*
11 *curettage of those soft tissues lining the free gingiva to the depth of the*
12 *gingival sulcus and such additional educational, preventive and*
13 *therapeutic procedures as the board may establish by rules and*
14 *regulations.*

15 *(c) Subject to such prohibitions, limitations and conditions as the*
16 *board may prescribe by rules and regulations, any licensed dental*
17 *hygienist may practice dental hygiene and may also perform such dental*
18 *service as may be performed by a dental assistant under the provisions of*
19 *K.S.A. 65-1423, and amendments thereto.*

20 *(d) Except as otherwise provided in this section, the practice of*
21 *dental hygiene shall be performed under the direct or general*
22 *supervision of a licensed dentist at the office of such licensed dentist.*
23 *The board shall designate by rules and regulations the procedures—~~which~~*
24 *that may be performed by a dental hygienist under direct supervision*
25 *and the procedures—~~which~~ that may be performed under general*
26 *supervision of a licensed dentist. As used in this section: (1) "Direct*
27 *supervision" means that the dentist is in the dental office, the supervision*
28 *of tasks and procedures with the presence of the dentist in the office or on*
29 *the premises at the time the tasks or procedures are being performed*
30 *where the dentist personally diagnoses the condition to be treated,*
31 *personally authorizes the procedure and, before dismissal of the patient,*
32 *evaluates the dental hygienist's performance; and (2) "general*
33 *supervision" means a Kansas licensed dentist may delegate verbally or*
34 *by written authorization the performance of a service, task or procedure*
35 *to a licensed dental hygienist under the supervision and responsibility of*
36 *the dentist, if the dental hygienist is licensed to perform the function,*
37 *and the supervising dentist examines the patient at the time the dental*
38 *hygiene procedure is performed, or during the 12 calendar months*
39 *preceding the performance of the procedure, except that the licensed*
40 *hygienist shall not be permitted to diagnose a dental disease or ailment,*
41 *prescribe any treatment or a regimen thereof, prescribe, order or*
42 *dispense medication or perform any procedure—~~which~~ that is irreversible*
43 *or—~~which~~ that involves the intentional cutting of the soft or hard tissue by*

1 *any means. A dentist is not required to be on the premises at the time a*
2 *hygienist performs a function delegated under ~~part~~ paragraph (2) of this*
3 *subsection.*

4 *(e) The practice of dental hygiene may be performed at an adult*
5 *care home, hospital long-term care unit, state institution, local health*
6 *department or indigent health care clinic on a resident of a facility,*
7 *client or patient thereof so long as:*

8 *(1) A licensed dentist has delegated the performance of the service,*
9 *task or procedure;*

10 *(2) the dental hygienist is under the supervision and responsibility*
11 *of the dentist;*

12 *(3) either the supervising dentist is personally present or the*
13 *services, tasks and procedures are limited to the cleaning of teeth,*
14 *education and preventive care; and*

15 *(4) the supervising dentist examines the patient at the time the*
16 *dental hygiene procedure is performed or has examined the patient*
17 *during the 12 calendar months preceding performance of the procedure.*

18 *(f) The practice of dental hygiene may be performed, with consent*
19 *of the parent or legal guardian; On children participating in residential*
20 *and nonresidential centers for therapeutic services; on all children in*
21 *families ~~which~~ that are receiving family preservation services; on all*
22 *children in the custody of the secretary for children and families or the*
23 *commissioner of juvenile justice authority and in an out-of-home*
24 *placement residing in foster care homes; on children being served by*
25 *runaway youth programs and homeless shelters; ~~and on children birth~~*
26 *up to to five years old and children in public and nonpublic schools in*
27 *kindergarten or grades one through ~~grade~~ 12, regardless of the time of*
28 *year and children participating in youth organizations, so long as such*
29 *children who are dentally underserved are targeted; at any state*
30 *correctional institution, local health department or indigent health care*
31 *clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at*
32 *any federally qualified health center, federally qualified health center*
33 *look-alike or a community health center that receives funding from*
34 *section 330 of the health center consolidation act, on a person, inmate,*
35 *client or patient thereof; and on other persons as may be defined by the*
36 *board; so long as:*

37 *(1) The dental hygienist has received an "extended care permit I"*
38 *from the Kansas dental board specifying that the dental hygienist has*
39 *performed 1,200 hours of dental hygiene care within the past three years*
40 *or has been an instructor at an accredited dental hygiene program for*
41 *two academic years within the past three years;*

42 *(2) the dental hygienist shows proof of professional liability*
43 *insurance;*

1 (3) *the dental hygienist is sponsored by a dentist licensed in the*
2 *state of Kansas, including a signed agreement stating that the dentist*
3 *shall monitor the dental hygienist's activities, except such dentist shall*
4 *not monitor more than five dental hygienists with an extended care*
5 *permit;*

6 (4) *the tasks and procedures are limited to: (A) Removal of*
7 *extraneous deposits, stains and debris from the teeth and the rendering*
8 *of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the*
9 *application of topical anesthetic, if the dental hygienist has completed*
10 *the required course of instruction approved by the dental board; (C) the*
11 *application of fluoride; (D) dental hygiene instruction; (E) assessment*
12 *of the patient's apparent need for further evaluation by a dentist to*
13 *diagnose the presence of dental caries and other abnormalities; and (F)*
14 *other duties as may be delegated verbally or in writing by the sponsoring*
15 *dentists consistent with this act;*

16 (5) *the dental hygienist advises the patient and legal guardian that*
17 *the services are preventive in nature and do not constitute a*
18 *comprehensive dental diagnosis and care;*

19 (6) *the dental hygienist provides a copy of the findings and the*
20 *report of treatment to the sponsoring dentist and any other dental or*
21 *medical supervisor at a participating organization found in this*
22 *subsection; and*

23 (7) *any payment to the dental hygienist for dental hygiene services*
24 *is received from the sponsoring dentist or the participating organization*
25 *found in this subsection.*

26 (g) *The practice of dental hygiene may be performed on persons*
27 *with developmental disabilities and on persons who are 65 years and*
28 *older who live in a residential center, an adult care home, subsidized*
29 *housing, hospital long-term care unit, or state institution or are served*
30 *in a community senior service center, elderly nutrition program or at the*
31 *home of a homebound person who qualifies for the federal home and*
32 *community-based service (HCBS) waiver on a resident of a facility,*
33 *client or patient thereof so long as:*

34 (1) *The dental hygienist has received an "extended care permit II"*
35 *from the Kansas dental board specifying that the dental hygienist has:*
36 *(A) Performed 1,600 hours of dental hygiene care or has been an*
37 *instructor at an accredited dental hygiene program for two academic*
38 *years within the past three years; and (B) completed six hours of*
39 *training on the care of special needs patients or other training as may be*
40 *accepted by the board;*

41 (2) *the dental hygienist shows proof of professional liability*
42 *insurance;*

43 (3) *the dental hygienist is sponsored by a dentist licensed in the*

1 *state of Kansas, including a signed agreement stating that the dentist*
2 *shall monitor the dental hygienist's activities, except such dentist shall*
3 *not monitor more than five dental hygienists with an extended care*
4 *permit II;*

5 *(4) the tasks and procedures are limited to: (A) Removal of*
6 *extraneous deposits, stains and debris from the teeth and the rendering*
7 *of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the*
8 *application of topical anesthetic if the dental hygienist has completed the*
9 *required course of instruction approved by the dental board; (C) the*
10 *application of fluoride; (D) dental hygiene instruction; (E) assessment*
11 *of the patient's apparent need for further evaluation by a dentist to*
12 *diagnose the presence of dental caries and other abnormalities; and (F)*
13 *other duties as may be delegated verbally or in writing by the sponsoring*
14 *dentist consistent with this act;*

15 *(5) the dental hygienist advises the patient and legal guardian that*
16 *the services are preventive in nature and do not constitute*
17 *comprehensive dental diagnosis and care;*

18 *(6) the dental hygienist provides a copy of the findings and the*
19 *report of treatment to the sponsoring dentist and any other dental or*
20 *medical supervisor at a participating organization found in this*
21 *subsection;*

22 *(7) any payment to the dental hygienist for dental hygiene services*
23 *is received from the sponsoring dentist or the participating organization*
24 *found in this subsection; and*

25 *(8) the dental hygienist completes a minimum of three hours of*
26 *education in the area of special needs care within the board's continuing*
27 *dental education requirements for relicensure.*

28 *(h) The expanded practice of dental hygiene may be performed,*
29 *with consent of the parent or legal guardian;: On children participating*
30 *in residential and nonresidential centers for therapeutic services; on all*
31 *children in families—~~which~~ that are receiving family preservation*
32 *services; on all children in the custody of the secretary for children and*
33 *families or the commissioner of juvenile justice authority and in an out-*
34 *of-home placement residing in foster care homes; on children being*
35 *served by runaway youth programs and homeless shelters; and on*
36 *children—~~birth~~ up to five years old and children in public and nonpublic*
37 *schools in kindergarten or grades one through—~~grade~~ 12, regardless of*
38 *the time of year and children participating in youth organizations, so*
39 *long as such children who are dentally underserved are targeted; at any*
40 *state correctional institution, local health department or indigent health*
41 *care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and*
42 *at any federally qualified health center, federally qualified health center*
43 *look-alike or a community health center that receives funding from*

1 *section 330 of the health center consolidation act, on a person, inmate,*
2 *client or patient; on persons with developmental disabilities and on*
3 *persons who are 65 years and older who live in a residential center, an*
4 *adult care home, subsidized housing, hospital long-term care unit, or*
5 *state institution or are served in a community senior service center,*
6 *elderly nutrition program or at the home of a homebound person who*
7 *qualifies for the federal home and community-based service (HCBS)*
8 *waiver on a resident of a facility, client or patient thereof so long as:*

9 (1) *The dental hygienist has received an "extended care permit III"*
10 *from the Kansas dental board specifying that the dental hygienist has:*
11 *(A) Performed 2,000 hours of dental hygiene care or has been an*
12 *instructor at an accredited dental hygiene program for three academic*
13 *years within the past four years; and (B) completed a course of study of*
14 *18 seat hours approved by the board—~~which~~ that includes, but is not*
15 *limited to, emergency dental care techniques, the preparation and*
16 *placement of temporary restorations, the adjustment of dental prostheses*
17 *and appropriate pharmacology;*

18 (2) *the dental hygienist shows proof of professional liability*
19 *insurance;*

20 (3) *the dental hygienist is sponsored by a dentist licensed in the*
21 *state of Kansas, including a signed agreement stating that the dentist*
22 *shall monitor the dental hygienist's activities, except such dentist shall*
23 *not monitor more than five dental hygienists with an extended care*
24 *permit III;*

25 (4) *the tasks and procedures are limited to: (A) Removal of*
26 *extraneous deposits, stains and debris from the teeth and the rendering*
27 *of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the*
28 *application of topical anesthetic if the dental hygienist has completed the*
29 *required course of instruction approved by the dental board; (C) the*
30 *application of fluoride; (D) dental hygiene instruction; (E) assessment*
31 *of the patient's apparent need for further evaluation by a dentist to*
32 *diagnose the presence of dental caries and other abnormalities; (F)*
33 *identification and removal of decay using hand instrumentation and*
34 *placing a temporary filling, including glass ionomer and other palliative*
35 *materials; (G) adjustment of dentures, placing soft relin in dentures,*
36 *checking partial dentures for sore spots and placing permanent*
37 *identification labeling in dentures; (H) smoothing of a sharp tooth with*
38 *a slow speed dental handpiece; (I) use of local anesthetic, including*
39 *topical, infiltration and block anesthesia, when appropriate to assist with*
40 *procedures where medical services are available in a nursing home,*
41 *health clinic or any other settings if the dental hygienist has completed a*
42 *course on local anesthesia and nitrous oxide as required in this act; (J)*
43 *extraction of deciduous teeth that are partially exfoliated with class-4 3*

1 *mobility; and (K) other duties as may be delegated verbally or in writing*
2 *by the sponsoring dentist consistent with this act;*

3 (5) *the dental hygienist advises the patient and legal guardian that*
4 *the services are palliative or preventive in nature and do not constitute*
5 *comprehensive dental diagnosis and care;*

6 (6) *the dental hygienist provides a copy of the findings and the*
7 *report of treatment to the sponsoring dentist and any other dental or*
8 *medical supervisor at a participating organization found in this*
9 *subsection;*

10 (7) *the dental hygienist notifies the patient or the patient's parent or*
11 *legal guardian of such patient's need for treatment by a dentist, when*
12 *the dental hygienist finds an apparent need for evaluation to diagnose*
13 *the presence of dental caries and other abnormalities;*

14 (8) *any payment to the dental hygienist for dental hygiene services*
15 *is received from the sponsoring dentist or the participating organization*
16 *found in this subsection; and*

17 (9) *the dental hygienist completes a minimum of three hours of*
18 *education related to the expanded scope of dental hygiene practice in*
19 *subsection (h)(4)—of this act within the board's continuing dental*
20 *education requirements for relicensure.*

21 (i) *In addition to the duties specifically mentioned in subsection (b)*
22 *any duly licensed dental hygienist may:*

23 (1) *Give fluoride treatments as a prophylactic measure, as defined*
24 *by the United States public health service and as recommended for use*
25 *in dentistry;*

26 (2) *remove overhanging restoration margins and periodontal*
27 *surgery materials by hand scaling instruments; and*

28 (3) *administer local block and infiltration anaesthesia and nitrous*
29 *oxide. (A) The administration of local anaesthesia shall be performed*
30 *under the direct supervision of a licensed dentist, except that topically*
31 *applied local anaesthesia, as defined by the board, may be administered*
32 *under the general supervision of a licensed dentist. (B) Each dental*
33 *hygienist who administers local anaesthesia, regardless of the type, shall*
34 *have completed courses of instruction in local anaesthesia and nitrous*
35 *oxide—~~which~~ that have been approved by the board.*

36 (j) (1) *The courses of instruction required in subsection (i)(3)(B)*
37 *shall provide a minimum of 12 hours of instruction at a teaching*
38 *institution accredited by the American dental association.*

39 (2) *The courses of instruction shall include courses—~~which~~ that*
40 *provide both didactic and clinical instruction in: (A) Theory of pain*
41 *control; (B) anatomy; (C) medical history; (D) pharmacology; and (E)*
42 *emergencies and complications.*

43 (3) *Certification in cardiac pulmonary resuscitation shall be*

1 *required in all cases.*

2 *(k) The board is authorized to issue to a qualified dental hygienist*
3 *an extended care permit I-~~or~~, extended care permit II; or extended care*
4 *permit III as provided in subsections (f), (g) and (h) of this section.*

5 *(l) Nothing in this section shall be construed to prevent a dental*
6 *hygienist from providing dental hygiene instruction or visual oral health*
7 *care screenings or fluoride applications in a school or community-based*
8 *setting regardless of the age of the patient.*

9 *(m) As used in this section, "dentally underserved" means a person*
10 *who lacks resources to pay for medically necessary health care services*
11 *and who meets the eligibility criteria for qualification as a medically*
12 *indigent person established by the secretary of health and environment*
13 *under K.S.A. 75-6120, and amendments thereto.*

14 Sec. ~~15~~ 16. On and after July 1, 2020, K.S.A. 65-1462 is hereby
15 amended to read as follows: 65-1462. (a) No person reporting to the
16 Kansas dental board under oath and in good faith any information such
17 person may have relating to alleged incidents of malpractice or the
18 qualifications, fitness or character of a person licensed to practice dentistry
19 shall be subject to a civil action for damages as a result of reporting such
20 information.

21 (b) Any state, regional or local association of licensed dentists, *dental*
22 *therapists* or licensed dental hygienists, and the individual members of any
23 committee thereof, ~~which~~ *that* in good faith investigates or communicates
24 information pertaining to the alleged incidents of malpractice or the
25 qualifications, fitness or character of any licensee to the Kansas dental
26 board or to any committee or agent thereof, shall be immune from liability
27 in any civil action, that is based upon such investigation or transmittal of
28 information if the investigation and communication was made in good
29 faith and did not represent as true any matter not reasonably believed to be
30 true.

31 Sec. ~~16~~ 17. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1469 is
32 hereby amended to read as follows: 65-1469. As used in this section:

33 (a) "Mobile dental facility or portable dental operation" means either
34 of the following:

35 (1) Any self-contained facility in which dentistry will be practiced;
36 ~~which~~ *that* may be moved, towed or transported from one location to
37 another.

38 (2) Any nonfacility in which dental equipment, utilized in the practice
39 of dentistry, is transported to and utilized on a temporary basis at an out-
40 of-office location, including, but not limited to: (A) Other dentists' offices;
41 (B) patients' homes; (C) schools; (D) nursing homes; or (E) other
42 institutions.

43 (b) (1) No person shall operate a mobile dental facility or portable

1 dental operation in this state unless registered in accordance with this
2 section.

3 (2) In order to operate a mobile dental facility or portable dental
4 operation, the operator shall be a person or entity that is authorized to own
5 a dental practice under Kansas law and possess a current registration
6 issued by the board.

7 (3) To become registered, the operator shall:

8 (A) Complete an application in the form and manner required by the
9 board; and

10 (B) pay a registration fee in the amount established by the board
11 pursuant to K.S.A. 65-1447, and amendments thereto.

12 (c) (1) The registration under this section shall be renewed on March
13 1 of even-numbered years in the form and manner provided by the board
14 by rules and regulations.

15 (2) The registrant shall pay a registration renewal fee in the amount
16 fixed by the board under K.S.A. 65-1447, and amendments thereto.

17 (d) The board shall adopt rules and regulations as necessary to carry
18 out the provisions of this act. The rules and regulations shall include, but
19 not be limited to, requirements relating to the official address and
20 telephone number of the mobile dental facility or portable dental
21 operation, the proper maintenance of dental records, procedures for
22 emergency follow-up care for patients, appropriate communications
23 facilities, appropriate authorizations for treatment by dental patients,
24 follow-up treatment and services, personnel and address changes, notice to
25 be provided on cessation of operation and such other matters as the board
26 deems necessary to protect the public health and welfare.

27 (e) The board may refuse to issue a registration under this section or
28 may revoke or suspend a registration upon a finding by the board that an
29 applicant or person registered under this section has failed to comply with
30 any provision of the section or any rules and regulations adopted pursuant
31 to this section. No order refusing to issue a registration or order of
32 suspension or revocation shall be made or entered except after notice and
33 opportunity for hearing in accordance with the provisions of the Kansas
34 administrative procedure act. Any final order of suspension or revocation
35 of a license shall be reviewable in accordance with the Kansas judicial
36 review act.

37 (f) (1) This section applies to each operator of a mobile dental facility
38 or portable dental operation that provides dental services except those
39 specifically exempted by ~~subsection~~ *paragraph* (2).

40 (2) This section shall not apply to:

41 (A) Dentists providing dental services for federal, state and local
42 governmental agencies;

43 (B) dentists licensed to practice in Kansas providing emergency

1 treatment for their patients of record;

2 (C) dentists who are not employed by or independently contracting
3 with a mobile dental facility or portable dental operation who provide
4 nonemergency treatment for their patients of record outside the dentist's
5 physically stationary office fewer than 30 days per calendar year;

6 (D) dental hygienists who are providing dental hygiene services as
7 authorized by the Kansas dental act and the board's rules and regulations;

8 (E) a dentist *or dental therapist* who is providing dental services as a
9 charitable health care provider under K.S.A. 75-6102, and amendments
10 thereto;

11 (F) a dental hygienist who is providing dental hygiene services as a
12 charitable health care provider under K.S.A. 75-6102, and amendments
13 thereto; and

14 (G) a not-for-profit organization providing dental services.

15 (g) This section shall be part of and supplemental to the dental
16 practices act.

17 ~~Sec. 17.~~ **18.** On and after July 1, 2020, K.S.A. 2017 Supp. 65-4915 is
18 hereby amended to read as follows: 65-4915. (a) As used in this section:

19 (1) "Health care provider" means: (A) Those persons and entities
20 defined as a health care provider under K.S.A. 40-3401, and amendments
21 thereto; and (B) a dentist licensed by the Kansas dental board, a *dental*
22 *therapist licensed by the Kansas dental board*, a dental hygienist licensed
23 by the Kansas dental board, a professional nurse licensed by the board of
24 nursing, a practical nurse licensed by the board of nursing, a mental health
25 technician licensed by the board of nursing, a physical therapist licensed
26 by the state board of healing arts, a physical therapist assistant certified by
27 the state board of healing arts, an occupational therapist licensed by the
28 state board of healing arts, an occupational therapy assistant licensed by
29 the state board of healing arts, a respiratory therapist licensed by the state
30 board of healing arts, a physician assistant licensed by the state board of
31 healing arts and attendants and ambulance services certified by the
32 emergency medical services board.

33 (2) "Health care provider group" means:

34 (A) A state or local association of health care providers or one or
35 more committees thereof;

36 (B) the board of governors created under K.S.A. 40-3403, and
37 amendments thereto;

38 (C) an organization of health care providers formed pursuant to state
39 or federal law and authorized to evaluate medical and health care services;

40 (D) a review committee operating pursuant to K.S.A. 65-2840c, and
41 amendments thereto;

42 (E) an organized medical staff of a licensed medical care facility as
43 defined by K.S.A. 65-425, and amendments thereto, an organized medical

- 1 staff of a private psychiatric hospital licensed under K.S.A.—~~75-3307b-~~
2 *2017 Supp. 39-2001 et seq.*, and amendments thereto, or an organized
3 medical staff of a state psychiatric hospital or state institution for people
4 with intellectual disability, as follows: Larned state hospital, Osawatomie
5 state hospital, Rainbow mental health facility, Kansas neurological
6 institute and Parsons state hospital and training center;
- 7 (F) a health care provider;
- 8 (G) a professional society of health care providers or one or more
9 committees thereof;
- 10 (H) a Kansas corporation, whose stockholders or members are health
11 care providers or an association of health care providers, ~~which~~
12 ~~corporation~~ *that* evaluates medical and health care services;
- 13 (I) an insurance company, health maintenance organization or
14 administrator of a health benefits plan ~~which~~ *that* engages in any of the
15 functions defined as peer review under this section; or
- 16 (J) the university of Kansas medical center.
- 17 (3) "Peer review" means any of the following functions:
- 18 (A) Evaluate and improve the quality of health care services rendered
19 by health care providers;
- 20 (B) determine that health services rendered were professionally
21 indicated or were performed in compliance with the applicable standard of
22 care;
- 23 (C) determine that the cost of health care rendered was considered
24 reasonable by the providers of professional health services in this area;
- 25 (D) evaluate the qualifications, competence and performance of the
26 providers of health care or to act upon matters relating to the discipline of
27 any individual provider of health care;
- 28 (E) reduce morbidity or mortality;
- 29 (F) establish and enforce guidelines designed to keep within
30 reasonable bounds the cost of health care;
- 31 (G) conduct of research;
- 32 (H) determine if a hospital's facilities are being properly utilized;
- 33 (I) supervise, discipline, admit, determine privileges or control
34 members of a hospital's medical staff;
- 35 (J) review the professional qualifications or activities of health care
36 providers;
- 37 (K) evaluate the quantity, quality and timeliness of health care
38 services rendered to patients in the facility;
- 39 (L) evaluate, review or improve methods, procedures or treatments
40 being utilized by the medical care facility or by health care providers in a
41 facility rendering health care.
- 42 (4) "Peer review officer or committee" means:
- 43 (A) An individual employed, designated or appointed by, or a

1 committee of or employed, designated or appointed by, a health care
2 provider group and authorized to perform peer review; or

3 (B) a health care provider monitoring the delivery of health care at
4 correctional institutions under the jurisdiction of the secretary of
5 corrections.

6 (b) Except as provided by K.S.A. 60-437, and amendments thereto,
7 and by subsections (c) and (d), the reports, statements, memoranda,
8 proceedings, findings and other records submitted to or generated by peer
9 review committees or officers shall be privileged and shall not be subject
10 to discovery, subpoena or other means of legal compulsion for their release
11 to any person or entity or be admissible in evidence in any judicial or
12 administrative proceeding. Information contained in such records shall not
13 be discoverable or admissible at trial in the form of testimony by an
14 individual who participated in the peer review process. The peer review
15 officer or committee creating or initially receiving the record is the holder
16 of the privilege established by this section. This privilege may be claimed
17 by the legal entity creating the peer review committee or officer, or by the
18 commissioner of insurance for any records or proceedings of the board of
19 governors.

20 (c) Subsection (b) shall not apply to proceedings in which a health
21 care provider contests the revocation, denial, restriction or termination of
22 staff privileges or the license, registration, certification or other
23 authorization to practice of the health care provider. A licensing agency in
24 conducting a disciplinary proceeding in which admission of any peer
25 review committee report, record or testimony is proposed shall hold the
26 hearing in closed session when any such report, record or testimony is
27 disclosed. Unless otherwise provided by law, a licensing agency
28 conducting a disciplinary proceeding may close only that portion of the
29 hearing in which disclosure of a report or record privileged under this
30 section is proposed. In closing a portion of a hearing as provided by this
31 section, the presiding officer may exclude any person from the hearing
32 location except the licensee, the licensee's attorney, the agency's attorney,
33 the witness, the court reporter and appropriate staff support for either
34 counsel. The licensing agency shall make the portions of the agency record
35 in which such report or record is disclosed subject to a protective order
36 prohibiting further disclosure of such report or record. Such report or
37 record shall not be subject to discovery, subpoena or other means of legal
38 compulsion for their release to any person or entity. No person in
39 attendance at a closed portion of a disciplinary proceeding shall at a
40 subsequent civil, criminal or administrative hearing, be required to testify
41 regarding the existence or content of a report or record privileged under
42 this section ~~which~~ *that* was disclosed in a closed portion of a hearing, nor
43 shall such testimony be admitted into evidence in any subsequent civil,

1 criminal or administrative hearing. A licensing agency conducting a
2 disciplinary proceeding may review peer review committee records,
3 testimony or reports but must prove its findings with independently
4 obtained testimony or records—~~which~~ *that* shall be presented as part of the
5 disciplinary proceeding in open meeting of the licensing agency. Offering
6 such testimony or records in an open public hearing shall not be deemed a
7 waiver of the peer review privilege relating to any peer review committee
8 testimony, records or report.

9 (d) Nothing in this section shall limit the authority, which may
10 otherwise be provided by law, of the commissioner of insurance, the state
11 board of healing arts or other health care provider licensing or disciplinary
12 boards of this state to require a peer review committee or officer to report
13 to it any disciplinary action or recommendation of such committee or
14 officer; to transfer to it records of such committee's or officer's
15 proceedings or actions to restrict or revoke the license, registration,
16 certification or other authorization to practice of a health care provider; or
17 to terminate the liability of the fund for all claims against a specific health
18 care provider for damages for death or personal injury pursuant to
19 ~~subsection (i) of K.S.A. 40-3403(i)~~, and amendments thereto. Reports and
20 records so furnished shall not be subject to discovery, subpoena or other
21 means of legal compulsion for their release to any person or entity and
22 shall not be admissible in evidence in any judicial or administrative
23 proceeding other than a disciplinary proceeding by the state board of
24 healing arts or other health care provider licensing or disciplinary boards
25 of this state.

26 (e) A peer review committee or officer may report to and discuss its
27 activities, information and findings to other peer review committees or
28 officers or to a board of directors or an administrative officer of a health
29 care provider without waiver of the privilege provided by subsection (b)
30 and the records of all such committees or officers relating to such report
31 shall be privileged as provided by subsection (b).

32 (f) Nothing in this section shall be construed to prevent an insured
33 from obtaining information pertaining to payment of benefits under a
34 contract with an insurance company, a health maintenance organization or
35 an administrator of a health benefits plan.

36 ~~Sec. 48. 19.~~ On and after July 1, 2020, K.S.A. 2017 Supp. 65-4921 is
37 hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921
38 through 65-4930, and amendments thereto:

39 (a) "Appropriate licensing agency" means the agency that issued the
40 license to the individual or health care provider who is the subject of a
41 report under this act.

42 (b) "Department" means the department of health and environment.

43 (c) "Health care provider" means: (1) Those persons and entities

1 defined as a health care provider under K.S.A. 40-3401, and amendments
2 thereto; and (2) a dentist licensed by the Kansas dental board, *a dental*
3 *therapist licensed by the Kansas dental board*, a dental hygienist licensed
4 by the Kansas dental board, a professional nurse licensed by the board of
5 nursing, a practical nurse licensed by the board of nursing, a mental health
6 technician licensed by the board of nursing, a physical therapist licensed
7 by the state board of healing arts, a physical therapist assistant certified by
8 the state board of healing arts, an occupational therapist licensed by the
9 state board of healing arts, an occupational therapy assistant licensed by
10 the state board of healing arts and a respiratory therapist licensed by the
11 state board of healing arts.

12 (d) "License," "licensee" and "licensing" include comparable terms
13 ~~which~~ *that* relate to regulation similar to licensure, such as registration.

14 (e) "Medical care facility" means: (1) A medical care facility licensed
15 under K.S.A. 65-425 et seq., and amendments thereto; (2) a private
16 psychiatric hospital licensed under K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001*
17 *et seq.*, and amendments thereto; and (3) state psychiatric hospitals and
18 state institutions for people with intellectual disability, as follows: Larned
19 state hospital, Osawatomic state hospital, Rainbow mental health facility,
20 Kansas neurological institute and Parsons state hospital and training
21 center.

22 (f) "Reportable incident" means an act by a health care provider
23 ~~which~~ *that*: (1) Is or may be below the applicable standard of care and has
24 a reasonable probability of causing injury to a patient; or (2) may be
25 grounds for disciplinary action by the appropriate licensing agency.

26 (g) "Risk manager" means the individual designated by a medical
27 care facility to administer its internal risk management program and to
28 receive reports of reportable incidents within the facility.

29 (h) "Secretary" means the secretary of health and environment.

30 ~~Sec. 19. 20.~~ On and after July 1, 2020, K.S.A. 2017 Supp. 65-5912 is
31 hereby amended to read as follows: 65-5912. (a) Nothing in this act shall
32 be construed to require any insurer or other entity regulated under chapter
33 40 of the Kansas Statutes Annotated, *and amendments thereto*, or any
34 other law of this state to provide coverage for or indemnify for the services
35 provided by a person licensed under this act.

36 (b) So long as the following persons do not hold themselves out to the
37 public to be dietitians or licensed dietitians or use these titles in
38 combination with other titles or use the abbreviation L.D., or any
39 combination thereof, nothing in this act shall be construed to apply:

40 (1) To any person licensed to practice the healing arts, a licensed
41 dentist, *a licensed dental therapist*, a licensed dental hygienist, a licensed
42 professional nurse, a licensed practical nurse, a licensed psychologist, a
43 licensed masters level psychologist, a licensed pharmacist or an employee

- 1 thereof, a physician assistant, a licensed professional counselor;
- 2 (2) to any unlicensed employee of a licensed adult care home or a
- 3 licensed medical care facility as long as such person is working under the
- 4 general direction of a licensee in the healing arts, nursing or a dietetic
- 5 services supervisor as defined in regulations adopted by the secretary of
- 6 health and environment or a consultant licensed under this act;
- 7 (3) to any dietetic technician or dietetic assistant;
- 8 (4) to any student enrolled in an approved academic program in
- 9 dietetics, home economics, nutrition, education or other like curriculum,
- 10 while engaged in such academic program;
- 11 (5) to prevent any person, including persons employed in health food
- 12 stores, from furnishing nutrition information as to the use of food, food
- 13 materials or dietary supplements, nor to prevent in any way the free
- 14 dissemination of information or of literature as long as no individual
- 15 engaged in such practices holds oneself out as being licensed under this
- 16 act;
- 17 (6) to prohibit any individual from marketing or distributing food
- 18 products, including dietary supplements, or to prevent any such person
- 19 from providing information to customers regarding the use of such
- 20 products;
- 21 (7) to prevent any employee of the state or a political subdivision who
- 22 is employed in nutrition-related programs from engaging in activities
- 23 included within the definition of dietetics practice as a part of such
- 24 person's employment;
- 25 (8) to any person who performs the activities and services of a
- 26 licensed dietitian or nutrition educator as an employee of the state or a
- 27 political subdivision, an elementary or secondary school, an educational
- 28 institution, a licensed institution, or a not-for-profit organization;
- 29 (9) to any person serving in the armed forces, the public health
- 30 service, the veterans administration or as an employee of the federal
- 31 government;
- 32 (10) to any person who has a degree in home economics insofar as
- 33 the activities of such person are within the scope of such person's
- 34 education and training;
- 35 (11) to any person who counsels or provides weight-control services
- 36 as a part of a franchised or recognized weight-control program or a
- 37 weight-control program that operates under the general direction of a
- 38 person licensed to practice the healing arts, nursing or a person licensed
- 39 under this act;
- 40 (12) to any person who is acting as a representative of a trade
- 41 association and who engages in one or more activities included within the
- 42 practice of dietetics as a representative of such association;
- 43 (13) to a licensed physical therapist who makes a dietetic or

1 nutritional assessment or gives dietetic or nutritional advice in the normal
2 practice of such person's profession or as otherwise authorized by law;

3 (14) to a dietitian licensed, registered or otherwise authorized to
4 practice dietetics in another state who is providing consultation in this
5 state;

6 (15) to any person conducting a teaching clinical demonstration
7 ~~which~~ *that* is carried out in an educational institution or an affiliated
8 clinical facility or health care agency;

9 (16) to any person conducting classes or disseminating information
10 relating to nonmedical nutrition; or

11 (17) to any person permitted to practice under K.S.A. 65-2872a, and
12 amendments thereto.

13 (c) Nothing in this act shall be construed to interfere with the
14 religious practices or observances of a bona fide religious organization,
15 nor to prevent any person from caring for the sick in accordance with
16 tenets and practices of any church or religious denomination ~~which~~ *that*
17 teaches reliance upon spiritual means through prayer for healing.

18 ~~Sec. 20. 21.~~ On and after July 1, 2020, K.S.A. 2017 Supp. 65-7304 is
19 hereby amended to read as follows: 65-7304. The following shall be
20 exempt from the requirement of a license pursuant to this act:

21 (a) A licensed practitioner;

22 (b) a person issued a postgraduate permit by the board or students
23 while in actual attendance in an accredited health care educational
24 program for radiologic technology and under the supervision of a qualified
25 instructor;

26 (c) health care providers in the United States armed forces, public
27 health services, federal facilities and other military service when acting in
28 the line of duty in this state;

29 (d) persons rendering assistance in the case of an emergency;

30 (e) a licensed dental hygienist, *a licensed dental therapist* or an
31 unlicensed person working under the supervision of a licensed dentist who
32 has been trained by a licensed dentist on the proper use of dental
33 radiographic equipment for the purpose of providing medical imaging for
34 dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and
35 amendments thereto; and

36 (f) a licensed physician assistant, a licensed nurse or an unlicensed
37 person performing radiologic technology procedures who is: (1) Working
38 under the supervision of a licensed practitioner or a person designated by a
39 hospital licensed pursuant to K.S.A. 65-425 et seq., and amendments
40 thereto; and (2) who has been trained on the proper use of equipment for
41 the purpose of performing radiologic technology procedures consistent
42 with K.S.A. 65-2001 et seq.; or K.S.A. 65-2801 et seq., and amendments
43 thereto. The board shall adopt rules and regulations to assure that persons

1 exempted from licensure under this subsection receive continuing
2 education consistent with their practice authorized herein.

3 ~~(g) This section shall take effect on and after July 1, 2005.~~

4 ~~Sec. 21. 22.~~ On and after July 1, 2020, K.S.A. 2017 Supp. 74-1405 is
5 hereby amended to read as follows: 74-1405. (a) The board at its first
6 meeting day of each year shall elect from its members a president, vice-
7 president and secretary. The board shall have a common seal. The board
8 shall hold two regular meetings each year at times to be fixed by the board,
9 and special meetings at such other times as may be necessary.

10 (b) Members of the Kansas dental board attending meetings of such
11 board, or attending a subcommittee meeting thereof authorized by such
12 board, or conducting examinations for dental, *dental therapist* or dental
13 hygienists licenses or conducting inspections of dental laboratories
14 required by K.S.A. 65-1438, and amendments thereto, shall be paid
15 compensation, subsistence allowances, mileage and other expenses as
16 provided in K.S.A. 75-3223, and amendments thereto. Members of the
17 board conducting examinations for dental, *dental therapist* or dental
18 hygienists licenses may receive amounts for compensation, subsistence
19 allowances, mileage or other expenses from a nonstate agency for
20 conducting such examinations but no member receiving any such amounts
21 shall be paid any compensation, subsistence allowances, mileage or other
22 expenses under this section for conducting such examinations.

23 (c) The official office of the board shall be in Topeka. Meetings shall
24 be held in Topeka or at such other places as the board shall determine to be
25 most appropriate. Service of process may be had upon the board by
26 delivery of process to the secretary of state who shall mail the same by
27 registered or certified mail to the executive director of the board.

28 (d) The board may appoint an executive director who shall be in the
29 unclassified service of the Kansas civil service act. The executive director
30 shall receive an annual salary fixed by the board and approved by the
31 governor. The executive director shall be the legal custodian of all
32 property, money, minutes, records, and proceedings and seal of the board.

33 (e) The board in its discretion may affiliate as an active member with
34 the national association of dental examiners and any organization of one or
35 more state boards for the purpose of conducting a standard examination of
36 candidates for licensure as dentists, *dental therapists* or dental hygienists
37 and pay regular dues to such association or organization, and may send
38 members of the board to the meetings of the national association and the
39 meetings of any organization of state boards of dental examiners organized
40 for the purpose of conducting a standard examination of candidates for
41 licensure as dentists, *dental therapists* and dental hygienists.

42 (f) The executive director shall remit all moneys received by or for
43 such executive director from fees, charges or penalties to the state treasurer

1 in accordance with the provisions of K.S.A. 75-4215, and amendments
2 thereto. Upon receipt of each such remittance, the state treasurer shall
3 deposit the entire amount in the state treasury. Ten percent of each such
4 deposit shall be credited to the state general fund and the balance shall be
5 credited to the dental board fee fund. All expenditures from such fund shall
6 be made in accordance with appropriation acts upon warrants of the
7 director of accounts and reports issued pursuant to vouchers approved by
8 the president of the board or by a person or persons designated by the
9 president.

10 ~~Sec. 22.~~ **23.** On and after July 1, 2020, K.S.A. 74-1406 is hereby
11 amended to read as follows: 74-1406. The board shall exercise, subject to
12 the provisions of this act, the following powers and duties:

- 13 (a) Adopt such rules for its governance as it may deem proper.
- 14 (b) Adopt rules and regulations for qualification and licensing of
15 *dental therapists and dental hygienists*.
- 16 (c) Adopt rules and regulations regarding sanitation.
- 17 (d) Conduct examinations to ascertain the qualification and fitness of
18 applicants for licenses as dentists or certificates as specialists in dentistry.
- 19 (e) Pass upon the qualifications of applicants for reciprocal licenses.
- 20 (f) Prescribe rules and regulations for examination of candidates.
- 21 (g) Formulate rules and regulations by which dental schools and
22 colleges shall be approved.
- 23 (h) Grant licenses, issue license certificates as specialists in dentistry
24 and issue renewal licenses and certificates as specialists in dentistry in
25 conformity with this act to such applicants and dentists as have been found
26 qualified.
- 27 (i) Conduct hearings or proceedings to revoke or suspend and to
28 revoke or suspend a license, certificate or renewal license or certificate
29 granted under the authority of this act or previous acts.
- 30 (j) Employ such persons as it may deem necessary to assist in
31 carrying out the duties of the board in the administration and enforcement
32 of this act, and to provide offices, furniture, fixtures, supplies, printing or
33 secretarial service, and may expend such funds as may be deemed
34 necessary therefor, and may appoint an attorney to advise and assist in the
35 carrying out and enforcing of the provisions of this act.
- 36 (k) Investigate violations of the act that may come to the knowledge
37 of the board, and institute or cause to be instituted before the board or in a
38 proper court appropriate proceedings in connection therewith.
- 39 (l) Adopt rules and regulations to carry out and make effective the
40 provisions of this act and modify or repeal such rules and regulations
41 whenever in the discretion of the board it is deemed necessary.

42 ~~Sec. 23.~~ **24.** On and after July 1, 2020, K.S.A. 2017 Supp. 75-2935 is
43 hereby amended to read as follows: 75-2935. The civil service of the state

1 of Kansas is hereby divided into the unclassified and the classified
2 services.

3 (1) The unclassified service comprises positions held by state officers
4 or employees who are:

5 (a) Chosen by election or appointment to fill an elective office;

6 (b) members of boards and commissions, heads of departments
7 required by law to be appointed by the governor or by other elective
8 officers, and the executive or administrative heads of offices, departments,
9 divisions and institutions specifically established by law;

10 (c) except as otherwise provided under this section, one personal
11 secretary to each elective officer of this state, and in addition thereto, 10
12 deputies, clerks or employees designated by such elective officer;

13 (d) all employees in the office of the governor;

14 (e) officers and employees of the senate and house of representatives
15 of the legislature and of the legislative coordinating council and all officers
16 and employees of the office of revisor of statutes, of the legislative
17 research department, of the division of legislative administrative services,
18 of the division of post audit and the legislative counsel;

19 (f) chancellor, president, deans, administrative officers, student health
20 service physicians, pharmacists, teaching and research personnel, health
21 care employees and student employees in the institutions under the state
22 board of regents, the executive officer of the board of regents and the
23 executive officer's employees other than clerical employees, and, at the
24 discretion of the state board of regents, directors or administrative officers
25 of departments and divisions of the institution and county extension
26 agents, except that this ~~subsection (1)(f)~~ *paragraph* shall not be construed
27 to include the custodial, clerical or maintenance employees, or any
28 employees performing duties in connection with the business operations of
29 any such institution, except administrative officers and directors; as used
30 in this ~~subsection (1)(f)~~ *paragraph*, "health care employees" means
31 employees of the university of Kansas medical center who provide health
32 care services at the university of Kansas medical center and who are
33 medical technicians or technologists or respiratory therapists, who are
34 licensed professional nurses or licensed practical nurses, or who are in job
35 classes ~~which~~ *that* are designated for this purpose by the chancellor of the
36 university of Kansas upon a finding by the chancellor that such
37 designation is required for the university of Kansas medical center to
38 recruit or retain personnel for positions in the designated job classes; and
39 employees of any institution under the state board of regents who are
40 medical technologists;

41 (g) operations, maintenance and security personnel employed to
42 implement agreements entered into by the adjutant general and the federal
43 national guard bureau, and officers and enlisted persons in the national

- 1 guard and the naval militia;
- 2 (h) persons engaged in public work for the state but employed by
3 contractors when the performance of such contract is authorized by the
4 legislature or other competent authority;
- 5 (i) persons temporarily employed or designated by the legislature or
6 by a legislative committee or commission or other competent authority to
7 make or conduct a special inquiry, investigation, examination or
8 installation;
- 9 (j) officers and employees in the office of the attorney general and
10 special counsel to state departments appointed by the attorney general,
11 except that officers and employees of the division of the Kansas bureau of
12 investigation shall be in the classified or unclassified service as provided
13 in K.S.A. 75-711, and amendments thereto;
- 14 (k) all employees of courts;
- 15 (l) client, patient and inmate help in any state facility or institution;
- 16 (m) all attorneys for boards, commissions and departments;
- 17 (n) the secretary and assistant secretary of the Kansas state historical
18 society;
- 19 (o) physician specialists, dentists, *dental therapists*, dental hygienists,
20 pharmacists, medical technologists and long term care workers employed
21 by the Kansas department for aging and disability services;
- 22 (p) physician specialists, dentists and medical technologists employed
23 by any board, commission or department or by any institution under the
24 jurisdiction thereof;
- 25 (q) student employees enrolled in public institutions of higher
26 learning;
- 27 (r) administrative officers, directors and teaching personnel of the
28 state board of education and the state department of education and of any
29 institution under the supervision and control of the state board of
30 education, except that this ~~subsection (1)(r)~~ *paragraph* shall not be
31 construed to include the custodial, clerical or maintenance employees, or
32 any employees performing duties in connection with the business
33 operations of any such institution, except administrative officers and
34 directors;
- 35 (s) all officers and employees in the office of the secretary of state;
- 36 (t) one personal secretary and one special assistant to the following:
37 The secretary of administration, the secretary for aging and disability
38 services, the secretary of agriculture, the secretary of commerce, the
39 secretary of corrections, the secretary of health and environment, the
40 superintendent of the Kansas highway patrol, the secretary of labor, the
41 secretary of revenue, the secretary for children and families, the secretary
42 of transportation, the secretary of wildlife, parks and tourism and the
43 commissioner of juvenile justice;

1 (u) one personal secretary and one special assistant to the chancellor
2 and presidents of institutions under the state board of regents;

3 (v) one personal secretary and one special assistant to the executive
4 vice chancellor of the university of Kansas medical center;

5 (w) one public information officer and one chief attorney for the
6 following: The department of administration, the Kansas department for
7 aging and disability services, the department of agriculture, the department
8 of commerce, the department of corrections, the department of health and
9 environment, the department of labor, the department of revenue, the
10 Kansas department for children and families, the department of
11 transportation, the Kansas department of wildlife, parks and tourism and
12 the commissioner of juvenile justice;

13 (x) if designated by the appointing authority, persons in newly hired
14 positions, including any employee who is rehired into such position and
15 any current state employee who voluntarily transfers into, or is voluntarily
16 promoted or demoted into such position, on and after July 1, 2015, in any
17 state agency;

18 (y) one executive director, one general counsel and one director of
19 public affairs and consumer protection in the office of the state corporation
20 commission;

21 (z) specifically designated by law as being in the unclassified service;

22 (aa) any position that is classified as a position in the information
23 resource manager job class series, that is the chief position responsible for
24 all information resources management for a state agency, and that becomes
25 vacant on or after the effective date of this act. Nothing in this section shall
26 affect the classified status of any employee in the classified service who is
27 employed on the date immediately preceding the effective date of this act
28 in any position that is a classified position in the information resource
29 manager job class series and the unclassified status as prescribed by this
30 subsection shall apply only to a person appointed to any such position on
31 or after the effective date of this act that is the chief position responsible
32 for all information resources management for a state agency;

33 (bb) positions at state institutions of higher education that have been
34 converted to unclassified positions pursuant to K.S.A. 2017 Supp. 76-
35 715a, and amendments thereto; and

36 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
37 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
38 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
39 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
40 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
41 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
42 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
43 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,

1 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
2 12a16, 76-3202 and 82a-1205 and K.S.A. 2017 Supp. 39-1911, and
3 amendments thereto, any vacant position within the classified service may
4 be converted by the appointing authority to an unclassified position.

5 (2) The classified service comprises all positions now existing or
6 hereafter created ~~which~~ *that* are not included in the unclassified service.
7 Appointments in the classified service shall be made according to merit
8 and fitness from eligible pools ~~which~~ *that* so far as practicable shall be
9 competitive. No person shall be appointed, promoted, reduced or
10 discharged as an officer, clerk, employee or laborer in the classified
11 service in any manner or by any means other than those prescribed in the
12 Kansas civil service act and the rules adopted in accordance therewith.

13 (3) For positions involving unskilled, or semiskilled duties, the
14 secretary of administration, as provided by law, shall establish rules and
15 regulations concerning certifications, appointments, layoffs and
16 reemployment ~~which~~ *that* may be different from the rules and regulations
17 established concerning these processes for other positions in the classified
18 service.

19 (4) Officers authorized by law to make appointments to positions in
20 the unclassified service, and appointing officers of departments or
21 institutions whose employees are exempt from the provisions of the
22 Kansas civil service act because of the constitutional status of such
23 departments or institutions shall be permitted to make appointments from
24 appropriate pools of eligibles maintained by the division of personnel
25 services.

26 (5) On and after the effective date of this act, any state agency that
27 has positions in the classified service within the Kansas civil service act to
28 satisfy any requirement of maintaining personnel standards on a merit
29 basis pursuant to federal law or the rules and regulations promulgated
30 thereunder by the federal government or any agency thereof, shall adopt a
31 binding statement of agency policy pursuant to K.S.A. 77-415, and
32 amendments thereto, to satisfy such requirements if the appointing
33 authority has made any such position unclassified.

34 ~~Sec. 24. 25.~~ On and after July 1, 2020, K.S.A. 2017 Supp. 75-6102 is
35 hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101
36 through 75-6118, and amendments thereto, unless the context clearly
37 requires otherwise:

38 (a) "State" means the state of Kansas and any department or branch of
39 state government, or any agency, authority, institution or other
40 instrumentality thereof.

41 (b) "Municipality" means any county, township, city, school district
42 or other political or taxing subdivision of the state, or any agency,
43 authority, institution or other instrumentality thereof.

1 (c) "Governmental entity" means state or municipality.

2 (d) (1) "Employee" means: (A) Any officer, employee, servant or
3 member of a board, commission, committee, division, department, branch
4 or council of a governmental entity, including elected or appointed
5 officials and persons acting on behalf or in service of a governmental
6 entity in any official capacity, whether with or without compensation and a
7 charitable healthcare provider;

8 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
9 8818, and amendments thereto, regardless of whether the services of such
10 steward or racing judge are rendered pursuant to contract as an
11 independent contractor;

12 (C) employees of the United States marshal's service engaged in the
13 transportation of inmates on behalf of the secretary of corrections;

14 (D) a person who is an employee of a nonprofit independent
15 contractor, other than a municipality, under contract to provide educational
16 or vocational training to inmates in the custody of the secretary of
17 corrections and who is engaged in providing such service in an institution
18 under the control of the secretary of corrections provided that such
19 employee does not otherwise have coverage for such acts and omissions
20 within the scope of their employment through a liability insurance contract
21 of such independent contractor;

22 (E) a person who is an employee or volunteer of a nonprofit program,
23 other than a municipality, who has contracted with the commissioner of
24 juvenile justice or with another nonprofit program that has contracted with
25 the secretary of corrections to provide a juvenile justice program for
26 juvenile offenders in a judicial district provided that such employee or
27 volunteer does not otherwise have coverage for such acts and omissions
28 within the scope of their employment or volunteer activities through a
29 liability insurance contract of such nonprofit program;

30 (F) a person who contracts with the Kansas guardianship program to
31 provide services as a court-appointed guardian or conservator;

32 (G) an employee of an indigent healthcare clinic;

33 (H) former employees for acts and omissions within the scope of their
34 employment during their former employment with the governmental
35 entity;

36 (I) any member of a regional medical emergency response team,
37 created under the provisions of K.S.A. 48-928, and amendments thereto, in
38 connection with authorized training or upon activation for an emergency
39 response;

40 (J) any member of a regional search and rescue team or regional
41 hazardous materials response team contracting with the state fire marshal
42 pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2017 Supp.
43 75-1518, and amendments thereto, in connection with authorized training

1 or upon activation for an emergency response; and

2 (K) medical students enrolled at the university of Kansas medical
3 center who are in clinical training, on or after July 1, 2008, at the
4 university of Kansas medical center or at another healthcare institution.

5 (2) "Employee" does not include: (A) An individual or entity for
6 actions within the scope of K.S.A. 60-3614, and amendments thereto; or

7 (B) any independent contractor under contract with a governmental
8 entity except those contractors specifically listed in subsection (d)(1).

9 (e) "Charitable healthcare provider" means a person licensed by the
10 state board of healing arts as an exempt licensee or a federally active
11 licensee, a person issued a limited permit by the state board of healing arts,
12 a physician assistant licensed by the state board of healing arts, a mental
13 health practitioner licensed by the behavioral sciences regulatory board, an
14 ultrasound technologist currently registered in any area of sonography
15 credentialed through the American registry of radiology technologists, the
16 American registry for diagnostic medical sonography or cardiovascular
17 credentialing international and working under the supervision of a person
18 licensed to practice medicine and surgery, or a healthcare provider as the
19 term "healthcare provider" is defined under K.S.A. 65-4921, and
20 amendments thereto, who has entered into an agreement with:

21 (1) The secretary of health and environment under K.S.A. 75-6120,
22 and amendments thereto, who, pursuant to such agreement, gratuitously
23 renders professional services to a person who has provided information
24 ~~which~~ *that* would reasonably lead the healthcare provider to make the
25 good faith assumption that such person meets the definition of medically
26 indigent person as defined by this section or to a person receiving medical
27 assistance from the programs operated by the department of health and
28 environment, and who is considered an employee of the state of Kansas
29 under K.S.A. 75-6120, and amendments thereto;

30 (2) the secretary of health and environment and who, pursuant to such
31 agreement, gratuitously renders professional services in conducting
32 children's immunization programs administered by the secretary;

33 (3) a local health department or indigent healthcare clinic, ~~which~~ *that*
34 renders professional services to medically indigent persons or persons
35 receiving medical assistance from the programs operated by the
36 department of health and environment gratuitously or for a fee paid by the
37 local health department or indigent healthcare clinic to such provider and
38 who is considered an employee of the state of Kansas under K.S.A. 75-
39 6120, and amendments thereto. Professional services rendered by a
40 provider under this paragraph shall be considered gratuitous
41 notwithstanding fees based on income eligibility guidelines charged by a
42 local health department or indigent healthcare clinic and notwithstanding
43 any fee paid by the local health department or indigent healthcare clinic to

1 a provider in accordance with this paragraph; or

2 (4) the secretary of health and environment to provide dentistry
3 services defined by K.S.A. 65-1422 et seq., and amendments thereto,
4 *dental therapy services defined by section 2, and amendments thereto*, or
5 dental hygienist services defined by K.S.A. 65-1456, and amendments
6 thereto, that are targeted, but are not limited to, medically indigent
7 persons, and are provided on a gratuitous basis: (A) At a location
8 sponsored by a not-for-profit organization that is not the dentist or dental
9 hygienist office location; (B) at the office location of a dentist or dental
10 hygienist provided the care be delivered as part of a program organized by
11 a not-for-profit organization and approved by the secretary of health and
12 environment; or (C) as part of a charitable program organized by the
13 dentist that has been approved by the secretary of health and environment
14 upon a showing that the dentist seeks to treat medically indigent patients
15 on a gratuitous basis, except that such dentistry services and dental
16 hygienist services shall not include "oral and maxillofacial surgery" as
17 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result
18 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7.

19 (f) "Medically indigent person" means a person who lacks resources
20 to pay for medically necessary healthcare services and who meets the
21 eligibility criteria for qualification as a medically indigent person
22 established by the secretary of health and environment under K.S.A. 75-
23 6120, and amendments thereto.

24 (g) "Indigent healthcare clinic" means an outpatient medical care
25 clinic operated on a not-for-profit basis—~~which~~ *that* has a contractual
26 agreement in effect with the secretary of health and environment to
27 provide healthcare services to medically indigent persons.

28 (h) "Local health department" shall have the meaning ascribed to
29 such term under K.S.A. 65-241, and amendments thereto.

30 (i) "Fire control, fire rescue or emergency medical services
31 equipment" means any vehicle, firefighting tool, protective clothing,
32 breathing apparatus and any other supplies, tools or equipment used in
33 firefighting or fire rescue or in the provision of emergency medical
34 services.

35 (j) "Community mental health center" means any community mental
36 health center organized pursuant to K.S.A. 19-4001 through 19-4015, and
37 amendments thereto, or a mental health clinic organized pursuant to
38 K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in
39 accordance with K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001 et seq.*, and
40 amendments thereto.

41 Sec. ~~25~~ **26**. On and after July 1, 2020, K.S.A. 65-1421, 65-1441, 65-
42 1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-
43 1431, 65-1434, 65-1436, 65-1447, ~~65-1456~~, 65-1469, 65-4915, 65-4921,

- 1 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 are hereby repealed.
- 2 Sec. ~~26~~ 27. This act shall take effect and be in force from and after
- 3 its publication in the statute book.