

SENATE BILL No. 326

By Committee on Public Health and Welfare

1-24

1 AN ACT concerning dental hygiene; relating to services for school
2 children; amending K.S.A. 2011 Supp. 65-1456 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 65-1456 is hereby amended to read as
7 follows: 65-1456. (a) The board may suspend or revoke the license of any
8 dentist who shall permit any dental hygienist operating under such dentist's
9 supervision to perform any operation other than that permitted under the
10 provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, ~~or~~
11 ~~acts amendatory thereof and amendments thereto~~, and may suspend or
12 revoke the license of any hygienist found guilty of performing any
13 operation other than those permitted under article 14 of chapter 65 of the
14 Kansas Statutes Annotated, ~~or acts amendatory thereof and amendments~~
15 ~~thereto~~. No license of any dentist or dental hygienist shall be suspended or
16 revoked in any administrative proceedings without first complying with
17 the notice and hearing requirements of the Kansas administrative
18 procedure act.

19 (b) The practice of dental hygiene shall include those educational,
20 preventive, and therapeutic procedures which result in the removal of
21 extraneous deposits, stains and debris from the teeth and the rendering of
22 smooth surfaces of the teeth to the depths of the gingival sulci. Included
23 among those educational, preventive and therapeutic procedures are the
24 instruction of the patient as to daily personal care, protecting the teeth
25 from dental caries, the scaling and polishing of the crown surfaces and the
26 planing of the root surfaces, in addition to the curettage of those soft
27 tissues lining the free gingiva to the depth of the gingival sulcus and such
28 additional educational, preventive and therapeutic procedures as the board
29 may establish by rules and regulations.

30 (c) Subject to such prohibitions, limitations and conditions as the
31 board may prescribe by rules and regulations, any licensed dental hygienist
32 may practice dental hygiene and may also perform such dental service as
33 may be performed by a dental assistant under the provisions of K.S.A. 65-
34 1423, and amendments thereto.

35 (d) Except as otherwise provided in this section, the practice of dental
36 hygiene shall be performed under the direct or general supervision of a

1 licensed dentist at the office of such licensed dentist. The board shall
2 designate by rules and regulations the procedures which may be performed
3 by a dental hygienist under direct supervision and the procedures which
4 may be performed under general supervision of a licensed dentist. As used
5 in this section: (1) "Direct supervision" means that the dentist is in the
6 dental office, personally diagnoses the condition to be treated, personally
7 authorizes the procedure and before dismissal of the patient evaluates the
8 performance; and (2) "general supervision" means a Kansas licensed
9 dentist may delegate verbally or by written authorization the performance
10 of a service, task or procedure to a licensed dental hygienist under the
11 supervision and responsibility of the dentist, if the dental hygienist is
12 licensed to perform the function, and the supervising dentist examines the
13 patient at the time the dental hygiene procedure is performed, or during the
14 12 calendar months preceding the performance of the procedure, except
15 that the licensed hygienist shall not be permitted to diagnose a dental
16 disease or ailment, prescribe any treatment or a regimen thereof, prescribe,
17 order or dispense medication or perform any procedure which is
18 irreversible or which involves the intentional cutting of the soft or hard
19 tissue by any means. A dentist is not required to be on the premises at the
20 time a hygienist performs a function delegated under part (2) of this
21 subsection.

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

26 (1) A licensed dentist has delegated the performance of the service,
27 task or procedure;

28 (2) the dental hygienist is under the supervision and responsibility of
29 the dentist;

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

33 (4) the supervising dentist examines the patient at the time the dental
34 hygiene procedure is performed or has examined the patient during the 12
35 calendar months preceding performance of the procedure; ~~and~~.

36 (f) The practice of dental hygiene may be performed with consent of
37 the parent or legal guardian, on children participating in residential and
38 nonresidential centers for therapeutic services, on all children in families
39 which are receiving family preservation services, on all children in the
40 custody of the secretary of social and rehabilitation services or the
41 commissioner of juvenile justice authority and in an out-of-home
42 placement residing in foster care homes, on children being served by
43 runaway youth programs and homeless shelters; and on children birth to

1 five and children in public and nonpublic schools kindergarten through
2 grade 12 regardless of the time of year and children participating in youth
3 organizations, so long as such children ~~birth to five, in public or nonpublic~~
4 ~~schools or participating in youth organizations also meet the requirements~~
5 ~~of medicaid, healthwave, or free or reduced lunch programs or Indian~~
6 ~~health services or have not been seen by a dentist during the previous 12~~
7 ~~months for dental examination~~ **who are dentally underserved are targeted;**
8 at any state correctional institution, local health department or indigent
9 health care clinic, as defined in K.S.A. 65-1466, and amendments thereto,
10 and at any federally qualified health center, federally qualified health
11 center look-alike or a community health center that receives funding from
12 section 330 of the health center consolidation act, on a person, inmate,
13 client or patient thereof and on other persons as may be defined by the
14 board; so long as:

15 (1) The dental hygienist has received an "extended care permit" from
16 the Kansas dental board specifying that the dental hygienist has performed
17 1,200 hours of dental hygiene care within the past three years or has been
18 an instructor at an accredited dental hygiene program for two academic
19 years within the past three years;

20 (2) the dental hygienist shows proof of professional liability
21 insurance;

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

26 (4) the tasks and procedures are limited to: (A) Removal of
27 extraneous deposits, stains and debris from the teeth and the rendering of
28 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
29 application of topical anesthetic if the dental hygienist has completed the
30 required course of instruction approved by the dental board; (C) the
31 application of fluoride; (D) dental hygiene instruction; (E) assessment of
32 the patient's apparent need for further evaluation by a dentist to diagnose
33 the presence of dental caries and other abnormalities; and (F) other duties
34 as may be delegated verbally or in writing by the sponsoring dentists
35 consistent with this act;

36 (5) the dental hygienist advises the patient and legal guardian that the
37 services are preventive in nature and do not constitute a comprehensive
38 dental diagnosis and care;

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

42 (7) any payment to the dental hygienist for dental hygiene services is
43 received from the sponsoring dentist or the participating organization

1 found in this subsection.

2 (g) The practice of dental hygiene may be performed on persons with
3 developmental disabilities and on persons who are 65 years and older who
4 live in a residential center, an adult care home, subsidized housing,
5 hospital long-term care unit, state institution or are served in a community
6 senior service center, elderly nutrition program or at the home of a
7 homebound person who qualifies for the federal home and community
8 based service (HCBS) waiver on a resident of a facility, client or patient
9 thereof so long as:

10 (1) The dental hygienist has received an "extended care permit II"
11 from the Kansas dental board specifying that the dental hygienist has: (A)
12 Performed 1,800 hours of dental hygiene care or has been an instructor at
13 an accredited dental hygiene program for two academic years within the
14 past three years; and (B) completed six hours of training on the care of
15 special needs patients or other training as may be accepted by the board;

16 (2) the dental hygienist shows proof of professional liability
17 insurance;

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

22 (4) the tasks and procedures are limited to: (A) Removal of
23 extraneous deposits, stains and debris from the teeth and the rendering of
24 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
25 application of topical anesthetic if the dental hygienist has completed the
26 required course of instruction approved by the dental board; (C) the
27 application of fluoride; (D) dental hygiene instruction; (E) assessment of
28 the patient's apparent need for further evaluation by a dentist to diagnose
29 the presence of dental caries and other abnormalities; and (F) other duties
30 as may be delegated verbally or in writing by the sponsoring dentist
31 consistent with this act;

32 (5) the dental hygienist advises the patient and legal guardian that the
33 services are preventive in nature and do not constitute comprehensive
34 dental diagnosis and care;

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

38 (7) any payment to the dental hygienist for dental hygiene services is
39 received from the sponsoring dentist or the participating organization
40 found in this subsection; and

41 (8) the dental hygienist completes a minimum of six hours of
42 education in the area of special needs care within the board's continuing
43 dental education requirements for relicensure.

1 (h) In addition to the duties specifically mentioned in subsection (b)
2 of K.S.A. 65-1456, and amendments thereto, any duly licensed dental
3 hygienist may:

4 (1) Give fluoride treatments as a prophylactic measure, as defined by
5 the United States public health service and as recommended for use in
6 dentistry;

7 (2) remove overhanging restoration margins and periodontal surgery
8 materials by hand scaling instruments; and

9 (3) administer local block and infiltration anaesthesia and nitrous
10 oxide. (A) The administration of local anaesthesia shall be performed
11 under the direct supervision of a licensed dentist except that topically
12 applied local anaesthesia, as defined by the board, may be administered
13 under the general supervision of a licensed dentist. (B) Each dental
14 hygienist who administers local anaesthesia regardless of the type shall
15 have completed courses of instruction in local anaesthesia and nitrous
16 oxide which have been approved by the board.

17 (i) (1) The courses of instruction required in subsection (h)(3)(B)
18 shall provide a minimum of 12 hours of instruction at a teaching institution
19 accredited by the American dental association.

20 (2) The courses of instruction shall include courses which provide
21 both didactic and clinical instruction in: (A) Theory of pain control; (B)
22 anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and
23 complications.

24 (3) Certification in cardiac pulmonary resuscitation shall be required
25 in all cases.

26 (j) The board is authorized to issue to a qualified dental hygienist an
27 extended care permit or extended care permit II as provided in subsections
28 (f) and (g) of this section.

29 (k) Nothing in this section shall be construed to prevent a dental
30 hygienist from providing dental hygiene instruction or visual oral health
31 care screenings or fluoride applications in a school or community based
32 setting regardless of the age of the patient.

33 Sec. 2. K.S.A. ~~2010~~ **2011** Supp. 65-1456 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.

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