

CORRECTED
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SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2631

As Amended by House Committee on Health
and Human Services

Brief*

HB 2631 would make several changes and additions to the Dental Practice Act for the purpose of expanding dental service in the state. It would provide for an additional level of service by dental hygienists *via* creation of a new permit level; encourage additional capacity for Kansas residents in dental schools; and establish a volunteer license for retired dentists who choose to donate their services in certain settings.

Extended Care Permit III for Dental Hygienists — The bill would add a third level of extended care, to be offered by dental hygienists who meet the increased qualifications for the Extended Care Permit III (ECP III).

The qualifications would include that the hygienist has performed 2,000 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for three of the past four academic years; and that the hygienist has completed a course of study of 18 seat hours approved by the Dental Board, with some of the content specified in the bill.

The tasks and procedures would be limited to those activities that can be performed by a hygienist under the ECP I or ECP II, plus additional tasks including the following:

- Identification and removal of decay using hand instrumentation and placing a temporary filling;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Services related to dentures, including adjustment and checking for sore spots;
- Smoothing of a sharp tooth with a slow speed dental handpiece;
- Use of a local anesthetic within certain limitations; and
- Extraction of deciduous teeth within certain limitations.

The population to whom ECP III services would be limited would include the following children with consent of the parent or legal guardian:

- Those participating in residential and nonresidential centers for therapeutic services;
- All those in families who receive Family Preservation services; those in the custody of the Secretary of Social and Rehabilitation Services or the Commissioner of the Juvenile Justice Authority and in an out-of-home placement residing in foster care homes;
- Those being served by runaway youth programs and homeless shelters; and
- Those birth to age five and those in public and private schools serving kindergarten through Grade 12, regardless of the time of year, so long as the children who are dentally underserved are targeted. The term "dentally underserved" would be defined as a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the Secretary of Health and Environment pursuant to KSA 75-6120.

The population to be served by an ECP III dental hygienist also would include:

- Those persons, inmates, clients or patients at any state correctional institution, local health department or indigent health care clinic, and at any federally qualified health center or health center look-alike or a community health center that receives funding from Section 330 of the Health Center Consolidation Act;
- Those facility residents, clients or patients age 65 and older who live in a residential center, an adult care home, subsidized housing, a hospital long-term care unit, or a state institution or who are served in a community senior service center, elderly nutrition program, or at the home of a homebound person who qualifies for the federal home and community based service (HCBS) waiver.

The bill also would revise some requirements for the ECP II, to comport with the addition of the ECP III.

Possible Additional Dentistry Students — The bill would require the State Board of Regents to try to create additional seats for Kansas residents at the University of Missouri-Kansas City School of Dentistry or other locations, with the requirement that these students provide services in underserved areas of Kansas for at least four years after graduation.

Special Volunteer Dental License — The bill would establish a special volunteer dental license for dentists who are retired from active practice and wish to donate their expertise for the dental care and treatment of indigent and underserved persons in Kansas. The bill sets forth stipulations related to this license, including that no continuing education would be required for issuance or renewal. Licensure requirements would include documentation that the

dentist previously has been issued a full and unrestricted license to practice dentistry in a state of the United States and that the dentist has never been the subject of any disciplinary action in any jurisdiction.

Background

In January 2012, a roundtable discussion was held to discuss the dental workforce shortage issue and possible solutions to the problem. Three bills were discussed at that time: SB 132, SB 192, and HB 2280. The discussion participants indicated that they could agree to go forward with several provisions contained in SB 132, but they were not prepared to jointly support the other two bills. HB 2631 was introduced after the roundtable discussion as a partial replacement for SB 132.

At the hearing on HB 2631 in the House Health and Human Services Committee, supporting testimony was received from representatives of the Kansas Dental Association, Oral Health Kansas, Leading Age Kansas, and the Bureau of Oral Health of the Kansas Department of Health and Environment. A number of Kansas dentists also testified in favor of the bill. A representative of the Kansas Dental Project offered neutral testimony, stating that, while the bill was a step forward, it would not address completely the dental workforce shortage issue.

The House Health and Human Services Committee amended the bill to do the following:

- Revise the group to whom ECP III services could be provided;
- Add to the language of the advisory statement which an ECP III must give the patient and legal guardian, to include that the services may be temporary. The bill required the advisory statement to indicate the services were preventive only; the

amendment provides the options of "temporary or preventive."

- Add a definition of "dentally underserved"; and
- Change the training requirements for the ECP II.

According to the fiscal note on the original bill, the Kansas Dental Board indicates the amount of additional revenue generated by the new permit fees would be small. Currently, the Board assesses a one-time application fee of \$5 for each dental hygienist who applies for an ECP I or ECP II. To date, there are 52 licensed hygienists who hold an ECP I and 96 licensed hygienists who hold an ECP II. It is anticipated the same one-time application fee of \$5 would be required of those hygienists who qualify and apply for an ECP III. It is unknown how many licensed hygienists would seek an ECP III.

It is presumed the enactment of HB 2631 would have a fiscal effect on the Kansas Board of Regents from the provision requiring that additional seats be added for Kansans at the UMKC School of Dentistry. However, information from the Board was not available at the time this note was prepared. A revised fiscal note will be sent upon receipt of data from the Board.

Both the Department of Education and the Department of Social and Rehabilitative Services indicate there would be no fiscal effect, respectively, for either agency.