

SENATE BILL No. 129

By Committee on Public Health and Welfare

2-2

1 AN ACT concerning the Kansas dental board; relating to the practice of
2 dental therapy; education requirements; scope of practice; providing for
3 the licensure of dental therapists; requiring adoption of rules and
4 regulations; requiring a submission of a joint report to the legislature by
5 the department of health and environment and the Kansas dental board;
6 amending K.S.A. 65-1421, 65-1424, 65-1431, 65-1434, 65-1436, 65-
7 1441, 65-1447, 65-1449, 65-1456, 65-1460, 65-1462, 65-1469, 65-
8 4921, 65-5912, 65-7304, 74-1405, 74-1406, 75-2935 and 75-6102 and
9 K.S.A. 2020 Supp. 65-4915 and repealing the existing sections.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

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

19 (b) The board shall authorize an individual to practice as a dental
20 therapist if such individual is qualified under this section, works under the
21 direct or general supervision of a Kansas licensed dentist in accordance
22 with section 2, and amendments thereto, is licensed by the board and
23 practices in accordance with this section and rules and regulations adopted
24 by the board. Any supervising dentist of a dental therapist shall: (1) Enter
25 into agreements to supervise not more than three dental therapists; and (2)
26 be employed by an indigent healthcare clinic or enrolled as a medicaid
27 provider.

28 (c) To be qualified to practice under this section, an individual shall
29 be a licensed dental hygienist and shall meet the following requirements:

30 (1) (A) The individual shall be a graduate of a dental therapist
31 education program approved by the board that requires the study of dental
32 therapy, that the board determines has standards of education not less than
33 that required for accreditation by the commission on dental accreditation
34 of the American dental association or its equivalent or, prior to such
35 accreditation process for dental therapy programs, is approved by a
36 licensing entity of another state or federal jurisdiction and that requires not

1 less than 500 hours of clinical training; and

2 (B) if the individual's dental therapist training program did not
3 include training on any individual competency listed in section 2(d) or (e),
4 and amendments thereto, the individual shall provide documentation to the
5 board's satisfaction that such individual has successfully completed
6 additional training on that competency;

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

11 (3) the individual shall obtain a policy of professional liability
12 insurance and show proof of such insurance as required by rules and
13 regulations adopted by the board.

14 (d) Any individual practicing as a dental therapist in violation of the
15 provisions of sections 1 through 3, and amendments thereto, shall be guilty
16 of a misdemeanor, and the board may revoke or suspend such individual's
17 license.

18 (e) This section shall be a part of and supplemental to the dental
19 practices act.

20 (f) This section shall take effect from and after July 1, 2022.

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

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

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

1 therapist.

2 (c) Subject to prohibitions, limitations and conditions imposed by
3 rules and regulations adopted by the board, a licensed dental therapist may
4 perform dental hygiene tasks and procedures that may be performed by a
5 licensed dental hygienist under K.S.A. 65-1456, and amendments thereto,
6 except that restrictions imposed by K.S.A. 65-1456, and amendment
7 thereto, that limit the locations or premises where a licensed dental
8 hygienist may perform extended care permit III dental hygiene tasks and
9 procedures shall not apply to a licensed dental therapist.

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

12 (1) Identification of oral and systemic conditions requiring evaluation
13 or treatment by dentists, physicians or other healthcare providers, and
14 management of referrals;

15 (2) comprehensive charting of the oral cavity;

16 (3) oral health instruction, disease prevention education and oral
17 health-related nutritional and dietary instruction;

18 (4) exposure of radiographic images;

19 (5) dental prophylaxis, including sub-gingival scaling or polishing
20 procedures;

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

22 (7) pulp vitality testing;

23 (8) application of desensitizing medication or resin;

24 (9) fabrication of athletic mouthguards;

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

27 (11) fabrication of soft occlusal guards;

28 (12) tissue conditioning and soft relines;

29 (13) changing of periodontal dressings;

30 (14) tooth reimplantation and stabilization;

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

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

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

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

43 (19) emergency palliative treatment of dental pain limited to the

1 procedures in this section;

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

3 (21) fabrication and placement of single-tooth temporary crowns;

4 (22) suture removal;

5 (23) brush biopsies;

6 (24) minor adjustments and repairs on removable prostheses;

7 (25) recementing of permanent crowns; and

8 (26) prevention, identification and management of dental and medical
9 emergencies.

10 (e) A licensed dental therapist may perform the following services
11 under direct supervision:

12 (1) Extraction of erupted primary teeth that are non-ankylosed and
13 that have a majority resorption of all root structures;

14 (2) preparation and placement of direct restoration fabricated or made
15 directly inside the mouth in primary and permanent teeth;

16 (3) preparation and placement of preformed crowns on primary teeth;

17 (4) indirect pulp capping on permanent teeth; and

18 (5) indirect pulp capping on primary teeth.

19 (f) Any dental therapist is authorized to supervise any dental
20 hygienist or unlicensed individual.

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

24 (h) This section shall be a part of and supplemental to the dental
25 practices act.

26 (i) This section shall take effect from and after July 1, 2022.

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

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

42 (c) No order of suspension or revocation provided in this section shall
43 be made or entered except after notice and opportunity for hearing in

1 accordance with the provisions of the Kansas administrative procedure act.
2 Any final order of suspension or revocation of a license shall be
3 reviewable in accordance with the Kansas judicial review act.

4 (d) This section shall be a part of and supplemental to the dental
5 practices act.

6 (e) This section shall take effect from and after July 1, 2022.

7 New Sec. 4. Prior to July 1, 2022, the Kansas dental board shall adopt
8 rules and regulations as may be necessary to administer the provisions of
9 sections 1 through 3, and amendments thereto, regarding the licensure of
10 dental therapists. Prior to July 1, 2022, the board shall have such rules and
11 regulations submitted to the secretary of administration and to the attorney
12 general for approval as required by K.S.A. 77-420, and amendments
13 thereto, and notice of the proposed rules and regulations given and a
14 hearing held thereon in the manner provided by K.S.A. 77-421, and
15 amendments thereto.

16 New Sec. 5. The department of health and environment and the
17 Kansas dental board shall submit a joint report to the legislature on or
18 before the first day of the 2032 regular session of the legislature that
19 details the effects that enactment of sections 1 through 3, and amendments
20 thereto, have on access to dental care in rural Kansas, including, but not
21 limited to: The number and geographical distribution of practicing dental
22 therapists; the number of dentists supervising dental therapists; the number
23 of participating medicaid providers; the treated and untreated tooth decay
24 rates of medicaid beneficiaries; urgent need rates; and federally designated
25 dental health professional shortage areas.

26 Sec. 6. On and after July 1, 2022, K.S.A. 65-1421 is hereby amended
27 to read as follows: 65-1421. It shall be unlawful for any person to practice
28 dentistry, *dental therapy* or dental hygiene in the state of Kansas, except:

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

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

32 (c) those who are now duly licensed dental hygienists, pursuant to
33 law; *or*

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

36 Sec. 7. On and after July 1, 2022, K.S.A. 65-1424 is hereby amended
37 to read as follows: 65-1424. (a) As used in this act:

38 (1) "Proprietor" means any ~~person~~ *individual or entity* who employs
39 dentists, *dental therapists* or dental hygienists in the operation of a dental
40 office.

41 (2) "Dental franchisor" means any ~~person~~ *individual or entity*,
42 pursuant to a written agreement, who provides a licensed dentist any
43 dental practice management consulting services; ~~which may include~~

1 *including* marketing or advertising services, signage or branding
2 consulting, or places in possession of a licensed dentist such dental
3 material or equipment as may be necessary for the management of a dental
4 office on the basis of a lease or any other agreement for compensation. ~~A~~
5 ~~person~~ *An individual* or entity is not a dental franchisor if the agreement
6 with the dentist:

7 (A) Permits the ~~person~~ *individual* or entity to interfere with the
8 professional judgment of the dentist; or

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

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

16 (A) Permits the ~~person~~ *individual* or entity to interfere with the
17 professional judgment of the dentist; or

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

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

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

34 Sec. 8. On and after July 1, 2022, K.S.A. 65-1431 is hereby amended
35 to read as follows: 65-1431. (a) Each license to practice as a dentist, *dental*
36 *therapist* or dental hygienist issued by the board, shall expire on December
37 1 of the year specified by the board for the expiration of the license and
38 shall be renewed on a biennial basis. Each application for renewal shall be
39 made on a form prescribed and furnished by the board. Every licensed
40 dentist, *dental therapist* or dental hygienist shall pay to the board a
41 renewal fee fixed by the board as provided in K.S.A. 65-1447, and
42 amendments thereto.

43 (b) To provide for a staggered system of biennial renewal of licenses,

1 the board may renew licenses for less than two years.

2 (c) On or before December 1 of the year in which the licensee's
3 license expires, the licensee shall transmit to the board a renewal
4 application, upon a form prescribed by the board, ~~which~~ *that* shall include
5 such licensee's signature, post office address, the number of the license of
6 such licensee, whether such licensee has been engaged during the
7 preceding licensure period in active and continuous practice whether
8 within or without this state, and such other information as may be required
9 by the board, together with the biennial licensure fee for a *dentist, dental*
10 *therapist or dental hygienist* ~~which~~ *that* is fixed by the board pursuant to
11 K.S.A. 65-1447, and amendments thereto.

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

17 (2) A dentist who is a charitable healthcare provider in Kansas who
18 has signed an agreement to provide gratuitous services pursuant to K.S.A.
19 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of
20 continuing education credit by the performance of two hours of gratuitous
21 services to medically indigent persons up to a maximum of six continuing
22 education credits per licensure period.

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

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

34 (2) Any licensee whose license is required to be renewed for the next
35 biennial period may obtain renewal, prior to February 1, by submitting to
36 the board the required renewal application, payment of the biennial
37 renewal fee and proof that such licensee has satisfactorily completed a
38 program of continuing education required by the board. Any licensee
39 whose license is required to be renewed for the next biennial period may
40 obtain renewal, between February 1 and March 1, by submitting to the
41 board the required renewal application, payment of the biennial renewal
42 fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and
43 regulations by the board and proof that such licensee has satisfactorily

1 completed a program of continuing education required by the board. The
2 penalty fee in effect immediately prior to the effective date of this act shall
3 continue in effect until rules and regulations establishing a penalty fee
4 under this section become effective.

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

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

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

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

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

41 (j) The Kansas dental board may adopt such rules and regulations
42 requiring the examination and providing means for examination of those
43 ~~persons~~ *individuals* returning to active practice after a period of retirement

1 or disability as the board shall deem necessary and appropriate for the
2 protection of the people of the state of Kansas except that for an applicant
3 to practice *dental therapy or* dental hygiene who is returning to active
4 practice after a period of retirement or disability, the board shall authorize
5 as an alternative to the requirement for an examination that the applicant
6 successfully complete a refresher course as defined by the board in an
7 approved dental hygiene school *or dental therapy program*.

8 Sec. 9. On and after July 1, 2022, K.S.A. 65-1434 is hereby amended
9 to read as follows: 65-1434. (a) The board, without examination, may issue
10 a license as a dentist, *dental therapist* or dental hygienist to an applicant
11 holding a license in another state upon compliance with the requirements
12 of professional qualification and experience set forth in subsection (b). The
13 board shall prepare and adopt a form of application to be submitted by an
14 applicant for a license to be issued under this section. On the receipt of any
15 such application, the board shall conduct such review, verification or other
16 investigation of the applicant and the professional qualifications,
17 background, experience and practice of the applicant as the board deems
18 necessary to assure full compliance with the requirements of this section.
19 Any license so issued may be revoked by the board upon evidence that an
20 applicant has obtained a license under this section through
21 misrepresentation or omission of a material fact in the application or other
22 information submitted to the board.

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

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

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

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

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

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

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

41 (6) Each applicant shall provide a certificate of the executive director
42 of the board or other agency governing licensure of dentists, *dental*
43 *therapists* or dental hygienists of the state in which the applicant has been

1 licensed and has practiced during the required period preceding the date of
2 the application. Such certificate shall state that: (A) The applicant is
3 licensed to practice dentistry, *dental therapy* or dental hygiene in the state;
4 (B) the license of the applicant has never been suspended or revoked; (C)
5 the applicant has never been the subject of any proceeding for suspension,
6 revocation or other disciplinary action initiated by the board of licensure of
7 any such state during the period the applicant has held a license to practice
8 dentistry, *dental therapy* or dental hygiene in such state; and (D) no
9 complaint has been filed against the applicant of such substance as, in the
10 judgment of the board of licensure of such state, has required the initiation
11 of proceedings against the applicant. In the event the applicant has
12 practiced dentistry, *dental therapy* or dental hygiene in more than one
13 other state in the United States, the applicant shall file a similar certificate
14 with respect to such period or periods during which the applicant has
15 practiced in each such state.

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

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

25 Sec. 10. On and after July 1, 2022, K.S.A. 65-1436 is hereby
26 amended to read as follows: 65-1436. (a) The Kansas dental board may
27 refuse to issue the license under the dental practices act, or may take any
28 of the actions with respect to any dental, *dental therapy* or dental hygiene
29 license as set forth in subsection (b), whenever it is established, after
30 notice and opportunity for hearing in accordance with the provisions of the
31 Kansas administrative procedure act, that any applicant for a dental, *dental*
32 *therapy* or dental hygiene license or any licensed dentist, *dental therapy* or
33 dental hygienist practicing in the state of Kansas has:

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

36 (2) habitually used intoxicants or drugs ~~which~~ *that* have rendered
37 such ~~person~~ *individual* unfit for the practice of dentistry, *dental therapy* or
38 dental hygiene;

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

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

42 (5) employed, allowed or permitted any unlicensed ~~person or persons~~
43 *individual or individuals* to perform any work in the licensee's office

1 ~~which~~ *that* constitutes the practice of dentistry, *dental therapy* or dental
2 hygiene under the provisions of the dental practices act;

3 (6) willfully violated the laws of this state relating to the practice of
4 dentistry, *dental therapy* or dental hygiene or the rules and regulations of
5 the secretary of health and environment or of the board regarding
6 sanitation;

7 (7) engaged in the division of fees, or agreed to split or divide the fee
8 received for dental service with any ~~person~~ *individual* for bringing or
9 referring a patient without the knowledge of the patient or the patient's
10 legal representative, except:

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

13 (B) the division of fees between one licensed dentist employing
14 another; or

15 (C) the division of fees between a licensed dentist and a dental
16 franchisor;

17 (8) committed complicity in association with or allowed the use of
18 the licensed dentist's name in conjunction with any ~~person~~ *individual* who
19 is engaged in the illegal practice of dentistry;

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

23 (10) prescribed, dispensed, administered or distributed a prescription
24 drug or substance, including a controlled substance, in an excessive,
25 improper or inappropriate manner or quantity outside the scope of practice
26 of dentistry or in a manner that impairs the health and safety of an
27 individual;

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

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

33 (13) failed to pay license fees;

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

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

40 (16) engaged in a misleading, deceptive, untrue or fraudulent
41 misrepresentation in the practice of dentistry or on any document
42 connected with the practice of dentistry by knowingly submitting any
43 misleading, deceptive, untrue or fraudulent misrepresentation on a claim

1 form, bill or statement, including the systematic waiver of patient co-
2 payment or co-insurance;

3 (17) failed to keep adequate records;

4 (18) the licensee has had a license to practice dentistry revoked,
5 suspended or limited, has been censured or has had other disciplinary
6 action taken, has had an application for license denied, or voluntarily
7 surrendered the license after formal proceedings have been commenced by
8 the proper licensing authority or another state, territory or the District of
9 Columbia or other country, a certified copy of the record of the action of
10 the other jurisdiction being conclusive evidence thereof;

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

13 (20) assisted suicide in violation of K.S.A. 21-3406, prior to its
14 repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as
15 established by any of the following:

16 (A) A copy of the record of criminal conviction or plea of guilty for a
17 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020
18 Supp. 21-5407, and amendments thereto;

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

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

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

30 (1) Revoke the license;

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

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

40 (4) grant a period of probation during which the imposition of one or
41 more of the actions described in subsections (b)(1) through (b)(3) will be
42 stayed subject to such conditions as may be imposed by the board
43 including a requirement that the dentist, *dental therapist* or dental

1 hygienist refrain from any course of conduct ~~which that~~ may result in
 2 further violation of the dental ~~practice~~ *practices* act or the dentist, *dental*
 3 *therapist* or dental hygienist complete additional or remedial instruction.
 4 The violation of any provision of the dental ~~practice~~ *practices* act or
 5 failure to meet any condition imposed by the board as set forth in the order
 6 of the board will result in immediate termination of the period of probation
 7 and imposition of such other action as has been taken by the board.

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

9 (1) One or more instances involving failure to adhere to the
 10 applicable standard of dental, *dental therapy* or dental hygienist care to a
 11 degree ~~which that~~ constitutes gross negligence, as determined by the
 12 board;

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

16 (3) a pattern of dental, *dental therapy* or dental hygienist practice or
 17 other behavior ~~which that~~ demonstrates a manifest incapacity or
 18 incompetence to practice dentistry.

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

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

37 Sec. 11. On and after July 1, 2022, K.S.A. 65-1441 is hereby
 38 amended to read as follows: 65-1441. Whoever sells or offers to sell a
 39 diploma conferring a dental degree, or a license granted pursuant to this
 40 act, or procures such diploma or license with intent that it be used as
 41 evidence of the right to practice dentistry, *dental therapy*, or dental
 42 hygiene, as defined by law, by ~~a person~~ *an individual* other than the one
 43 upon whom it was conferred, or to whom such license certificate or

1 renewal certificate was granted, or with fraudulent intent alters such
 2 diploma or license certificate or renewal certificate, or uses or attempts to
 3 use it when it is so altered, shall be deemed guilty of a misdemeanor. The
 4 board may refuse to grant a license to practice dentistry, *dental therapy* or
 5 dental hygiene to any ~~person~~ *individual* found guilty of making a false
 6 statement, or cheating or of fraud or deception either in applying for a
 7 license or in taking any of the examinations provided for under the dental
 8 practices act.

9 Sec. 12. On and after July 1, 2022, K.S.A. 65-1447 is hereby
 10 amended to read as follows: 65-1447. (a) On or before October 1 of each
 11 year, the Kansas dental board shall determine the amount of funds ~~which~~
 12 *that* will be required during the ensuing fiscal year to properly administer
 13 the laws ~~which~~ *that* the board is directed to enforce and administer and
 14 shall fix fees in accordance with this section in such reasonable sums as
 15 may be necessary for such purposes, within the limitations prescribed by
 16 subsection (b).

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

18 Examination fee for dental applicants—not more than.....	\$200
19 Subsequent examination fee for dental applicants—not more than.....	100
20 Examination fee for specialty qualifications—not more than.....	200
21 Credentials/qualifications fee—not more than.....	300
22 Duplicate certificate fee—not more than.....	25
23 Certificate fee, including certificate for credentials/qualifications, 24 for dentists, <i>dental therapists</i> and dental hygienists—not more than	25
25 Biennial license renewal fee for dentists—not more than.....	325
26 Examination fee for dental hygienist applicants—not more than.....	100
27 Subsequent examination fee for dental hygienist applicants—not more 28 than.....	100
29 Biennial license renewal fee for dental hygienists—not more than.....	160
30 <i>Biennial license renewal fee for dental therapists—not more than.....</i>	<i>200</i>
31 <i>Examination fee for dental therapist applicants—not more than.....</i>	<i>150</i>
32 <i>Subsequent examination fee for dental therapist applicants—not more 33 than.....</i>	<i>100</i>
34 Reinstatement of a revoked license—not more than.....	2,000
35 Processing fee for failure to notify of change of address—not more than 36	100
37 Registration fee to operate a mobile dental facility or portable 38 dental operation—not more than.....	500
39 Biennial registration renewal fee for mobile dental facility or portable 40 dental 41 operation—not more than.....	350
42 Sedation permit—not more than.....	200

43 (c) The amounts of fees in effect on the day preceding the effective

1 date of this act and the act of which this section is amendatory shall remain
2 in effect until fixed in different amounts by the board under this section.
3 The board may adopt rules and regulations for the proration of fees for a
4 license issued for a period of time less than the biennial licensure period.

5 Sec. 13. On and after July 1, 2022, K.S.A. 65-1449 is hereby
6 amended to read as follows: 65-1449. (a) Except as provided by subsection
7 (b), no action to revoke or suspend a license shall be taken until the
8 licensee has been furnished a statement in writing of the charges against
9 the licensee, together with a notice of the time and place of the hearing.
10 The statement of charges and notice shall be served upon the licensee in
11 accordance with the provisions of the Kansas administrative procedure act.

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

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

25 Sec. 14. On and after July 1, 2022, K.S.A. 65-1456 is hereby
26 amended to read as follows: 65-1456. (a) The board may suspend or
27 revoke the license of any dentist who shall permit any dental hygienist
28 operating under such dentist's supervision to perform any operation other
29 than ~~that~~ those permitted under the provisions of article 14 of chapter 65 of
30 the Kansas Statutes Annotated, and amendments thereto, and may suspend
31 or revoke the license of any hygienist found guilty of performing any
32 operation other than those permitted under article 14 of chapter 65 of the
33 Kansas Statutes Annotated, and amendments thereto. No license of any
34 dentist or dental hygienist shall be suspended or revoked in any
35 administrative proceedings without first complying with the notice and
36 hearing requirements of the Kansas administrative procedure act.

37 (b) The practice of dental hygiene shall include those educational,
38 preventive, and therapeutic procedures ~~which~~ that result in the removal of
39 extraneous deposits, stains and debris from the teeth and the rendering of
40 smooth surfaces of the teeth to the depths of the gingival sulci. Included
41 among those educational, preventive and therapeutic procedures are the
42 instruction of the patient as to daily personal care, protecting the teeth
43 from dental caries, the scaling and polishing of the crown surfaces and the

1 planing of the root surfaces, in addition to the curettage of those soft
2 tissues lining the free gingiva to the depth of the gingival sulcus and such
3 additional educational, preventive and therapeutic procedures as the board
4 may establish by rules and regulations.

5 (c) Subject to such prohibitions, limitations and conditions as the
6 board may prescribe by rules and regulations, any licensed dental hygienist
7 may practice dental hygiene and may also perform such dental service as
8 may be performed by a dental assistant under the provisions of K.S.A. 65-
9 1423, and amendments thereto.

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

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

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

42 (2) the dental hygienist is under the supervision and responsibility of
43 the dentist;

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

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

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

25 (1) The dental hygienist has received an "extended care permit I"
26 from the Kansas dental board specifying that the dental hygienist has
27 performed 1,200 hours of dental hygiene care within the past three years or
28 has been an instructor at an accredited dental hygiene program for two
29 academic years within the past three years;

30 (2) the dental hygienist shows proof of professional liability
31 insurance;

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

36 (4) the tasks and procedures are limited to: (A) Removal of
37 extraneous deposits, stains and debris from the teeth and the rendering of
38 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
39 application of topical anesthetic, if the dental hygienist has completed the
40 required course of instruction approved by the dental board; (C) the
41 application of fluoride; (D) dental hygiene instruction; (E) assessment of
42 the patient's apparent need for further evaluation by a dentist to diagnose
43 the presence of dental caries and other abnormalities; and (F) other duties

1 as may be delegated verbally or in writing by the sponsoring dentists
2 consistent with this act;

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

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

9 (7) any payment to the dental hygienist for dental hygiene services is
10 received from the sponsoring dentist or the participating organization
11 found in this subsection.

12 (g) The practice of dental hygiene may be performed on ~~persons~~
13 *individuals* with developmental disabilities and on ~~persons~~ *individuals*
14 who are 65 years and older who live in a residential center, an adult care
15 home, subsidized housing, hospital long-term care unit, *or* state institution
16 or are served in a community senior service center, elderly nutrition
17 program or at the home of a homebound ~~person~~ *individual* who qualifies
18 for the federal home and community based service (HCBS) waiver on a
19 resident of a facility, client or patient thereof so long as:

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

26 (2) the dental hygienist shows proof of professional liability
27 insurance;

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

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

42 (5) the dental hygienist advises the patient and legal guardian that the
43 services are preventive in nature and do not constitute comprehensive

1 dental diagnosis and care;

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

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

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

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

36 (1) The dental hygienist has received an "extended care permit III"
37 from the Kansas dental board specifying that the dental hygienist has: (A)
38 Performed 2,000 hours of dental hygiene care or has been an instructor at
39 an accredited dental hygiene program for three academic years within the
40 past four years; and (B) completed a course of study of 18 seat hours
41 approved by the board ~~which~~ *that* includes, but is not limited to,
42 emergency dental care techniques, the preparation and placement of
43 temporary restorations, the adjustment of dental prostheses and appropriate

1 pharmacology;

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

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

8 (4) the tasks and procedures are limited to: (A) Removal of
9 extraneous deposits, stains and debris from the teeth and the rendering of
10 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
11 application of topical anesthetic if the dental hygienist has completed the
12 required course of instruction approved by the dental board; (C) the
13 application of fluoride; (D) dental hygiene instruction; (E) assessment of
14 the patient's apparent need for further evaluation by a dentist to diagnose
15 the presence of dental caries and other abnormalities; (F) identification and
16 removal of decay using hand instrumentation and placing a temporary
17 filling, including glass ionomer and other palliative materials; (G)
18 adjustment of dentures, placing soft relines in dentures, checking partial
19 dentures for sore spots and placing permanent identification labeling in
20 dentures; (H) smoothing of a sharp tooth with a slow speed dental
21 handpiece; (I) use of local anesthetic, including topical, infiltration and
22 block anesthesia, when appropriate to assist with procedures where
23 medical services are available in a nursing home, health clinic or any other
24 settings if the dental hygienist has completed a course on local anesthesia
25 and nitrous oxide as required in this act; (J) extraction of deciduous teeth
26 that are partially exfoliated with class-4 3 mobility; and (K) other duties as
27 may be delegated verbally or in writing by the sponsoring dentist
28 consistent with this act;

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

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

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

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

42 (9) the dental hygienist completes a minimum of three hours of
43 education related to the expanded scope of dental hygiene practice in

1 subsection (h)(4) ~~of this act~~ within the board's continuing dental education
2 requirements for relicensure.

3 (i) In addition to the duties specifically mentioned in subsection (b),
4 any duly licensed dental hygienist may:

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

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

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

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

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

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

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

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

34 (m) As used in this section, "dentally underserved" means ~~a person~~
35 *an individual* who lacks resources to pay for medically necessary health
36 care services and who meets the eligibility criteria for qualification as a
37 medically indigent person established by the secretary of health and
38 environment under K.S.A. 75-6120, and amendments thereto.

39 Sec. 15. On and after July 1, 2022, K.S.A. 65-1460 is hereby
40 amended to read as follows: 65-1460. Any ~~person~~ *individual* who shall
41 practice dentistry, *dental therapy* or dental hygiene in this state within the
42 meaning of this act without having first obtained a license from the board,
43 or who violates any of the provisions of this act, the penalty for which is

1 not herein specifically provided, shall be deemed guilty of a misdemeanor.
2 Anyone convicted of a misdemeanor under this act shall be punished by a
3 fine of not more than ~~one thousand dollars~~ \$1,000, or by imprisonment in
4 the county jail for not more than twelve months, or by both such fine and
5 imprisonment, in the discretion of the court.

6 Sec. 16. On and after July 1, 2022, K.S.A. 65-1462 is hereby
7 amended to read as follows: 65-1462. (a) No ~~person~~ *individual* reporting to
8 the Kansas dental board under oath and in good faith any information such
9 ~~person~~ *individual* may have relating to alleged incidents of malpractice or
10 the qualifications, fitness or character of a ~~person~~ *an individual* licensed to
11 practice dentistry shall be subject to a civil action for damages as a result
12 of reporting such information.

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

23 Sec. 17. On and after July 1, 2022, K.S.A. 65-1469 is hereby
24 amended to read as follows: 65-1469. As used in this section:

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

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

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

35 (b) (1) No ~~person~~ *individual or entity* shall operate a mobile dental
36 facility or portable dental operation in this state unless registered in
37 accordance with this section.

38 (2) In order to operate a mobile dental facility or portable dental
39 operation, the operator shall be a ~~person~~ *an individual* or entity that is
40 authorized to own a dental practice under Kansas law and possess a
41 current registration issued by the board.

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

43 (A) Complete an application in the form and manner required by the

1 board; and

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

4 (c) (1) The registration under this section shall be renewed on March
5 1 of even-numbered years in the form and manner provided by the board
6 by rules and regulations.

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

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

19 (e) The board may refuse to issue a registration under this section or
20 may revoke or suspend a registration upon a finding by the board that an
21 applicant or ~~person~~ *operator* registered under this section has failed to
22 comply with any provision of the section or any rules and regulations
23 adopted pursuant to this section. No order refusing to issue a registration
24 or order of suspension or revocation shall be made or entered except after
25 notice and opportunity for hearing in accordance with the provisions of the
26 Kansas administrative procedure act. Any final order of suspension or
27 revocation of a license shall be reviewable in accordance with the Kansas
28 judicial review act.

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

32 (2) This section shall not apply to:

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

35 (B) dentists licensed to practice in Kansas providing emergency
36 treatment for their patients of record;

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

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

43 (E) a dentist *or dental therapist* who is providing dental services as a

1 charitable health care provider under K.S.A. 75-6102, and amendments
2 thereto;

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

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

7 (g) This section shall be a part of and supplemental to the dental
8 practices act.

9 Sec. 18. On and after July 1, 2022, K.S.A. 2020 Supp. 65-4915 is
10 hereby amended to read as follows: 65-4915. (a) As used in this section:

11 (1) "Healthcare provider" means: (A) Those ~~persons~~ *individuals* and
12 entities defined as a healthcare provider under K.S.A. 40-3401, and
13 amendments thereto; and (B) a dentist licensed by the Kansas dental
14 board, *a dental therapist licensed by the Kansas dental board*, a dental
15 hygienist licensed by the Kansas dental board, a professional nurse
16 licensed by the board of nursing, a practical nurse licensed by the board of
17 nursing, a mental health technician licensed by the board of nursing, a
18 physical therapist licensed by the state board of healing arts, a physical
19 therapist assistant certified by the state board of healing arts, an
20 occupational therapist licensed by the state board of healing arts, an
21 occupational therapy assistant licensed by the state board of healing arts, a
22 respiratory therapist licensed by the state board of healing arts, a physician
23 assistant licensed by the state board of healing arts and emergency medical
24 service provider and ambulance services certified by the emergency
25 medical services board.

26 (2) "Healthcare provider group" means:

27 (A) A state or local association of healthcare providers or one or more
28 committees thereof;

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

31 (C) an organization of healthcare providers formed pursuant to state
32 or federal law and authorized to evaluate medical and healthcare services;

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

35 (E) an organized medical staff of a licensed medical care facility as
36 defined by K.S.A. 65-425, and amendments thereto, an organized medical
37 staff of a private psychiatric hospital licensed under K.S.A. 2020 Supp. 39-
38 2001 et seq., and amendments thereto, or an organized medical staff of a
39 state psychiatric hospital or state institution for people with intellectual
40 disability, as follows: Larned state hospital, Osawatomie state hospital,
41 Rainbow mental health facility, Kansas neurological institute and Parsons
42 state hospital and training center;

43 (F) a healthcare provider;

- 1 (G) a professional society of healthcare providers or one or more
2 committees thereof;
- 3 (H) a Kansas corporation whose stockholders or members are
4 healthcare providers or an association of healthcare providers, ~~which~~
5 ~~corporation~~ that evaluates medical and healthcare services;
- 6 (I) an insurance company, health maintenance organization or
7 administrator of a health benefits plan that engages in any of the functions
8 defined as peer review under this section; or
- 9 (J) the university of Kansas medical center.
- 10 (3) "Peer review" means any of the following functions:
- 11 (A) Evaluate and improve the quality of healthcare services rendered
12 by healthcare providers;
- 13 (B) determine that health services rendered were professionally
14 indicated or were performed in compliance with the applicable standard of
15 care;
- 16 (C) determine that the cost of healthcare rendered was considered
17 reasonable by the providers of professional health services in this area;
- 18 (D) evaluate the qualifications, competence and performance of the
19 providers of healthcare or to act upon matters relating to the discipline of
20 any individual provider of healthcare;
- 21 (E) reduce morbidity or mortality;
- 22 (F) establish and enforce guidelines designed to keep within
23 reasonable bounds the cost of healthcare;
- 24 (G) conduct of research;
- 25 (H) determine if a hospital's facilities are being properly utilized;
- 26 (I) supervise, discipline, admit, determine privileges or control
27 members of a hospital's medical staff;
- 28 (J) review the professional qualifications or activities of healthcare
29 providers;
- 30 (K) evaluate the quantity, quality and timeliness of healthcare
31 services rendered to patients in the facility;
- 32 (L) evaluate, review or improve methods, procedures or treatments
33 being utilized by the medical care facility or by healthcare providers in a
34 facility rendering healthcare.
- 35 (4) "Peer review officer or committee" means:
- 36 (A) An individual employed, designated or appointed by, or a
37 committee of or employed, designated or appointed by, a healthcare
38 provider group and authorized to perform peer review; or
- 39 (B) a healthcare provider monitoring the delivery of healthcare at
40 correctional institutions under the jurisdiction of the secretary of
41 corrections.
- 42 (b) Except as provided by K.S.A. 60-437, and amendments thereto,
43 and by subsections (c) and (d), the reports, statements, memoranda,

1 proceedings, findings and other records submitted to or generated by peer
2 review committees or officers shall be privileged and shall not be subject
3 to discovery, subpoena or other means of legal compulsion for their release
4 to any ~~person~~ *individual* or entity or be admissible in evidence in any
5 judicial or administrative proceeding. Information contained in such
6 records shall not be discoverable or admissible at trial in the form of
7 testimony by an individual who participated in the peer review process.
8 The peer review officer or committee creating or initially receiving the
9 record is the holder of the privilege established by this section. This
10 privilege may be claimed by the legal entity creating the peer review
11 committee or officer, or by the commissioner of insurance for any records
12 or proceedings of the board of governors.

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

1 testimony, records or report.

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

18 (e) A peer review committee or officer may report to and discuss its
19 activities, information and findings to other peer review committees or
20 officers or to a board of directors or an administrative officer of a
21 healthcare provider without waiver of the privilege provided by subsection
22 (b) and the records of all such committees or officers relating to such
23 report shall be privileged as provided by subsection (b).

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

28 Sec. 19. On and after July 1, 2022, K.S.A. 65-4921 is hereby
29 amended to read as follows: 65-4921. As used in K.S.A. 65-4921 through
30 65-4930, and amendments thereto:

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

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

35 (c) "~~Health care~~*Healthcare* provider" means: (1) Those ~~persons~~
36 *individuals* and entities defined as a health care provider under K.S.A. 40-
37 3401, and amendments thereto; and (2) a dentist licensed by the Kansas
38 dental board, *a dental therapist licensed by the Kansas dental board*, a
39 dental hygienist licensed by the Kansas dental board, a professional nurse
40 licensed by the board of nursing, a practical nurse licensed by the board of
41 nursing, a mental health technician licensed by the board of nursing, a
42 physical therapist licensed by the state board of healing arts, a physical
43 therapist assistant certified by the state board of healing arts, an

1 occupational therapist licensed by the state board of healing arts, an
2 occupational therapy assistant licensed by the state board of healing arts
3 and a respiratory therapist licensed by the state board of healing arts.

4 (d) "License," "licensee" and "licensing" include comparable terms
5 that relate to regulation similar to licensure, such as registration.

6 (e) "Medical care facility" means: (1) A medical care facility licensed
7 under K.S.A. 65-425 et seq., and amendments thereto; (2) a private
8 psychiatric hospital licensed under K.S.A. 2020 Supp. 39-2001 et seq., and
9 amendments thereto; and (3) state psychiatric hospitals and state
10 institutions for people with intellectual disability, as follows: Larned state
11 hospital, Osawatomie state hospital, Rainbow mental health facility,
12 Kansas neurological institute and Parsons state hospital and training
13 center.

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

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

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

22 Sec. 20. On and after July 1, 2022, K.S.A. 65-5912 is hereby
23 amended to read as follows: 65-5912. (a) Nothing in this act shall be
24 construed to require any insurer or other entity regulated under chapter 40
25 of the Kansas Statutes Annotated, *and amendments thereto*, or any other
26 law of this state to provide coverage for or indemnify for the services
27 provided by ~~a person~~ *an individual* licensed under this act.

28 (b) So long as the following ~~persons~~ *individuals* do not hold
29 themselves out to the public to be dietitians or licensed dietitians or use
30 these titles in combination with other titles or use the abbreviation L.D., or
31 any combination thereof, nothing in this act shall be construed to apply:

32 (1) To any ~~person~~ *individual* licensed to practice the healing arts, a
33 licensed dentist, a licensed dental hygienist, a licensed professional nurse,
34 a licensed practical nurse, a licensed psychologist, a licensed masters level
35 psychologist, a licensed pharmacist or an employee thereof, a physician
36 assistant, a licensed professional counselor;

37 (2) to any unlicensed employee of a licensed adult care home or a
38 licensed medical care facility as long as such ~~person~~ *individual* is working
39 under the general direction of a licensee in the healing arts, nursing or a
40 dietetic services supervisor as defined in regulations adopted by the
41 secretary of health and environment or a consultant licensed under this act;

42 (3) to any dietetic technician or dietetic assistant;

43 (4) to any student enrolled in an approved academic program in

1 dietetics, home economics, nutrition, education or other like curriculum,
2 while engaged in such academic program;

3 (5) to prevent any ~~person~~ *individual*, including ~~persons~~ *individuals*
4 employed in health food stores, from furnishing nutrition information as to
5 the use of food, food materials or dietary supplements, nor to prevent in
6 any way the free dissemination of information or of literature as long as no
7 individual engaged in such practices holds oneself out as being licensed
8 under this act;

9 (6) to prohibit any individual from marketing or distributing food
10 products, including dietary supplements, or to prevent any such ~~person~~
11 *individual* from providing information to customers regarding the use of
12 such products;

13 (7) to prevent any employee of the state or a political subdivision who
14 is employed in nutrition-related programs from engaging in activities
15 included within the definition of dietetics practice as a part of such
16 ~~person's~~ *individual's* employment;

17 (8) to any ~~person~~ *individual* who performs the activities and services
18 of a licensed dietitian or nutrition educator as an employee of the state or a
19 political subdivision, an elementary or secondary school, an educational
20 institution, a licensed institution, or a not-for-profit organization;

21 (9) to any ~~person~~ *individual* serving in the armed forces, the public
22 health service, the veterans administration or as an employee of the federal
23 government;

24 (10) to any ~~person~~ *individual* who has a degree in home economics
25 insofar as the activities of such ~~person~~ *individual* are within the scope of
26 such ~~person's~~ *individual's* education and training;

27 (11) to any ~~person~~ *individual* who counsels or provides weight-
28 control services as a part of a franchised or recognized weight-control
29 program or a weight-control program that operates under the general
30 direction of ~~a person~~ *an individual* licensed to practice the healing arts,
31 nursing or ~~a person~~ *an individual* licensed under this act;

32 (12) to any ~~person~~ *individual* who is acting as a representative of a
33 trade association and who engages in one or more activities included
34 within the practice of dietetics as a representative of such association;

35 (13) to a licensed physical therapist who makes a dietetic or
36 nutritional assessment or gives dietetic or nutritional advice in the normal
37 practice of such ~~person's~~ *individual's* profession or as otherwise authorized
38 by law;

39 (14) to a dietitian licensed, registered or otherwise authorized to
40 practice dietetics in another state who is providing consultation in this
41 state;

42 (15) to any ~~person~~ *individual* conducting a teaching clinical
43 demonstration ~~which~~ *that* is carried out in an educational institution or an

1 affiliated clinical facility or health care agency;

2 (16) to any ~~person~~ *individual* conducting classes or disseminating
3 information relating to nonmedical nutrition; or

4 (17) to any ~~person~~ *individual* permitted to practice under K.S.A. 65-
5 2872a, and amendments thereto.

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

11 Sec. 21. On and after July 1, 2022, K.S.A. 65-7304 is hereby
12 amended to read as follows: 65-7304. The following shall be exempt from
13 the requirement of a license pursuant to this act:

14 (a) A licensed practitioner;

15 (b) a ~~person~~ *an individual* issued a postgraduate permit by the board
16 or students while in actual attendance in an accredited health care
17 educational program for radiologic technology and under the supervision
18 of a qualified instructor;

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

22 (d) ~~persons~~ *individuals* rendering assistance in the case of an
23 emergency;

24 (e) a licensed dental hygienist, *a licensed dental therapist* or an
25 unlicensed ~~person~~ *individual* working under the supervision of a licensed
26 dentist who has been trained by a licensed dentist on the proper use of
27 dental radiographic equipment for the purpose of providing medical
28 imaging for dental diagnostic purposes consistent with K.S.A. 65-1422 et
29 seq., and amendments thereto; and

30 (f) a licensed physician assistant, a licensed nurse or an unlicensed
31 ~~person~~ *individual* performing radiologic technology procedures: (1) Who
32 is ~~(1)~~ working under the supervision of a licensed practitioner or a ~~person~~
33 *an individual* designated by a hospital licensed pursuant to K.S.A. 65-425
34 et seq., and amendments thereto; and (2) who has been trained on the
35 proper use of equipment for the purpose of performing radiologic
36 technology procedures consistent with K.S.A. 65-2001 et seq.; or K.S.A.
37 65-2801 et seq., and amendments thereto. The board shall adopt rules and
38 regulations to assure that ~~persons~~ *individuals* exempted from licensure
39 under this subsection receive continuing education consistent with their
40 practice authorized herein.

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

42 Sec. 22. On and after July 1, 2022, K.S.A. 74-1405 is hereby
43 amended to read as follows: 74-1405. (a) The board at its first meeting day

1 of each year shall elect from its members a president, vice-president and
2 secretary. The board shall have a common seal. The board shall hold two
3 regular meetings each year at times to be fixed by the board, and special
4 meetings at such other times as may be necessary.

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

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

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

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

37 (f) The executive director shall remit all moneys received by or for
38 such executive director from fees, charges or penalties to the state treasurer
39 in accordance with the provisions of K.S.A. 75-4215, and amendments
40 thereto. Upon receipt of each such remittance, the state treasurer shall
41 deposit the entire amount in the state treasury. Ten percent of each such
42 deposit shall be credited to the state general fund and the balance shall be
43 credited to the dental board fee fund. All expenditures from such fund shall

1 be made in accordance with appropriation acts upon warrants of the
2 director of accounts and reports issued pursuant to vouchers approved by
3 the president of the board or by ~~a person or persons~~ *an individual*
4 designated by the president.

5 Sec. 23. On and after July 1, 2022, K.S.A. 74-1406 is hereby
6 amended to read as follows: 74-1406. The board shall exercise, subject to
7 the provisions of this act, the following powers and duties:

8 (a) Adopt such rules for its governance as it may deem proper.

9 (b) Adopt rules and regulations for qualification and licensing of
10 *dental therapists and dental hygienists*.

11 (c) Adopt rules and regulations regarding sanitation.

12 (d) Conduct examinations to ascertain the qualification and fitness of
13 applicants for licenses as dentists or certificates as specialists in dentistry.

14 (e) Pass upon the qualifications of applicants for reciprocal licenses.

15 (f) Prescribe rules and regulations for examination of candidates.

16 (g) Formulate rules and regulations by which dental schools and
17 colleges shall be approved.

18 (h) Grant licenses, issue license certificates as specialists in dentistry
19 and issue renewal licenses and certificates as specialists in dentistry in
20 conformity with this act to such applicants and dentists as have been found
21 qualified.

22 (i) Conduct hearings or proceedings to revoke or suspend and to
23 revoke or suspend a license, certificate or renewal license or certificate
24 granted under the authority of this act or previous acts.

25 (j) Employ such ~~persons~~ *individuals* as it may deem necessary to
26 assist in carrying out the duties of the board in the administration and
27 enforcement of this act, and to provide offices, furniture, fixtures, supplies,
28 printing or secretarial service, and may expend such funds as may be
29 deemed necessary therefor, and may appoint an attorney to advise and
30 assist in the carrying out and enforcing of the provisions of this act.

31 (k) Investigate violations of the act that may come to the knowledge
32 of the board, and institute or cause to be instituted before the board or in a
33 proper court appropriate proceedings in connection therewith.

34 (l) Adopt rules and regulations to carry out and make effective the
35 provisions of this act and modify or repeal such rules and regulations
36 whenever in the discretion of the board it is deemed necessary.

37 Sec. 24. On and after July 1, 2022, K.S.A. 75-2935 is hereby
38 amended to read as follows: 75-2935. The civil service of the state of
39 Kansas is hereby divided into the unclassified and the classified services.

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

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

43 (b) members of boards and commissions, heads of departments

1 required by law to be appointed by the governor or by other elective
2 officers, and the executive or administrative heads of offices, departments,
3 divisions and institutions specifically established by law;

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

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

8 (e) officers and employees of the senate and house of representatives
9 of the legislature and of the legislative coordinating council and all officers
10 and employees of the office of revisor of statutes, of the legislative
11 research department, of the division of legislative administrative services,
12 of the division of post audit and the legislative counsel;

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

35 (g) operations, maintenance and security personnel employed to
36 implement agreements entered into by the adjutant general and the federal
37 national guard bureau, and officers and enlisted ~~persons~~ *individuals* in the
38 national guard and the naval militia;

39 (h) ~~persons~~ *individuals* engaged in public work for the state but
40 employed by contractors when the performance of such contract is
41 authorized by the legislature or other competent authority;

42 (i) ~~persons~~ *individuals* temporarily employed or designated by the
43 legislature or by a legislative committee or commission or other competent

1 authority to make or conduct a special inquiry, investigation, examination
2 or installation;

3 (j) officers and employees in the office of the attorney general and
4 special counsel to state departments appointed by the attorney general,
5 except that officers and employees of the division of the Kansas bureau of
6 investigation shall be in the classified or unclassified service as provided
7 in K.S.A. 75-711, and amendments thereto;

8 (k) all employees of courts;

9 (l) client, patient and inmate help in any state facility or institution;

10 (m) all attorneys for boards, commissions and departments;

11 (n) the secretary and assistant secretary of the Kansas state historical
12 society;

13 (o) physician specialists, dentists, *dental therapists*, dental hygienists,
14 pharmacists, medical technologists and long term care workers employed
15 by the Kansas department for aging and disability services;

16 (p) physician specialists, dentists and medical technologists employed
17 by any board, commission or department or by any institution under the
18 jurisdiction thereof;

19 (q) student employees enrolled in public institutions of higher
20 learning;

21 (r) administrative officers, directors and teaching personnel of the
22 state board of education and the state department of education and of any
23 institution under the supervision and control of the state board of
24 education, except that this ~~subsection (1)(r)~~ *paragraph* shall not be
25 construed to include the custodial, clerical or maintenance employees, or
26 any employees performing duties in connection with the business
27 operations of any such institution, except administrative officers and
28 directors;

29 (s) all officers and employees in the office of the secretary of state;

30 (t) one personal secretary and one special assistant to the following:
31 The secretary of administration, the secretary for aging and disability
32 services, the secretary of agriculture, the secretary of commerce, the
33 secretary of corrections, the secretary of health and environment, the
34 superintendent of the Kansas highway patrol, the secretary of labor, the
35 secretary of revenue, the secretary for children and families, the secretary
36 of transportation, the secretary of wildlife, parks and tourism and the
37 commissioner of juvenile justice;

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

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

42 (w) one public information officer and one chief attorney for the
43 following: The department of administration, the Kansas department for

1 aging and disability services, the department of agriculture, the department
2 of commerce, the department of corrections, the department of health and
3 environment, the department of labor, the department of revenue, the
4 Kansas department for children and families, the department of
5 transportation, the Kansas department of wildlife, parks and tourism and
6 the commissioner of juvenile justice;

7 (x) if designated by the appointing authority, ~~persons~~ *individuals* in
8 newly hired positions, including any employee who is rehired into such
9 position and any current state employee who voluntarily transfers into, or
10 is voluntarily promoted or demoted into such position, on and after July 1,
11 2015, in any state agency;

12 (y) one executive director, one general counsel and one director of
13 public affairs and consumer protection in the office of the state corporation
14 commission;

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

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

27 (bb) positions at state institutions of higher education that have been
28 converted to unclassified positions pursuant to K.S.A. 76-715a, and
29 amendments thereto; and

30 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
31 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
32 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
33 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
34 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
35 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
36 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
37 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
38 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
39 12a16, 76-3202 and 82a-1205 and K.S.A. 2020 Supp. 39-1911, and
40 amendments thereto, any vacant position within the classified service may
41 be converted by the appointing authority to an unclassified position.

42 (2) The classified service comprises all positions now existing or
43 hereafter created ~~which~~ *that* are not included in the unclassified service.

1 Appointments in the classified service shall be made according to merit
2 and fitness from eligible pools—~~which~~ *that* so far as practicable shall be
3 competitive. No ~~person~~ *individual* shall be appointed, promoted, reduced
4 or discharged as an officer, clerk, employee or laborer in the classified
5 service in any manner or by any means other than those prescribed in the
6 Kansas civil service act and the rules adopted in accordance therewith.

7 (3) For positions involving unskilled, or semiskilled duties, the
8 secretary of administration, as provided by law, shall establish rules and
9 regulations concerning certifications, appointments, layoffs and
10 reemployment—~~which~~ *that* may be different from the rules and regulations
11 established concerning these processes for other positions in the classified
12 service.

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

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

28 Sec. 25. On and after July 1, 2022, K.S.A. 75-6102 is hereby
29 amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through
30 75-6118, and amendments thereto, unless the context clearly requires
31 otherwise:

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

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

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

39 (d) (1) "Employee" means: (A) Any officer, employee, servant or
40 member of a board, commission, committee, division, department, branch
41 or council of a governmental entity, including elected or appointed
42 officials and ~~persons~~ *individuals* acting on behalf or in service of a
43 governmental entity in any official capacity, whether with or without

1 compensation and a charitable healthcare provider;

2 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
3 8818, and amendments thereto, regardless of whether the services of such
4 steward or racing judge are rendered pursuant to contract as an
5 independent contractor;

6 (C) employees of the United States marshals service engaged in the
7 transportation of inmates on behalf of the secretary of corrections;

8 (D) ~~a person~~an *individual* who is an employee of a nonprofit
9 independent contractor, other than a municipality, under contract to
10 provide educational or vocational training to inmates in the custody of the
11 secretary of corrections and who is engaged in providing such service in
12 an institution under the control of the secretary of corrections provided that
13 such employee does not otherwise have coverage for such acts and
14 omissions within the scope of their employment through a liability
15 insurance contract of such independent contractor;

16 (E) ~~a person~~an *individual* who is an employee or volunteer of a
17 nonprofit program, other than a municipality, who has contracted with the
18 commissioner of juvenile justice or with another nonprofit program that
19 has contracted with the secretary of corrections to provide a juvenile
20 justice program for juvenile offenders in a judicial district provided that
21 such employee or volunteer does not otherwise have coverage for such
22 acts and omissions within the scope of their employment or volunteer
23 activities through a liability insurance contract of such nonprofit program;

24 (F) ~~a person~~an *individual* who contracts with the Kansas guardianship
25 program to provide services as a court-appointed guardian or conservator;

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

27 (H) former employees for acts and omissions within the scope of their
28 employment during their former employment with the governmental
29 entity;

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

34 (J) any member of a regional search and rescue team or regional
35 hazardous materials response team contracting with the state fire marshal
36 pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 75-1518,
37 and amendments thereto, in connection with authorized training or upon
38 activation for an emergency response; and

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

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

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

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

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

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

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

40 (4) the secretary of health and environment to provide dentistry
41 services defined by K.S.A. 65-1422 et seq., and amendments thereto,
42 *dental therapy services as described by section 2, and amendments*
43 *thereto*, or dental hygienist services defined by K.S.A. 65-1456, and

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

14 (f) "Medically indigent person" means ~~a person~~ *an individual* who
15 lacks resources to pay for medically necessary healthcare services and who
16 meets the eligibility criteria for qualification as a medically indigent
17 person established by the secretary of health and environment under
18 K.S.A. 75-6120, and amendments thereto.

19 (g) "Indigent healthcare clinic" means an outpatient medical care
20 clinic operated on a not-for-profit basis that has a contractual agreement in
21 effect with the secretary of health and environment to provide healthcare
22 services to medically indigent persons.

23 (h) "Local health department" means the same as defined in K.S.A.
24 65-241, and amendments thereto.

25 (i) "Fire control, fire rescue or emergency medical services
26 equipment" means any vehicle, firefighting tool, protective clothing,
27 breathing apparatus and any other supplies, tools or equipment used in
28 firefighting or fire rescue or in the provision of emergency medical
29 services.

30 (j) "Community mental health center" means the same as defined in
31 K.S.A. 2020 Supp. 39-2002, and amendments thereto.

32 Sec. 26. On and after July 1, 2022, K.S.A. 65-1421, 65-1424, 65-
33 1431, 65-1434, 65-1436, 65-1441, 65-1447, 65-1449, 65-1456, 65-1460,
34 65-1462, 65-1469, 65-4921, 65-5912, 65-7304, 74-1405, 74-1406, 75-
35 2935 and 75-6102 and K.S.A. 2020 Supp. 65-4915 are hereby repealed.

36 Sec. 27. This act shall take effect and be in force from and after its
37 publication in the statute book.