

SENATE BILL No. 139

By Committee on Public Health and Welfare

2-4

AN ACT regarding dentists and dentistry; relating to dental hygienists; amending K.S.A. 65-1456 and repealing the existing section.

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

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

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

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

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall

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

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

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

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

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

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

35 (5) nothing in this subsection (e) shall be construed to prevent a den-
36 tal hygienist from providing dental ~~education~~ *hygiene instruction or visual*
37 *oral health care screenings* in a school or community based setting.

38 ~~(f) The board may issue a permit to a licensed dental hygienist to~~
39 ~~provide dental screening under such terms and conditions as the board~~
40 ~~may reasonably establish in such permit. Such permit shall be subject to~~
41 ~~renewal at the time the license for dental hygiene is renewed.~~

42 ~~(g) (f) The practice of dental hygiene may be performed at a public~~
43 ~~school or accredited non public school, as defined in K.S.A. 72-89b02, and~~

1 *amendments thereto, head start program, state correctional institution,*
2 *local health department or indigent health care clinic, as defined in K.S.A.*
3 *65-1466, and amendments thereto, on a student who meets the require-*
4 *ments of medicaid, healthwave or the federal free and reduced lunch pro-*
5 *gram, an inmate, client or patient thereof so long as:*

6 (1) *The dental hygienist has received an “extended care permit” from*
7 *the Kansas dental board specifying that the dental hygienist has per-*
8 *formed 1,800 hours of dental hygiene care or has been an instructor at*
9 *an accredited dental hygiene program for four semesters during the three*
10 *years prior;*

11 (2) *the dental hygienist shows proof of professional liability*
12 *insurance;*

13 (3) *the dental hygienist is sponsored by a dentist licensed in the state*
14 *of Kansas, including a signed agreement stating that the dentist shall mon-*
15 *itor the dental hygienist’s activities, except such dentist shall not monitor*
16 *more than five dental hygienists with an extended care permit;*

17 (4) *the tasks and procedures are limited to: (A) removal of extraneous*
18 *deposits, stains and debris from the teeth and the rendering of smooth*
19 *surfaces of the teeth to the depths of the gingival sulci; (B) the application*
20 *of fluoride; (C) dental hygiene instruction; (D) assessment of the patient’s*
21 *apparent need for further evaluation by a dentist to diagnose the presence*
22 *of dental caries and other abnormalities; and (E) other duties as may be*
23 *delegated verbally or in writing by the sponsoring dentists consistent with*
24 *this act;*

25 (5) *the dental hygienist advises the patient and legal guardian that*
26 *the services are preventive in nature and do not constitute a comprehen-*
27 *sive dental diagnosis and care;*

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

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

34 (8) *nothing in this subsection shall be construed to prevent a dental*
35 *hygienist from providing dental hygiene instruction or visual oral health*
36 *screenings in a school or community based setting.*

37 (g) *The practice of dental hygiene may be performed at an adult care*
38 *home, hospital long-term care unit, state institution or at the home of a*
39 *homebound person who qualifies for the federal home and community*
40 *based service (HCBS) waiver on a resident of a facility, client or patient*
41 *thereof so long as:*

42 (1) *The dental hygienist has received an “extended care permit II”*
43 *from the Kansas dental board specifying that the dental hygienist has: (A)*

1 performed 1,800 hours of dental hygiene care or has been an instructor
2 at an accredited dental hygiene program for four semesters during the
3 three years prior; and (B) completed six hours of training on the care of
4 special needs patients or other training as may be accepted by the board;

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

7 (3) the dental hygienist is sponsored by a dentist licensed in the state
8 of Kansas, including a signed agreement stating that the dentist shall mon-
9 itor the dental hygienist's activities, except such dentist shall not monitor
10 more than five dental hygienists with an extended care permit II;

11 (4) the tasks and procedures are limited to: (A) removal of extraneous
12 deposits, stains and debris from the teeth and the rendering of smooth
13 surfaces of the teeth to the depths of the gingival sulci; (B) the application
14 of fluoride; (C) dental hygiene instruction; (D) assessment of the patient's
15 apparent need for further evaluation by a dentist to diagnose the presence
16 of dental caries and other abnormalities; and (E) other duties as may be
17 delegated verbally or in writing by the sponsoring dentist consistent with
18 this act;

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

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

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

28 (8) the dental hygienist completes a minimum of six hours of educa-
29 tion in the area of special needs care within the board's continuing dental
30 education requirements for relicensure; and

31 (9) nothing in this subsection shall be construed to prevent a dental
32 hygienist from providing dental hygiene instruction or visual oral health
33 screenings in a school or community based setting.

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

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

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

42 (3) administer local block and infiltration anaesthesia and nitrous ox-
43 ide. (A) The administration of local anaesthesia shall be performed under

1 the direct supervision of a licensed dentist. (B) Each dental hygienist who
2 administers local anaesthesia shall have completed courses of instruction
3 in local anaesthesia and nitrous oxide which have been approved by the
4 board.

5 (h) (i) (1) The courses of instruction required in subsection ~~(g)~~
6 ~~(h)(3)(B) of K.S.A. 65-1456, and amendments thereto,~~ shall provide a
7 minimum of 12 hours of instruction at a teaching institution accredited
8 by the American dental association.

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

13 (3) Certification in cardiac pulmonary resuscitation shall be required
14 in all cases.

15 Sec. 2. K.S.A. 65-1456 is hereby repealed.

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

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