

SENATE BILL No. 471

By Committee on Public Health and Welfare

2-9

9 AN ACT concerning use of certain dentist names; amending K.S.A. 65-
10 1435 and repealing the existing section.

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

13 Section 1. K.S.A. 65-1435 is hereby amended to read as follows: 65-
14 1435. (a) Except as otherwise provided in this section, it shall be unlawful
15 for any person or persons to practice or offer to practice dentistry under
16 any name except such person's own name, which shall be the name used
17 on the license granted to such person as a dentist as provided in this act.

18 (b) A licensed dentist may use the name of any association, corpo-
19 ration, clinic, trade name or business name in connection with the prac-
20 tice of dentistry, as defined in this act, except that such name may not
21 misrepresent the dentist to the public as determined by the Kansas dental
22 board.

23 (c) Nothing herein contained shall be construed to prevent two or
24 more licensed dentists:

25 (1) From associating together for the practice of dentistry, each in
26 such person's own proper name; or

27 (2) from associating together for the practice of dentistry, each as
28 owners, in a professional corporation, organized pursuant to the profes-
29 sional corporation law of Kansas, or, each as owners, in a limited liability
30 company organized pursuant to the Kansas revised limited liability com-
31 pany act, and using a name that may or may not contain the proper name
32 of any such person or persons if such name has been approved by the
33 board and from employing nonowning licensees; or

34 (3) from associating together with persons licensed to practice med-
35 icine and surgery in a clinic or professional association under a name that
36 may or may not contain the proper name of any such person or persons
37 and may contain the word "clinic."

38 (d) It shall be unlawful, and a licensee may have a license suspended
39 or revoked, for any licensee to conduct a dental office in the name of the
40 licensee, or to advertise the licensee's name in connection with any dental
41 office or offices, or to associate together for the practice of dentistry with
42 other licensed dentists in a professional corporation or limited liability
43 company, under a name that may or may not contain the proper name of

1 any such person or persons or to associate together with persons licensed
2 to practice medicine and surgery in a clinic or professional association *or*
3 under a name that may or may not contain the proper name of any such
4 person or persons and may contain the word “clinic,” unless such licensee
5 is personally present in the office operating as a dentist or personally
6 overseeing such operations as are performed in the office or each of the
7 offices during a majority of the time the office or each of the offices is
8 being operated, *except in situations in which the board determines an*
9 *exception is appropriate to facilitate the provision of dental services to a*
10 *population or group of patients the board has determined to be*
11 *underserved.*

12 (e) Nothing in this section shall be construed to permit the franchise
13 practice of dentistry.

14 (f) The violation of any of the provisions of this section by any dentist
15 shall subject such dentist to suspension or revocation of a license.

16 Sec. 2. K.S.A. 65-1435 is hereby repealed.

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