

SENATE BILL No. 176

By Committee on Public Health and Welfare

1-25

10 AN ACT concerning dental hygienists; relating to issuance of permits,
11 authorized practice; amending K.S.A. 2006 Supp. 65-1456 and re-
12 pealing the existing section.
13

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

15 Section 1. K.S.A. 2006 Supp. 65-1456 is hereby amended to read as
16 follows: 65-1456. (a) The board may suspend or revoke the license of any
17 dentist who shall permit any dental hygienist operating under such den-
18 tist's supervision to perform any operation other than that permitted un-
19 der the provisions of article 14 of chapter 65 of the Kansas Statutes An-
20 notated, or acts amendatory thereof, and may suspend or revoke the
21 license of any hygienist found guilty of performing any operation other
22 than those permitted under article 14 of chapter 65 of the Kansas Statutes
23 Annotated, or acts amendatory thereof. No license of any dentist or dental
24 hygienist shall be suspended or revoked in any administrative proceedings
25 without first complying with the notice and hearing requirements of the
26 Kansas administrative procedure act.

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

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

43 (d) Except as otherwise provided in this section, the practice of dental

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

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

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

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

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

34 (4) the supervising dentist examines the patient at the time the dental
35 hygiene procedure is performed or has examined the patient during the
36 12 calendar months preceding performance of the procedure; and

37 (f) The practice of dental hygiene may be performed ~~at a public~~
38 ~~school or accredited nonpublic school, as defined in K.S.A. 72-89b02, and~~
39 ~~amendments thereto, and any head start program~~ with consent of the
40 parent or legal guardian, *for children participating in residential and non-*
41 *residential centers for therapeutic services, all children in families which*
42 *are receiving family preservation services, all children in the custody of*
43 *the secretary of social and rehabilitation services or the commissioner of*

1 *juvenile justice authority and in an out-of-home placement residing in*
 2 *foster care homes, children being served by runaway youth programs and*
 3 *homeless shelters; and children birth to five and children in public and*
 4 *nonpublic schools kindergarten through grade 12 regardless of the time*
 5 *of year and children participating in youth organizations ~~which~~ who meet*
 6 *the requirements of medicaid, healthwave, or free or reduced lunch pro-*
 7 *grams or Indian health services; any state correctional institution, local*
 8 *health department or indigent health care clinic, as defined in K.S.A. 65-*
 9 *1466, and amendments thereto, ~~on a person who meets the requirements~~*
 10 *~~of medicaid, healthwave or the federal free and reduced lunch program,~~*
 11 *~~an inmate, client or patient thereof and federally qualified health center,~~*
 12 *~~federally qualified health center look-alike or a community health center~~*
 13 *~~that receives funding from section 330 of the health center consolidation~~*
 14 *~~act; on a person, an inmate, client or patient thereof and other persons as~~*
 15 *may be defined by the board so long as:*

16 (1) The dental hygienist has received an “extended care permit” from
 17 the Kansas dental board specifying that the dental hygienist has per-
 18 formed ~~1,800~~ 1,200 hours of dental hygiene care *within the past three*
 19 *years* or has been an instructor at an accredited dental hygiene program
 20 for ~~four semesters during the three years prior~~ *two academic years within*
 21 *the past three years;*

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

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

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

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

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

43 (7) any payment to the dental hygienist for dental hygiene services is

1 received from the sponsoring dentist or the participating organization
2 found in this subsection.

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

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

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

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

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

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

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

39 (7) 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 (8) the dental hygienist completes a minimum of six hours of edu-
43 cation in the area of special needs care within the board’s continuing

1 dental education requirements for relicensure.

2 (h) In addition to the duties specifically mentioned in subsection (b)
3 of K.S.A. 65-1456, and amendments thereto, any duly licensed dental
4 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 ox-
11 ide. (A) The administration of local anaesthesia shall be performed under
12 the direct supervision of a licensed dentist **except that topically applied**
13 **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 have been approved by the board.

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

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

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

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

30 (k) 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 New Sec. 2. A dental hygienist who meets the requirements of sub-
35 sections (f)(1) or (g)(1)(A) of K.S.A. 65-1456, and amendments thereto,
36 prior to a period of retirement or disability, **but not within the past**
37 **three years**, and is returning to active practice after such period of re-
38 tirement or disability under K.S.A. 65-1431(i), and amendments thereto,
39 ~~and~~ **or** who has retained a license to practice but has not practiced in the
40 past three or more years may qualify for an extended care permit by
41 completing a refresher course approved by the board under K.A.R. 71-
42 3-8 or performing 200 hours of dental hygiene care **within the last 12**
43 **months** under ~~dental~~ **the** supervision ~~within the past three years and has~~

1 ***of dentists licensed in the state of Kansas and provides the board***
2 ***with*** a letter of endorsement from ~~a dentist~~ ***one of the supervising***
3 ***dentists.***

4 Sec. 3. K.S.A. 2006 Supp. 65-1456 is hereby repealed.

5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the statute book.