

HOUSE BILL No. 2280

By Committee on Health and Human Services

2-10

1 AN ACT concerning the Kansas dental board; relating to licensure of
2 registered dental practitioners; amending K.S.A. 65-1421, 65-1424, 65-
3 1441, 65-1449, 65-1460, 65-1462, 74-1404, 74-1405 and 74-1406 and
4 K.S.A. 2010 Supp. 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-
5 4915, 65-4921, 65-5912, 65-7304, 75-2935 and 75-6102 and repealing
6 the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) No person shall practice as a registered dental
10 practitioner in this state until such person has passed an examination by
11 the Kansas dental board under such rules and regulations as the board
12 may adopt. The fee for such examination shall be fixed by the board
13 pursuant to K.S.A. 65-1447, and amendments thereto. A license fee shall
14 be paid to the board in the amount fixed by the board pursuant to K.S.A.
15 65-1447, and amendments thereto.

16 (b) The board shall authorize a person to practice as a registered
17 dental practitioner if such person is qualified under this section, works
18 under the general supervision of a Kansas-licensed dentist pursuant to a
19 written supervising agreement, is licensed by the board, and practices in
20 compliance with this section and rules and regulations adopted by the
21 board.

22 A supervising agreement entered into with a registered dental
23 practitioner must include specific written protocols detailing the scope of
24 practice the supervising dentist authorizes for the registered dental
25 practitioner to perform, and that outlines a course of action when the
26 registered dental practitioner encounters a patient who requires treatment
27 that exceeds the authorized scope of practice of the registered dental
28 practitioner. The supervising dentist must ensure that a dentist is
29 available, in person or through distance technology, to the registered
30 dental practitioner for timely consultation if needed and must either
31 provide or arrange with another dentist or specialist to provide the
32 necessary treatment to any patient who requires more treatment than the
33 registered dental practitioner is authorized to provide.

34 Nothing in this act will prohibit a registered dental practitioner from
35 working under the direct supervision of a Kansas licensed dentist.

36 (c) To be qualified to practice under this section, such person shall:

1 (1) Be a licensed dental hygienist who is also a graduate of a
2 registered dental practitioner education program of not more than 18
3 months that is provided by an accredited post secondary institution
4 comprised of a curriculum approved by the state board of regents;

5 (2) pass a comprehensive, competency-based clinical examination
6 that is approved by the board and administered independently of an
7 institution providing registered dental practitioner education;

8 (3) have practiced under direct supervision of a supervising dentist
9 for at least 500 hours before practicing under general supervision; and

10 (4) obtain a policy of professional liability insurance and show proof
11 of such insurance as required by rules and regulations.

12 (d) Registered dental practitioners shall practice in federally-
13 designated professional workforce shortage areas, designated as such
14 under 42 U.S.C. § 254c, indigent health care clinics, nursing homes, head
15 start, federal and state correctional institutions or in private practice
16 where at least 20% of total patient revenues are derived from medicaid.
17 Registered dental practitioners may also practice in those settings
18 provided in K.S.A. 65-1456, and amendments thereto, for dental
19 hygienists, dental hygienists with an extended care permit I and dental
20 hygienists with an extended care permit II, in addition to those settings
21 contained in this act. Registered dental practitioners may practice in any
22 other areas or sites where the board determines registered dental
23 practitioners will improve access.

24 (e) Any person practicing as a registered dental practitioner in
25 violation of the provisions of this act shall be guilty of a misdemeanor,
26 and the board may revoke or suspend such person's license therefor.

27 (f) This section shall take effect on and after July 1, 2013.

28 New Sec. 2. (a) The Kansas dental board may suspend or revoke the
29 license of any dentist who shall direct any registered dental practitioner
30 operating under such dentist's supervision to perform any operation other
31 than that permitted under the provisions of article 14 of chapter 65 of the
32 Kansas Statutes Annotated, and amendments thereto, and may suspend or
33 revoke the license of any registered dental practitioner found guilty of
34 performing any operation other than those permitted under the provisions
35 of article 14 of chapter 65 of the Kansas Statutes Annotated, and
36 amendments thereto. No license of any dentist or registered dental
37 practitioner shall be suspended or revoked in any administrative
38 proceedings without first complying with the notice and hearing
39 requirements of the Kansas administrative procedure act.

40 (b) Except as otherwise provided in this section, the practice of
41 dental therapy shall be performed under the direct or general supervision
42 of a licensed dentist. As used in this section: (1) "Direct supervision"
43 means that the dentist in the dental office, personally diagnoses the

1 condition to be treated, personally authorizes the procedure and before
2 dismissal of the patient evaluates the performance; and (2) "general
3 supervision" means the supervision of tasks or procedures without the
4 presence of the dentist in the office or on the premises at the time the
5 tasks or procedures are being performed, and pursuant to a written
6 supervising agreement, so long as those tasks and procedures are within
7 the scope of practice for a registered dental practitioner.

8 (c) A licensed registered dental practitioner may perform dental
9 services as authorized under this section including the following services
10 under general supervision unless restricted or prohibited in the
11 supervising agreement:

12 (1) Oral health instruction and disease prevention education,
13 including nutritional counseling and dietary analysis;

14 (2) preliminary charting of the oral cavity;

15 (3) making radiographs;

16 (4) dental prophylaxis (mechanical polishing);

17 (5) application of topical preventative or prophylactic agents,
18 including fluoride varnishes and pit and fissure sealants;

19 (6) pulp vitality testing;

20 (7) application of desensitizing medication or resin;

21 (8) fabrication of athletic mouthguards;

22 (9) placement of temporary restorations;

23 (10) fabrication of soft occlusal guards;

24 (11) tissue conditioning and soft reline;

25 (12) atraumatic restorative therapy;

26 (13) dressing changes;

27 (14) tooth reimplantation and stabilization;

28 (15) administration of local anesthetic;

29 (16) administration of nitrous oxide;

30 (17) diagnosis of oral disease;

31 (18) the formulation of an individualized treatment plan;

32 (19) extractions of primary teeth;

33 (20) nonsurgical extractions of periodontally diseased permanent
34 teeth with tooth mobility of +3 or +4. The registered dental practitioner
35 shall not extract a tooth for any patient if the tooth is unerupted,
36 impacted, fractured, or needs to be sectioned for removal;

37 (21) emergency palliative treatment of dental pain;

38 (22) the placement and removal of space maintainers;

39 (23) cavity preparation;

40 (24) restoration of primary and permanent teeth;

41 (25) placement of temporary crowns;

42 (26) preparation and placement of preformed crowns;

43 (27) pulpotomies on primary teeth;

1 (28) indirect and direct pulp capping on primary and permanent
2 teeth;

3 (29) suture removal;

4 (30) brush biopsies;

5 (31) simple repairs and adjustments for patients with removable
6 prosthetic appliances;

7 (32) recementing of permanent crowns;

8 (33) prevent potential orthodontic problems by early identification
9 and appropriate referral; and

10 (34) prevent, identify, and manage dental and medical emergencies
11 and maintain current basic life support certification.

12 (d) Any registered dental practitioner may practice dental hygiene
13 and dental services as may be performed by a dental hygienist and a
14 dental assistant under the provisions of K.S.A. 65-1423 and 65-1456, and
15 amendments thereto. Any registered dental practitioner shall be also duly
16 registered as a dental hygienist by the board.

17 (e) This section shall take effect on and after July 1, 2013.

18 New Sec. 3. (a) The board shall revoke or suspend the license of any
19 licensed registered dental practitioner who is found guilty of using or
20 attempting to use in any manner whatsoever any prophylactic lists, call
21 lists, records, reprints or copies of same, or information gathered
22 therefrom, of the names or patients whom the registered dental
23 practitioner might have served in the office of a prior employer, unless
24 such names appear upon the bona fide call or prophylactic list of the
25 registered dental practitioner's present employer and were caused to so
26 appear through the legitimate practice of dentistry as provided for in this
27 act.

28 (b) The board shall also suspend or revoke the license of any
29 licensed dentist who is found guilty of aiding or abetting or encouraging a
30 registered dental practitioner employed by such dentist to make use of a
31 so-called prophylactic call list, or the calling by telephone or by use of
32 written letters transmitted through the mails to solicit patronage from
33 patients formerly served in the office of any dentist formerly employing
34 such registered dental practitioner.

35 (c) No order of suspension or revocation provided in this section
36 shall be made or entered except after notice and opportunity for hearing
37 in accordance with the provisions of the Kansas administrative procedure
38 act. Any final order of suspension or revocation of a license shall be
39 reviewable in accordance with the Kansas judicial review act.

40 (d) This section shall take effect on and after July 1, 2013.

41 Sec. 4. The board shall adopt rules and regulations as may be
42 necessary to administer the provisions of this act regarding the licensure
43 of registered dental practitioners on or before July 1, 2013. The board

1 shall have such rules and regulation published in the Kansas register on
2 or before July 1, 2012.

3 Sec. 5. K.S.A. 65-1421 is hereby amended to read as follows: 65-
4 1421. It shall be unlawful for any person to practice dentistry, *dental*
5 *therapy* or dental hygiene in the state of Kansas, except:

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

7 (b) *those who are now duly registered dental practitioners, pursuant*
8 *to law;*

9 ~~(b)~~(c) those who are now duly licensed dental hygienists, pursuant to
10 law;

11 ~~(e)~~(d) those who may hereafter be duly licensed as dentists,
12 *registered dental practitioners* or dental hygienists, pursuant to the
13 provisions of this act.

14 Sec. 6. K.S.A. 65-1424 is hereby amended to read as follows: 65-
15 1424. The term "proprietor" as used in this act includes any person who:

16 (a) Employs dentists, *registered dental practitioners* or dental
17 hygienists in the operation of a dental office; or

18 (b) places in possession of a dentist, *registered dental practitioner* or
19 dental ~~hygienists~~hygienist or other agent such dental material or
20 equipment as may be necessary for the management of a dental office on
21 the basis of a lease or any other agreement for compensation for the use
22 of such material, equipment or offices; or

23 (c) retains the ownership or control of dental equipment or material
24 or office and makes the same available in any manner for the use by
25 dentists, *registered dental practitioners* or dental hygienists or other
26 agents except that nothing in this subsection ~~(e)~~ shall apply to bona fide
27 sales of dental equipment or material secured by a chattel mortgage or
28 retain title agreement.

29 A licensee of dentistry who enters into any of the above described
30 arrangements with an unlicensed proprietor may have such license
31 suspended or revoked by the board.

32 The estate or agent for a deceased or substantially disabled dentist
33 may employ dentists, for a period of not more than one year, to provide
34 service to patients until the practice can be sold.

35 Sec. 7. K.S.A. 2010 Supp. 65-1431 is hereby amended to read as
36 follows: 65-1431. (a) Each license to practice as a dentist, *registered*
37 *dental practitioner* or dental hygienist issued by the board, shall expire on
38 December 1 of the year specified by the board for the expiration of the
39 license and shall be renewed on a biennial basis. Each application for
40 renewal shall be made on a form prescribed and furnished by the board.
41 Every licensed dentist, *registered dental practitioner* or dental hygienist
42 shall pay to the board a renewal fee fixed by the board as provided in
43 K.S.A. 65-1447, and amendments thereto.

1 (b) To provide for a staggered system of biennial renewal of
2 licenses, the board may renew licenses for less than two years.

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

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

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

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

30 (2) Any licensee whose license is required to be renewed for the
31 next biennial period may obtain renewal, prior to February 1, by
32 submitting to the board the required renewal application, payment of the
33 biennial renewal fee and proof that such licensee has satisfactorily
34 completed a program of continuing education required by the board. Any
35 licensee whose license is required to be renewed for the next biennial
36 period may obtain renewal, between February 1 and March 1, by
37 submitting to the board the required renewal application, payment of the
38 biennial renewal fee, payment of a penalty fee of not to exceed \$500 as
39 fixed by rules and regulations by the board and proof that such licensee
40 has satisfactorily completed a program of continuing education required
41 by the board. The penalty fee in effect immediately prior to the effective
42 date of this act shall continue in effect until rules and regulations
43 establishing a penalty fee under this section become effective.

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

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

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

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

26 (i) The waiver of fees under subsection (h) shall continue so long as
27 the retirement or physical disability exists. Except as provided in K.S.A.
28 65-1466, and amendments thereto, in the event the licensee returns to the
29 practice for which such person is licensed, the requirement for payment
30 of fees and continuing education requirements shall be reimposed
31 commencing with and continuing after the date the licensee returns to
32 such active practice. Except as provided in K.S.A. 65-1466, and
33 amendments thereto, the performance of any dental service, including
34 consulting service, or the performance of any dental hygiene service,
35 including consulting service, shall be deemed the resumption of such
36 service, requiring payment of license fees.

37 (j) The Kansas dental board may adopt such rules and regulations
38 requiring the examination and providing means for examination of those
39 persons returning to active practice after a period of retirement or
40 disability as the board shall deem necessary and appropriate for the
41 protection of the people of the state of Kansas except that for an applicant
42 to practice *dental therapy* or dental hygiene who is returning to active
43 practice after a period of retirement or disability, the board shall authorize

1 as an alternative to the requirement for an examination that the applicant
2 successfully complete a refresher course as defined by the board in an
3 approved dental hygiene school *or registered dental practitioner*
4 *program*.

5 Sec. 8. K.S.A. 2010 Supp. 65-1434 is hereby amended to read as
6 follows: 65-1434. (a) The board, without examination, may issue a
7 license as a dentist, *registered dental practitioner* or dental hygienist to an
8 applicant holding a license in another state upon compliance with the
9 requirements of professional qualification and experience set forth in
10 subsection (b). The board shall prepare and adopt a form of application to
11 be submitted by an applicant for a license to be issued under this section.
12 On the receipt of any such application, the board shall conduct such
13 review, verification or other investigation of the applicant and the
14 professional qualifications, background, experience and practice of the
15 applicant as the board deems necessary to assure full compliance with the
16 requirements of this section. Any license so issued may be revoked by the
17 board upon evidence that an applicant has obtained a license under this
18 section through misrepresentation or omission of a material fact in the
19 application or other information submitted to the board.

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

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

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

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

1 *the date of application and shall have engaged in the active practice of*
2 *dental therapy for at least three years prior to the date of application.*

3 Each applicant for licensure as a dental hygienist under this section shall
4 have held a license to practice dental hygiene in another state of the
5 United States for the three-year period immediately preceding the date of
6 application and shall have engaged in the active practice of dental
7 hygiene for at least three years prior to the date of application. Successive
8 and continuous periods of active practice in other states will comply with
9 the active practice requirements of this paragraph (3). For the purpose of
10 determining the period of practice, periods of military service will be
11 considered to the extent approved by the Kansas dental board. Service as
12 a full-time faculty member in a school of dentistry will be considered the
13 practice of dentistry to the extent service involved full-time instruction in
14 dentistry including clinical dentistry. Service as a faculty member in a
15 school of dental hygiene will be considered the practice of dental hygiene
16 to the extent such service involved instruction in dental hygiene including
17 clinical dental hygiene. To be considered for the purposes of this statute,
18 any such school of dentistry, *dental therapy* or dental hygiene must be
19 approved by the Kansas dental board within the meaning of K.S.A. 65-
20 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~~*three* years immediately preceding the date of the
25 application. In the event the state or states in which the applicant has been
26 licensed and practiced has no such requirement, the applicant shall
27 provide such information concerning continuing education received by
28 the applicant during the ~~five-year~~*three-year* period preceding application
29 as may be required by the board. All applicants must have completed
30 continuing education sufficient to comply with that continuing education
31 required of Kansas licensees during the twenty-four-month period prior to
32 the date of the application for licensure unless the Kansas dental board
33 determines, for good cause shown, that the requirement will work an
34 undue hardship upon the applicant and the requirement is not necessary
35 for the protection of the people of Kansas based upon the training and
36 experience of the applicant.

37 (5) The applicant shall provide such other information concerning
38 the 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
42 director of the board or other agency governing licensure of dentists,
43 *registered dental practitioners* or dental hygienists of the state in which

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

16 (c) The Kansas dental board may direct an applicant to appear
17 before the board at a date, time and place to be determined by the Kansas
18 dental board to answer questions and provide such information
19 concerning the qualifications, background, experience and practice of the
20 applicant as the 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*
23 *registered dental practitioner* and applicants for licensure as a dental
24 hygienist unless the context otherwise indicates.

25 Sec. 9. K.S.A. 2010 Supp. 65-1436 is hereby amended to read as
26 follows: 65-1436. (a) The Kansas dental board may refuse to issue the
27 license provided for in this act, or may take any of the actions with
28 respect to any dental, *dental therapy* or dental hygiene license as set forth
29 in subsection (b), whenever it is established, after notice and opportunity
30 for hearing in accordance with the provisions of the Kansas
31 administrative procedure act, that any applicant for a dental, *dental*
32 *therapy* or dental hygiene license or any licensed dentist or dental
33 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 have rendered such
37 person unfit for the practice of dentistry or dental hygiene;

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

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

41 (5) employed, allowed or permitted any unlicensed person or
42 persons to perform any work in the licensee's office which constitutes the
43 practice of dentistry, *dental therapy* or dental hygiene under the

1 provisions of this act;

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

6 (7) engaged in the division of fees, or agreed to split or divide the
7 fee received for dental service with any person for bringing or referring a
8 patient without the knowledge of the patient or the patient's legal
9 representative, except the division of fees between dentists practicing in a
10 partnership and sharing professional fees, or in case of one licensed
11 dentist employing another;

12 (8) committed complicity in association with or allowed the use of
13 the licensed dentist's name in conjunction with any person who is
14 engaged in the illegal practice of dentistry;

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

18 (10) prescribed, dispensed, administered or distributed a prescription
19 drug or substance, including a controlled substance, in an excessive,
20 improper or inappropriate manner or quantity outside the scope of
21 practice of dentistry or in a manner that impairs the health and safety of
22 an individual;

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

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

28 (13) failed to pay license fees;

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

32 (15) committed, after becoming a licensee, any conduct which is
33 detrimental to the public health, safety or welfare as defined by rules and
34 regulations of the board;

35 (16) engaged in a misleading, deceptive, untrue or fraudulent
36 misrepresentation in the practice of dentistry or on any document
37 connected with the practice of dentistry by knowingly submitting any
38 misleading, deceptive, untrue or fraudulent misrepresentation on a claim
39 form, bill or statement, including the systematic waiver of patient co-
40 payment or co-insurance;

41 (17) failed to keep adequate records;

42 (18) the licensee has had a license to practice dentistry revoked,
43 suspended or limited, has been censured or has had other disciplinary

1 action taken, an application for license denied, or voluntarily surrendered
2 the license after formal proceedings have been commenced by the proper
3 licensing authority or another state, territory or the District of Columbia
4 or other country, a certified copy of the record of the action of the other
5 jurisdiction being conclusive evidence thereof;

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

8 (20) assisted suicide in violation of K.S.A. 21-3406, *prior to its*
9 *repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas,*
10 and amendments thereto, as established by any of the following:

11 (A) A copy of the record of criminal conviction or plea of guilty for
12 a felony in violation of K.S.A. 21-3406, *prior to its repeal, or section 42*
13 *of chapter 136 of the 2010 Session Laws of Kansas,* and amendments
14 thereto.

15 (B) A copy of the record of a judgment of contempt of court for
16 violating an injunction issued under K.S.A. 60-4404, and amendments
17 thereto.

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

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

26 (1) Revoke the license.

27 (2) Suspend the license for such period of time as may be
28 determined by the board.

29 (3) Restrict the right of the licensee to practice by imposing
30 limitations upon dental, *dental therapy* or dental hygiene procedures
31 which may be performed, categories of dental disease which may be
32 treated or types of patients which may be treated by the dentist, *registered*
33 *dental practitioner* or dental hygienist. Such restrictions shall continue for
34 such period of time as may be determined by the board, and the board
35 may require the licensee to provide additional evidence at hearing before
36 lifting such restrictions.

37 (4) Grant a period of probation during which the imposition of one
38 or more of the actions described in ~~subsections (b)(1) through (b)~~
39 ~~(3) paragraphs (1) through (3)~~ will be stayed subject to such conditions as
40 may be imposed by the board including a requirement that the dentist,
41 *registered dental practitioner* or dental hygienist refrain from any course
42 of conduct which may result in further violation of the dental practice act
43 or the dentist, *registered dental practitioner* or dental hygienist complete

1 additional or remedial instruction. The violation of any provision of the
2 dental practice act or failure to meet any condition imposed by the board
3 as set forth in the order of the board will result in immediate termination
4 of the period of probation and imposition of such other action as has been
5 taken by the board.

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

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

10 (2) repeated instances involving failure to adhere to the applicable
11 standard of dental, *dental therapy* or dental hygienist care to a degree
12 which constitutes ordinary negligence, as determined by the board; or

13 (3) a pattern of dental, *dental therapy* or dental hygienist practice or
14 other behavior which demonstrates a manifest incapacity or incompetence
15 to practice dentistry.

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

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

34 Sec. 10. K.S.A. 65-1441 is hereby amended to read as follows: 65-
35 1441. Whoever sells or offers to sell a diploma conferring a dental
36 degree, or a license granted pursuant to this act, or procures such diploma
37 or license with intent that it be used as evidence of the right to practice
38 dentistry, *dental therapy* or dental hygiene, as defined by law, by a person
39 other than the one upon whom it was conferred, or to whom such license
40 certificate or renewal certificate was granted, or with fraudulent intent
41 alters such diploma or license certificate or renewal certificate, or uses or
42 attempts to use it when it is so altered, shall be deemed guilty of a
43 misdemeanor. The board may refuse to grant a license to practice

1 dentistry, *dental therapy* or dental hygiene to any person found guilty of
2 making a false statement, or cheating or of fraud or deception either in
3 applying for a license or in taking any of the examinations provided for
4 under the dental practices act.

5 Sec. 11. K.S.A. 2010 Supp. 65-1447 is hereby amended to read as
6 follows: 65-1447. (a) On or before October 1 of each year, the Kansas
7 dental board shall determine the amount of funds which will be required
8 during the ensuing fiscal year to properly administer the laws which the
9 board is directed to enforce and administer and shall fix fees in
10 accordance with this section in such reasonable sums as may be necessary
11 for such purposes, within the limitations prescribed by subsection (b).

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

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

40 (c) The amounts of fees in effect on the day preceding the effective
41 date of this act and the act of which this section is amendatory shall
42 remain in effect until fixed in different amounts by the board under this
43 section. The board may adopt rules and regulations for the proration of

1 fees for a license issued for a period of time less than the biennial
2 licensure period.

3 Sec. 12. K.S.A. 65-1449 is hereby amended to read as follows: 65-
4 1449. (a) Except as provided by subsection (b), no action to revoke or
5 suspend a license shall be taken until the licensee has been furnished a
6 statement in writing of the charges against the licensee, together with a
7 notice of the time and place of the hearing. The statement of charges and
8 notice shall be served upon the licensee in accordance with the provisions
9 of the Kansas administrative procedure act.

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

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

23 Sec. 13. K.S.A. 65-1460 is hereby amended to read as follows: 65-
24 1460. Any person who shall practice dentistry, *dental therapy* or dental
25 hygiene in this state within the meaning of this act without having first
26 obtained a license from the board, or who violates any of the provisions
27 of this act, the penalty for which is not herein specifically provided, shall
28 be deemed guilty of a misdemeanor. Anyone convicted of a misdemeanor
29 under this act shall be punished by a fine of not more than ~~one thousand~~
30 ~~dollars~~ \$1,000, or by imprisonment in the county jail for not more than
31 twelve months, or by both such fine and imprisonment, in the discretion
32 of the court.

33 Sec. 14. K.S.A. 65-1462 is hereby amended to read as follows: 65-
34 1462. (a) No person reporting to the Kansas dental board under oath and
35 in good faith any information such person may have relating to alleged
36 incidents of malpractice or the qualifications, fitness or character of a
37 person licensed to practice dentistry shall be subject to a civil action for
38 damages as a result of reporting such information.

39 (b) Any state, regional or local association of licensed dentists,
40 *licensed registered dental practitioners* or licensed dental hygienists, and
41 the individual members of any committee thereof, which in good faith
42 investigates or communicates information pertaining to the alleged
43 incidents of malpractice or the qualifications, fitness or character of any

1 licensee to the Kansas dental board or to any committee or agent thereof,
2 shall be immune from liability in any civil action, that is based upon such
3 investigation or transmittal of information if the investigation and
4 communication was made in good faith and did not represent as true any
5 matter not reasonably believed to be true.

6 Sec. 15. K.S.A. 2010 Supp. 65-1469 is hereby amended to read as
7 follows: 65-1469. As used in this section:

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

10 (1) Any self-contained facility in which dentistry will be practiced,
11 which may be moved, towed or transported from one location to another.

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

17 (b) (1) No person shall operate a mobile dental facility or portable
18 dental operation in this state unless registered in accordance with this
19 section.

20 (2) In order to operate a mobile dental facility or portable dental
21 operation, the operator shall be a person or entity that is authorized to
22 own a dental practice under Kansas law and possess a current registration
23 issued by the board.

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

25 (A) Complete an application in the form and manner required by the
26 board; and

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

29 (c) (1) The registration under this section shall be renewed on March
30 1 of even-numbered years in the form and manner provided by the board
31 by rules and regulations.

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

34 (d) The board shall adopt rules and regulations as necessary to carry
35 out the provisions of this act. The rules and regulations shall include, but
36 not be limited to, requirements relating to the official address and
37 telephone number of the mobile dental facility or portable dental
38 operation, the proper maintenance of dental records, procedures for
39 emergency follow-up care for patients, appropriate communications
40 facilities, appropriate authorizations for treatment by dental patients,
41 follow-up treatment and services, personnel and address changes, notice
42 to be provided on cessation of operation and such other matters as the
43 board deems necessary to protect the public health and welfare.

1 (e) The board may refuse to issue a registration under this section or
2 may revoke or suspend a registration upon a finding by the board that an
3 applicant or person registered under this section has failed to comply with
4 any provision of the section or any rules and regulations adopted pursuant
5 to this section. No order refusing to issue a registration or order of
6 suspension or revocation shall be made or entered except after notice and
7 opportunity for hearing in accordance with the provisions of the Kansas
8 administrative procedure act. Any final order of suspension or revocation
9 of a license shall be reviewable in accordance with the Kansas judicial
10 review act.

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

14 (2) This section shall not apply to:

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

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

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

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

25 (E) a dentist *or registered dental practitioner* who is providing
26 dental services as a charitable health care provider under K.S.A. 75-6102,
27 and amendments thereto;

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

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

32 (g) This section shall be part of and supplemental to the dental
33 practices act.

34 Sec. 16. K.S.A. 2010 Supp. 65-4915 is hereby amended to read as
35 follows: 65-4915. (a) As used in this section:

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

1 therapist assistant certified by the state board of healing arts, an
2 occupational therapist licensed by the state board of healing arts, an
3 occupational therapy assistant licensed by the state board of healing arts,
4 a respiratory therapist licensed by the state board of healing arts, a
5 physician assistant licensed by the state board of healing arts and
6 attendants and ambulance services certified by the emergency medical
7 services board.

8 (2) "Health care provider group" means:

9 (A) A state or local association of health care providers or one or
10 more committees thereof;

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

13 (C) an organization of health care providers formed pursuant to state
14 or federal law and authorized to evaluate medical and health care
15 services;

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

18 (E) an organized medical staff of a licensed medical care facility as
19 defined by K.S.A. 65-425, and amendments thereto, an organized medical
20 staff of a private psychiatric hospital licensed under K.S.A. 75-3307b,
21 and amendments thereto, or an organized medical staff of a state
22 psychiatric hospital or state institution for the mentally retarded, as
23 follows: Larned state hospital, Osawatomie state hospital, Rainbow
24 mental health facility, Kansas neurological institute and Parsons state
25 hospital and training center;

26 (F) a health care provider;

27 (G) a professional society of health care providers or one or more
28 committees thereof;

29 (H) a Kansas corporation whose stockholders or members are health
30 care providers or an association of health care providers, which
31 corporation evaluates medical and health care services; or

32 (I) an insurance company, health maintenance organization or
33 administrator of a health benefits plan which engages in any of the
34 functions defined as peer review under this section.

35 (3) "Peer review" means any of the following functions:

36 (A) Evaluate and improve the quality of health care services
37 rendered by health care providers;

38 (B) determine that health services rendered were professionally
39 indicated or were performed in compliance with the applicable standard
40 of care;

41 (C) determine that the cost of health care rendered was considered
42 reasonable by the providers of professional health services in this area;

43 (D) evaluate the qualifications, competence and performance of the

- 1 providers of health care or to act upon matters relating to the discipline of
2 any individual provider of health care;
- 3 (E) reduce morbidity or mortality;
- 4 (F) establish and enforce guidelines designed to keep within
5 reasonable bounds the cost of health care;
- 6 (G) conduct of research;
- 7 (H) determine if a hospital's facilities are being properly utilized;
- 8 (I) supervise, discipline, admit, determine privileges or control
9 members of a hospital's medical staff;
- 10 (J) review the professional qualifications or activities of health care
11 providers;
- 12 (K) evaluate the quantity, quality and timeliness of health care
13 services rendered to patients in the facility;
- 14 (L) evaluate, review or improve methods, procedures or treatments
15 being utilized by the medical care facility or by health care providers in a
16 facility rendering health care.
- 17 (4) "Peer review officer or committee" means:
- 18 (A) An individual employed, designated or appointed by, or a
19 committee of or employed, designated or appointed by, a health care
20 provider group and authorized to perform peer review; or
- 21 (B) a health care provider monitoring the delivery of health care at
22 correctional institutions under the jurisdiction of the secretary of
23 corrections.
- 24 (b) Except as provided by K.S.A. 60-437, and amendments thereto,
25 and by subsections (c) and (d), the reports, statements, memoranda,
26 proceedings, findings and other records submitted to or generated by peer
27 review committees or officers shall be privileged and shall not be subject
28 to discovery, subpoena or other means of legal compulsion for their
29 release to any person or entity or be admissible in evidence in any judicial
30 or administrative proceeding. Information contained in such records shall
31 not be discoverable or admissible at trial in the form of testimony by an
32 individual who participated in the peer review process. The peer review
33 officer or committee creating or initially receiving the record is the holder
34 of the privilege established by this section. This privilege may be claimed
35 by the legal entity creating the peer review committee or officer, or by the
36 commissioner of insurance for any records or proceedings of the board of
37 governors.
- 38 (c) Subsection (b) shall not apply to proceedings in which a health
39 care provider contests the revocation, denial, restriction or termination of
40 staff privileges or the license, registration, certification or other
41 authorization to practice of the health care provider. A licensing agency in
42 conducting a disciplinary proceeding in which admission of any peer
43 review committee report, record or testimony is proposed shall hold the

1 hearing in closed session when any such report, record or testimony is
2 disclosed. Unless otherwise provided by law, a licensing agency
3 conducting a disciplinary proceeding may close only that portion of the
4 hearing in which disclosure of a report or record privileged under this
5 section is proposed. In closing a portion of a hearing as provided by this
6 section, the presiding officer may exclude any person from the hearing
7 location except the licensee, the licensee's attorney, the agency's attorney,
8 the witness, the court reporter and appropriate staff support for either
9 counsel. The licensing agency shall make the portions of the agency
10 record in which such report or record is disclosed subject to a protective
11 order prohibiting further disclosure of such report or record. Such report
12 or record shall not be subject to discovery, subpoena or other means of
13 legal compulsion for their release to any person or entity. No person in
14 attendance at a closed portion of a disciplinary proceeding shall at a
15 subsequent civil, criminal or administrative hearing, be required to testify
16 regarding the existence or content of a report or record privileged under
17 this section which was disclosed in a closed portion of a hearing, nor
18 shall such testimony be admitted into evidence in any subsequent civil,
19 criminal or administrative hearing. A licensing agency conducting a
20 disciplinary proceeding may review peer review committee records,
21 testimony or reports but must prove its findings with independently
22 obtained testimony or records which shall be presented as part of the
23 disciplinary proceeding in open meeting of the licensing agency. Offering
24 such testimony or records in an open public hearing shall not be deemed a
25 waiver of the peer review privilege relating to any peer review committee
26 testimony, records or report.

27 (d) Nothing in this section shall limit the authority, which may
28 otherwise be provided by law, of the commissioner of insurance, the state
29 board of healing arts or other health care provider licensing or
30 disciplinary boards of this state to require a peer review committee or
31 officer to report to it any disciplinary action or recommendation of such
32 committee or officer; to transfer to it records of such committee's or
33 officer's proceedings or actions to restrict or revoke the license,
34 registration, certification or other authorization to practice of a health care
35 provider; or to terminate the liability of the fund for all claims against a
36 specific health care provider for damages for death or personal injury
37 pursuant to subsection (i) of K.S.A. 40-3403, and amendments thereto.
38 Reports and records so furnished shall not be subject to discovery,
39 subpoena or other means of legal compulsion for their release to any
40 person or entity and shall not be admissible in evidence in any judicial or
41 administrative proceeding other than a disciplinary proceeding by the
42 state board of healing arts or other health care provider licensing or
43 disciplinary boards of this state.

1 (e) A peer review committee or officer may report to and discuss its
2 activities, information and findings to other peer review committees or
3 officers or to a board of directors or an administrative officer of a health
4 care provider without waiver of the privilege provided by subsection (b)
5 and the records of all such committees or officers relating to such report
6 shall be privileged as provided by subsection (b).

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

11 Sec. 17. K.S.A. 2010 Supp. 65-4921 is hereby amended to read as
12 follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and
13 amendments thereto:

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

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

18 (c) "Health care provider" means: (1) Those persons and entities
19 defined as a health care provider under K.S.A. 40-3401, and amendments
20 thereto; and (2) a dentist licensed by the Kansas dental board, *a*
21 *registered dental practitioner licensed by the Kansas dental board*, a
22 dental hygienist licensed by the Kansas dental board, a professional nurse
23 licensed by the board of nursing, a practical nurse licensed by the board
24 of nursing, a mental health technician licensed by the board of nursing, a
25 physical therapist licensed by the state board of healing arts, a physical
26 therapist assistant certified by the state board of healing arts, an
27 occupational therapist licensed by the state board of healing arts, an
28 occupational therapy assistant licensed by the state board of healing arts
29 and a respiratory therapist licensed by the state board of healing arts.

30 (d) "License," "licensee" and "licensing" include comparable terms
31 which relate to regulation similar to licensure, such as registration.

32 (e) "Medical care facility" means: (1) A medical care facility
33 licensed under K.S.A. 65-425 et seq., and amendments thereto; (2) a
34 private psychiatric hospital licensed under K.S.A. 75-3307b, and
35 amendments thereto; and (3) state psychiatric hospitals and state
36 institutions for the mentally retarded, as follows: Larned state hospital,
37 Osawatomie state hospital, Rainbow mental health facility, Kansas
38 neurological institute and Parsons state hospital and training center.

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

43 (g) "Risk manager" means the individual designated by a medical

1 care facility to administer its internal risk management program and to
2 receive reports of reportable incidents within the facility.

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

4 Sec. 18. K.S.A. 2010 Supp. 65-5912 is hereby amended to read as
5 follows: 65-5912. (a) Nothing in this act shall be construed to require any
6 insurer or other entity regulated under chapter 40 of the Kansas Statutes
7 Annotated or any other law of this state to provide coverage for or
8 indemnify for the services provided by a person licensed under this act.

9 (b) So long as the following persons do not hold themselves out to
10 the public to be dietitians or licensed dietitians or use these titles in
11 combination with other titles or use the abbreviation L.D., or any
12 combination thereof, nothing in this act shall be construed to apply:

13 (1) To any person licensed to practice the healing arts, a licensed
14 dentist, *a registered dental practitioner*, a licensed dental hygienist, a
15 licensed professional nurse, a licensed practical nurse, a licensed
16 psychologist, a licensed masters level psychologist, a licensed pharmacist
17 or an employee thereof, a physician assistant, a licensed professional
18 counselor;

19 (2) to any unlicensed employee of a licensed adult care home or a
20 licensed medical care facility as long as such person is working under the
21 general direction of a licensee in the healing arts, nursing or a dietetic
22 services supervisor as defined in regulations adopted by the secretary of
23 health and environment or a consultant licensed under this act;

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

25 (4) to any student enrolled in an approved academic program in
26 dietetics, home economics, nutrition, education or other like curriculum,
27 while engaged in such academic program;

28 (5) to prevent any person, including persons employed in health
29 food stores, from furnishing nutrition information as to the use of food,
30 food materials or dietary supplements, nor to prevent in any way the free
31 dissemination of information or of literature as long as no individual
32 engaged in such practices holds oneself out as being licensed under this
33 act;

34 (6) to prohibit any individual from marketing or distributing food
35 products, including dietary supplements, or to prevent any such person
36 from providing information to customers regarding the use of such
37 products;

38 (7) to prevent any employee of the state or a political subdivision
39 who is employed in nutrition-related programs from engaging in activities
40 included within the definition of dietetics practice as a part of such
41 person's employment;

42 (8) to any person who performs the activities and services of a
43 licensed dietitian or nutrition educator as an employee of the state or a

1 political subdivision, an elementary or secondary school, an educational
2 institution, a licensed institution, or a not-for-profit organization;

3 (9) to any person serving in the armed forces, the public health
4 service, the veterans administration or as an employee of the federal
5 government;

6 (10) to any person who has a degree in home economics insofar as
7 the activities of such person are within the scope of such person's
8 education and training;

9 (11) to any person who counsels or provides weight-control services
10 as a part of a franchised or recognized weight-control program or a
11 weight-control program that operates under the general direction of a
12 person licensed to practice the healing arts, nursing or a person licensed
13 under this act;

14 (12) to any person who is acting as a representative of a trade
15 association and who engages in one or more activities included within the
16 practice of dietetics as a representative of such association;

17 (13) to a licensed physical therapist who makes a dietetic or
18 nutritional assessment or gives dietetic or nutritional advice in the normal
19 practice of such person's profession or as otherwise authorized by law;

20 (14) to a dietitian licensed, registered or otherwise authorized to
21 practice dietetics in another state who is providing consultation in this
22 state;

23 (15) to any person conducting a teaching clinical demonstration
24 which is carried out in an educational institution or an affiliated clinical
25 facility or health care agency;

26 (16) to any person conducting classes or disseminating information
27 relating to nonmedical nutrition; or

28 (17) to any person permitted to practice under K.S.A. 65-2872a, and
29 amendments thereto.

30 (c) Nothing in this act shall be construed to interfere with the
31 religious practices or observances of a bona fide religious organization,
32 nor to prevent any person from caring for the sick in accordance with
33 tenets and practices of any church or religious denomination which
34 teaches reliance upon spiritual means through prayer for healing.

35 Sec. 19. K.S.A. 2010 Supp. 65-7304 is hereby amended to read as
36 follows: 65-7304. The following shall be exempt from the requirement of
37 a license pursuant to this act:

38 (a) A ~~licensed~~ *registered dental practitioner*;

39 (b) a person issued a postgraduate permit by the board or students
40 while in actual attendance in an accredited health care educational
41 program for radiologic technology and under the supervision of a
42 qualified instructor;

43 (c) health care providers in the United States armed forces, public

1 health services, federal facilities and other military service when acting in
2 the line of duty in this state;

3 (d) persons rendering assistance in the case of an emergency;

4 (e) a licensed dental hygienist, *a registered dental practitioner* or an
5 unlicensed person working under the supervision of a licensed dentist
6 who has been trained by a licensed dentist on the proper use of dental
7 radiographic equipment for the purpose of providing medical imaging for
8 dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and
9 amendments thereto; and

10 (f) a licensed physician assistant, a licensed nurse or an unlicensed
11 person performing radiologic technology procedures who is: (1) Working
12 under the supervision of a licensed *registered dental practitioner* or a
13 person designated by a hospital licensed pursuant to K.S.A. 65-425 et
14 seq., and amendments thereto;; and (2) who has been trained on the
15 proper use of equipment for the purpose of performing radiologic
16 technology procedures consistent with K.S.A. 65-2001; et seq.; or K.S.A.
17 65-2801, et seq., and amendments thereto. The board shall adopt rules
18 and regulations to assure that persons exempted from licensure under this
19 subsection receive continuing education consistent with their practice
20 authorized herein.

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

22 Sec. 20. K.S.A. 74-1404 is hereby amended to read as follows: 74-
23 1404. (a) In order to accomplish the purpose and to provide for the
24 enforcement of this act, there is hereby created the Kansas dental board.
25 The board shall be vested with authority to carry out the purposes and
26 enforce the provisions of this act. The board shall consist of the
27 following: (1) Six licensed and qualified resident dentists; (2) *two*
28 *resident registered dental practitioners*; (3) two licensed and qualified
29 resident dental hygienists; and ~~(3)~~ (4) one representative of the general
30 public. At least 30 days before the expiration of any term, other than that
31 of the member appointed from the general public or a member who is a
32 dental hygienist *or a registered dental practitioner*, the Kansas dental
33 association or its successor shall submit to the governor a list of three
34 names of persons of recognized ability who have the qualifications
35 prescribed for the dentist board members. *At least 30 days before the*
36 *initial appointment and expiration of the term of the registered dental*
37 *practitioner member of the board, the dental hygiene association shall*
38 *submit to the governor a list of three names of persons of recognized*
39 *ability who have the qualifications prescribed for the registered dental*
40 *practitioner member.* At least 30 days before the expiration of the term of
41 the dental hygienist member of the board, the Kansas dental hygiene
42 association shall submit to the governor a list of three names of persons
43 of recognized ability who have the qualifications prescribed for the dental

1 hygienist member. For the four new members to be appointed under this
2 act, such names shall be submitted within 10 days after the effective date
3 of this act. The governor shall consider such list of persons in making the
4 appointment to the board.

5 (b) The members shall be appointed by the governor in the manner
6 hereinafter prescribed for terms of four years and until their successors
7 are appointed and qualified. Of the six licensed dentists on the board, one
8 shall be appointed from each congressional district and two shall be
9 appointed from the state at large. On and after the effective date of this
10 act, no person shall be appointed for more than two consecutive four-year
11 terms. No person in any way connected with a dental supply or dental
12 laboratory business shall be eligible for appointment to the board. No
13 person shall be eligible for appointment to the board who has been
14 convicted of a violation of any of the provisions of this or any other prior
15 dental practice act or who has been convicted of a felony. A dentist who is
16 an officer of the Kansas dental association shall not be eligible for
17 appointment to the Kansas dental board. A dental hygienist who is an
18 officer of the Kansas dental hygienists association shall not be eligible for
19 appointment to the Kansas dental board. No dentist or dental hygienist
20 shall be appointed to the board who has not been engaged in the active
21 practice of dentistry or dental hygiene in the state of Kansas for at least
22 ~~five~~*three* years next preceding appointment. Whenever a vacancy occurs
23 it shall be filled by appointment for the remainder of the unexpired term
24 in the same manner as an original appointment is made. *Upon the*
25 *expiration of terms of office of members, successors shall be appointed in*
26 *the same manner as original appointments for terms of four years.*

27 (c) ~~Upon the effective date of this act, in order to expand the~~
28 ~~membership to the prescribed six dentists and two dental hygienists, the~~
29 ~~governor shall appoint three additional dentists and one additional~~
30 ~~hygienist to the board in the manner described in this section. Of the three~~
31 ~~new dental members, one shall serve until April 30, 2000, one shall serve~~
32 ~~until April 30, 2001 and one shall serve until April 30, 2002, as~~
33 ~~designated by the governor. Thereafter, all terms shall be four-year terms~~
34 ~~beginning May 1 of the appointment year and expiring April 30 four~~
35 ~~years later. When the terms of the existing dentist members which expire~~
36 ~~May 1, 2000, and May 1, 2001 conclude, then successors shall be~~
37 ~~appointed for four year terms beginning May 1 and expiring April 30 four~~
38 ~~years later. The additional dental hygienist appointed upon the effective~~
39 ~~date of this act shall serve until April 30, 2002, and thereafter the~~
40 ~~successor shall serve a four-year term beginning May 1 and expiring~~
41 ~~April 30 four years later. Upon the expiration of terms of office of~~
42 ~~members, successors shall be appointed in the same manner as original~~
43 ~~appointments for terms of four years. *Of the two new registered dental*~~

1 *practitioner members, one shall serve a two-year term beginning May 1,*
2 *2015, until April 30, 2017, and thereafter the successor shall serve a*
3 *four-year term. Another registered dental practitioner member shall*
4 *serve a four-year term beginning May 1, 2015, until April 30, 2019, and*
5 *thereafter the successor shall serve a four-year term.*

6 Sec. 21. K.S.A. 74-1405 is hereby amended to read as follows: 74-
7 1405. (a) The board at its first meeting day of each year shall elect from
8 its members a president, vice-president and secretary. The board shall
9 have a common seal. The board shall hold two regular meetings each year
10 at times to be fixed by the board, and special meetings at such other times
11 as may be necessary.

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

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

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

36 (e) The board in its discretion may affiliate as an active member
37 with the national association of dental examiners and any organization of
38 one or more state boards for the purpose of conducting a standard
39 examination of candidates for licensure as dentists, *registered dental*
40 *practitioners* or dental hygienists and pay regular dues to such association
41 or organization, and may send members of the board to the meetings of
42 the national association and the meetings of any organization of state
43 boards of dental examiners organized for the purpose of conducting a

1 standard examination of candidates for licensure as dentists, *registered*
2 *dental practitioners* and dental hygienists.

3 (f) The executive director shall remit all moneys received by or for
4 such executive director from fees, charges or penalties to the state
5 treasurer in accordance with the provisions of K.S.A. 75-4215, and
6 amendments thereto. Upon receipt of each such remittance, the state
7 treasurer shall deposit the entire amount in the state treasury. Twenty
8 percent of each such deposit shall be credited to the state general fund
9 and the balance shall be credited to the dental board fee fund. All
10 expenditures from such fund shall be made in accordance with
11 appropriation acts upon warrants of the director of accounts and reports
12 issued pursuant to vouchers approved by the president of the board or by
13 a person or persons designated by the president.

14 Sec. 22. K.S.A. 74-1406 is hereby amended to read as follows: 74-
15 1406. The board shall exercise, subject to the provisions of this act, the
16 following powers and duties:

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

18 (b) Adopt rules and regulations for qualification and licensing of
19 *registered dental practitioners and dental hygienists*.

20 (c) Adopt rules and regulations regarding sanitation.

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

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

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

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

28 (h) Grant licenses, issue license certificates as specialists in dentistry
29 and issue renewal licenses and certificates as specialists in dentistry in
30 conformity with this act to such applicants and dentists as have been
31 found qualified.

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

35 (j) Employ such persons as it may deem necessary to assist in
36 carrying out the duties of the board in the administration and enforcement
37 of this act, and to provide offices, furniture, fixtures, supplies, printing or
38 secretarial service, and may expend such funds as may be deemed
39 necessary therefor, and may appoint an attorney to advise and assist in the
40 carrying out and enforcing of the provisions of this act.

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

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

4 Sec. 23. K.S.A. 2010 Supp. 75-2935 is hereby amended to read as
5 follows: 75-2935. The civil service of the state of Kansas is hereby
6 divided into the unclassified and the classified services:-

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

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

10 (b) members of boards and commissions, heads of departments
11 required by law to be appointed by the governor or by other elective
12 officers, and the executive or administrative heads of offices,
13 departments, divisions and institutions specifically established by law;

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

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

18 (e) officers and employees of the senate and house of representatives
19 of the legislature and of the legislative coordinating council and all
20 officers and employees of the office of revisor of statutes, of the
21 legislative research department, of the division of legislative
22 administrative services, of the division of post audit and the legislative
23 counsel;

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

1 designated job classes; and employees of any institution under the state
2 board of regents who are medical technologists;

3 (g) operations, maintenance and security personnel employed to
4 implement agreements entered into by the adjutant general and the federal
5 national guard bureau, and officers and enlisted persons in the national
6 guard and the naval militia;

7 (h) persons engaged in public work for the state but employed by
8 contractors when the performance of such contract is authorized by the
9 legislature or other competent authority;

10 (i) persons temporarily employed or designated by the legislature or
11 by a legislative committee or commission or other competent authority to
12 make or conduct a special inquiry, investigation, examination or
13 installation;

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

19 (k) all employees of courts;

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

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

22 (n) the secretary and assistant secretary of the Kansas state historical
23 society;

24 (o) physician specialists, dentists, *registered dental practitioners*,
25 dental hygienists, pharmacists, medical technologists and long term care
26 workers employed by the department of social and rehabilitation services;

27 (p) physician specialists, dentists and medical technologists
28 employed by any board, commission or department or by any institution
29 under the jurisdiction thereof;

30 (q) student employees enrolled in public institutions of higher
31 learning;

32 (r) administrative officers, directors and teaching personnel of the
33 state board of education and the state department of education and of any
34 institution under the supervision and control of the state board of
35 education, except that this ~~subsection (1)(r)paragraph~~ shall not be
36 construed to include the custodial, clerical or maintenance employees, or
37 any employees performing duties in connection with the business
38 operations of any such institution, except administrative officers and
39 directors;

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

41 (t) one personal secretary and one special assistant to the following:
42 The secretary of administration, the secretary of aging, the secretary of
43 agriculture, the secretary of commerce, the secretary of corrections, the

1 secretary of health and environment, the superintendent of the Kansas
2 highway patrol, the secretary of labor, the secretary of revenue, the
3 secretary of social and rehabilitation services, the secretary of
4 transportation, the secretary of wildlife and parks and the commissioner
5 of juvenile justice;

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

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

10 (w) one public information officer and one chief attorney for the
11 following: The department of administration, the department on aging,
12 the department of agriculture, the department of commerce, the
13 department of corrections, the department of health and environment, the
14 department of labor, the department of revenue, the department of social
15 and rehabilitation services, the department of transportation, the Kansas
16 department of wildlife and parks and the commissioner of juvenile
17 justice;

18 (x) civil service examination monitors;

19 (y) one executive director, one general counsel and one director of
20 public affairs and consumer protection in the office of the state
21 corporation commission;

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

24 (aa) all officers and employees of Kansas, Inc. and the Kansas
25 technology enterprise corporation;

26 (bb) any position that is classified as a position in the information
27 resource manager job class series, that is the chief position responsible
28 for all information resources management for a state agency, and that
29 becomes vacant on or after the effective date of this act. Nothing in this
30 section shall affect the classified status of any employee in the classified
31 service who is employed on the date immediately preceding the effective
32 date of this act in any position that is a classified position in the
33 information resource manager job class series and the unclassified status
34 as prescribed by this subsection shall apply only to a person appointed to
35 any such position on or after the effective date of this act that is the chief
36 position responsible for all information resources management for a state
37 agency; and

38 (cc) positions at state institutions of higher education that have been
39 converted to unclassified positions pursuant to K.S.A. 2010 Supp. 76-
40 715a, and amendments thereto.

41 (2) The classified service comprises all positions now existing or
42 hereafter created which are not included in the unclassified service.
43 Appointments in the classified service shall be made according to merit

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

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

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

19 Sec. 24. K.S.A. 2010 Supp. 75-6102 is hereby amended to read as
20 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and
21 amendments thereto, unless the context clearly requires otherwise:

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

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

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

29 (d) (1) "Employee" means: (A) Any officer, employee, servant or
30 member of a board, commission, committee, division, department, branch
31 or council of a governmental entity, including elected or appointed
32 officials and persons acting on behalf or in service of a governmental
33 entity in any official capacity, whether with or without compensation, and
34 a charitable health care provider;

35 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
36 8818, and amendments thereto, regardless of whether the services of such
37 steward or racing judge are rendered pursuant to contract as an
38 independent contractor;

39 (C) employees of the United States marshal's service engaged in the
40 transportation of inmates on behalf of the secretary of corrections;

41 (D) a person who is an employee of a nonprofit independent
42 contractor, other than a municipality, under contract to provide
43 educational or vocational training to inmates in the custody of the

1 secretary of corrections and who is engaged in providing such service in
2 an institution under the control of the secretary of corrections provided
3 that such employee does not otherwise have coverage for such acts and
4 omissions within the scope of their employment through a liability
5 insurance contract of such independent contractor;

6 (E) a person who is an employee or volunteer of a nonprofit
7 program, other than a municipality, who has contracted with the
8 commissioner of juvenile justice or with another nonprofit program that
9 has contracted with the commissioner of juvenile justice to provide a
10 juvenile justice program for juvenile offenders in a judicial district
11 provided that such employee or volunteer does not otherwise have
12 coverage for such acts and omissions within the scope of their
13 employment or volunteer activities through a liability insurance contract
14 of such nonprofit program;

15 (F) a person who contracts with the Kansas guardianship program to
16 provide services as a court-appointed guardian or conservator;

17 (G) an employee of an indigent health care clinic;

18 (H) former employees for acts and omissions within the scope of
19 their employment during their former employment with the governmental
20 entity;

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

25 (J) medical students enrolled at the university of Kansas medical
26 center who are in clinical training, on or after July 1, 2008, at the
27 university of Kansas medical center or at another health care institution.

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

30 (B) any independent contractor under contract with a governmental
31 entity except those contractors specifically listed in paragraph (1) of this
32 subsection.

33 (e) "Charitable health care provider" means a person licensed by the
34 state board of healing arts as an exempt licensee or a federally active
35 licensee, a person issued a limited permit by the state board of healing
36 arts, a physician assistant licensed by the state board of healing arts, a
37 mental health practitioner licensed by the behavioral sciences regulatory
38 board or a health care provider as the term "health care provider" is
39 defined under K.S.A. 65-4921, and amendments thereto, who has entered
40 into an agreement with:

41 (1) The secretary of health and environment under K.S.A. 75-6120,
42 and amendments thereto, who, pursuant to such agreement, gratuitously
43 renders professional services to a person who has provided information

1 which would reasonably lead the health care provider to make the good
2 faith assumption that such person meets the definition of medically
3 indigent person as defined by this section or to a person receiving
4 medical assistance from the programs operated by the Kansas health
5 policy authority, and who is considered an employee of the state of
6 Kansas under K.S.A. 75-6120, and amendments thereto;

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

10 (3) a local health department or indigent health care clinic, which
11 renders professional services to medically indigent persons or persons
12 receiving medical assistance from the programs operated by the Kansas
13 health policy authority gratuitously or for a fee paid by the local health
14 department or indigent health care clinic to such provider and who is
15 considered an employee of the state of Kansas under K.S.A. 75-6120, and
16 amendments thereto. Professional services rendered by a provider under
17 this paragraph (3) shall be considered gratuitous notwithstanding fees
18 based on income eligibility guidelines charged by a local health
19 department or indigent health care clinic and notwithstanding any fee
20 paid by the local health department or indigent health care clinic to a
21 provider in accordance with this paragraph (3); or

22 (4) the secretary of health and environment to provide dentistry
23 services defined by K.S.A. 65-1422 et seq., and amendments thereto,
24 *registered dental practitioner services defined by section 3, and*
25 *amendments thereto*, or dental hygienist services defined by K.S.A. 65-
26 1456, and amendments thereto, that are targeted, but are not limited to
27 medically indigent persons, and are provided on a gratuitous basis at a
28 location sponsored by a not-for-profit organization that is not the dentist
29 or dental hygienist office location. Except that such dentistry services and
30 dental hygienist services shall not include "oral and maxillofacial
31 surgery" as defined by ~~Kansas administrative regulation~~ K.A.R. 71-2-2, or
32 use sedation or general anesthesia that result in "deep sedation" or
33 "general anesthesia" as defined by ~~Kansas administrative~~
34 ~~regulation~~ K.A.R. 71-5-1.

35 (f) "Medically indigent person" means a person who lacks resources
36 to pay for medically necessary health care services and who meets the
37 eligibility criteria for qualification as a medically indigent person
38 established by the secretary of health and environment under K.S.A. 75-
39 6120, and amendments thereto.

40 (g) "Indigent health care clinic" means an outpatient medical care
41 clinic operated on a not-for-profit basis which has a contractual
42 agreement in effect with the secretary of health and environment to
43 provide health care services to medically indigent persons.

1 (h) "Local health department" shall have the meaning ascribed to
2 such term under K.S.A. 65-241, and amendments thereto.

3 (i) "Fire control, fire rescue or emergency medical services
4 equipment" means any vehicle, firefighting tool, protective clothing,
5 breathing apparatus and any other supplies, tools or equipment used in
6 firefighting or fire rescue or in the provision of emergency medical
7 services.

8 Sec. 25. K.S.A. 65-1421, 65-1424, 65-1441, 65-1449, 65-1460, 65-
9 1462, 74-1404, 74-1405 and 74-1406 and K.S.A. 2010 Supp. 65-1431,
10 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-
11 7304, 75-2935 and 75-6102 are hereby repealed.

12 Sec. 26. This act shall take effect and be in force from and after its
13 publication in the statute book.

14