

HOUSE BILL No. 2642

By Committee on Health and Human Services

Requested by Representative Eplee on behalf of the Kansas Dental Association

1-31

1 AN ACT concerning health professions and practices; relating to the
2 regulation of dentists; Kansas dental board; requiring a dentist to
3 establish a bona fide relationship with a patient before providing dental
4 services; prohibiting dental service contracts that limit a patient's ability
5 to file a complaint with the board; updating certain provisions of the
6 Kansas dental practices act; amending K.S.A. 65-1430 and 65-1467
7 and repealing the existing sections.
8

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

10 New Section 1. (a) Except as otherwise provided in subsection (b), a
11 dentist shall establish a bona fide relationship with a patient before
12 providing services to such patient. A bona fide relationship between a
13 patient and a dentist shall exist if the dentist has:

14 (1) Reviewed the patient's relevant diagnostic dental records, medical
15 history, dental history and prescription history;

16 (2) performed an appropriate, in-person examination of the patient for
17 the purpose of diagnosing, assessing, developing a treatment plan or
18 determining the patient's current medical or dental condition;

19 (3) reviewed radiographs or appropriate bone imaging taken within
20 the preceding six months for treatment for the correction of malposition of
21 human teeth or initial use of an orthodontic appliance; and

22 (4) discussed a reasonable expectation to provide follow-up care and
23 treatment to the patient.

24 (b) The provisions of this section shall not apply to a dentist
25 providing services to a patient without remuneration or to the practice of
26 dental hygiene under the delegation and supervision of a dentist as
27 provided under K.S.A. 65-1456(e) through (i), and amendments thereto.

28 (c) The provisions of this section shall be a part of and supplemental
29 to the Kansas dental practices act.

30 Sec. 2. K.S.A. 65-1430 is hereby amended to read as follows: 65-
31 1430. Every practitioner of dentistry within the meaning of this act shall
32 post and keep conspicuously displayed the dentist's name, license and
33 current license renewal certificate in each office in which the dentist
34 practices, in plain sight of patients, and if there is more than one dentist
35 practicing or employed in any office, the manager or proprietor of such

1 office shall post or display, or cause to be posted and displayed, in like
2 manner the name and license of each dentist so practicing or employed in
3 such office. *If a licensed dentist is providing dental services outside a*
4 *dental office, each patient of such dentist shall be provided with such*
5 *dentist's name, contact telephone number; after hours contact information*
6 *for emergencies and, upon the patient's request, such dentist's license*
7 *information.*

8 Sec. 3. K.S.A. 65-1467 is hereby amended to read as follows: 65-
9 1467. (a) Any complaint or report, record or other information relating to a
10 complaint ~~which~~ *that* is received, obtained or maintained by the Kansas
11 dental board shall be confidential and shall not be disclosed by the board
12 or its employees in a manner ~~which~~ *that* identifies or enables identification
13 of the person who is the subject or source of the information except the
14 information may be disclosed:

15 (1) In any proceeding conducted by the board under the law or in an
16 appeal of an order of the board entered in a proceeding, or to any party to a
17 proceeding or appeal or the party's attorney;

18 (2) to the person who is the subject of the information or to any
19 person or entity when requested by the person who is the subject of the
20 information, ~~but~~ *except that* the board may require disclosure in such a
21 manner that will prevent identification of any other person who is the
22 subject or source of the information; *or*

23 (3) to a state or federal licensing, regulatory or enforcement agency
24 with jurisdiction over the subject or the information or to an agency with
25 jurisdiction over acts or conduct similar to acts or conduct ~~which~~ *that*
26 would constitute grounds for action under this act. Any confidential
27 complaint or report, record or other information disclosed by the board as
28 authorized by this section shall not be redisclosed by the receiving agency
29 except as otherwise authorized by law.

30 (b) *A dentist or contract for dental services shall not require a patient*
31 *to sign an agreement that attempts to limit the patient's ability to file a*
32 *complaint with the Kansas dental board.*

33 (c) This section shall be a part of and supplemental to the Kansas
34 dental practices act.

35 Sec. 4. K.S.A. 65-1430 and 65-1467 are hereby repealed.

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