

SENATE BILL No. 91

By Committee on Public Health and Welfare

1-25

Kevin Robertson
Amendments
March 8, 2005

10 AN ACT concerning *the Kansas dental board; fees; regulation of mo-*
11 *bile dental facilities and portable dental operations;* amending
12 K.S.A. 65-1447 and repealing the existing section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 65-1447 is hereby amended to read as follows: 65-
16 1447. (a) On or before October 1 of each year, the Kansas dental board
17 shall determine the amount of funds which will be required during the
18 ensuing fiscal year to properly administer the laws which the board is
19 directed to enforce and administer and shall fix fees in accordance with
20 this section in such reasonable sums as may be necessary for such pur-
21 poses, within the limitations prescribed by subsection (b).

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

23 Examination fee for dental applicants—not more than	\$125 200
24 Subsequent examination fee for dental applicants—not more than	65 100
25 Examination fee for specialty qualifications—not more than	125 200
26 Credentials/qualifications fee—not more than	125 300
27 Duplicate certificate fee—not more than.....	15 25
28 Certificate fee, including certificate for credentials/qualifications, for den-	
29 tists and dental hygienists—not more than	15 25
30 Biennial license renewal fee for dentists—not more than	250 325
31 Examination fee for dental hygienist applicants—not more than	65 100
32 Subsequent examination fee for dental hygienist applicants—not more	
33 than	65 100
34 Biennial license renewal fee for dental hygienists—not more than	125 160
35 Reinstatement of a revoked license—not more than.....	1,000 2,000
36 <i>Processing fee for failure to notify of change of address—not more</i>	
37 <i>than.....</i>	100
38 <i>Registration fee to operate a mobile dental facility or portable dental op-</i>	
39 <i>eration—not more than.....</i>	500
40 <i>Biennial registration renewal fee for mobile dental facility or portable</i>	
41 <i>dental operation—not more than.....</i>	350

42 (c) The amounts of fees in effect on the day preceding the effective
43 date of this act and the act of which this section is amendatory shall remain

1 in effect until fixed in different amounts by the board under this section.
2 The board may adopt rules and regulations for the proration of fees for
3 a license issued for a period of time less than the biennial licensure period.

4 ***New Sec. 2. As used in this section:***

5 (a) ***“Mobile dental facility or portable dental operation” means***
6 ***either of the following:***

7 (1) ***Any self-contained facility in which dentistry will be prac-***
8 ***ticed, which may be moved, towed or transported from one location***
9 ***to another.***

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

15 (b) (1) ***No person shall operate a mobile dental facility or port-***
16 ***able dental operation in this state unless registered in accordance***
17 ***with this section.***

18 (2) ***In order to operate a mobile dental facility or portable den-***
19 ***tal operation, the operator shall be a person or entity that is au-***
20 ***thorized to own a dental practice under Kansas law and possess a***
21 ***current registration issued by the board.***

22 (3) ***To become registered, the operator shall:***

23 (A) ***Complete an application in the form and manner required***
24 ***by the board; and***

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

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

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

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

, except that a not-for-profit organization providing dental services under K.S.A. 75-6102, and amendments thereto, shall be exempt from this act

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

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

15 (2) This section shall not apply to:

16 (A) Dentists providing dental services for federal, state and lo-
 17 cal governmental agencies;

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

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

25 (D) dental hygienists who are providing dental hygiene services
 26 as authorized by the Kansas dental act and the board's rules and
 27 regulations; ~~and~~

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

30 Sec. 23. K.S.A. 65-1447 is hereby repealed.

31 Sec. 24. This act shall take effect and be in force from and after its
 32 publication in the statute book.

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(E) dentists who are providing dental services under K.S.A. 75-6102,
 and amendments thereto; and

(F) dental hygienists who are providing dental hygiene services under
 K.S.A. 75-6102, and amendments thereto.