

**SENATE BILL No. 132**

By Committee on Public Health and Welfare

2-7

1 AN ACT concerning dental care; increasing availability and access to  
2 dental care; enacting the Kansas comprehensive oral health initiative  
3 act; establishing the Kansas dentistry bridging loan program;  
4 amending K.S.A. 2010 Supp. 65-1456 and repealing the existing  
5 section.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. Sections 1 through 8, and amendments thereto, shall  
9 be known and may be cited as the Kansas comprehensive oral health  
10 initiative act.

11 New Sec. 2. The Kansas health policy authority shall provide dental  
12 coverage for persons who are otherwise covered by the Kansas medicaid  
13 program.

14 New Sec. 3. (a) There is hereby established the Kansas dentistry  
15 bridging loan program within the bureau of oral health of the division of  
16 health of the department of health and environment. The Kansas dentistry  
17 bridging loan program shall be administered by the bureau of oral health  
18 in order to provide encouragement, opportunities and incentives for  
19 persons who have successfully completed the degree of doctor of dental  
20 surgery or doctor of dental medicine from a dental school approved by  
21 the Kansas dental board and to locate their dental practice in rural Kansas  
22 communities upon completion of such education.

23 (b) Subject to the provisions of appropriation acts, the secretary of  
24 health and environment or an authorized designee may enter into  
25 dentistry bridging loan agreements, in accordance with the provisions of  
26 this section with anyone who has successfully completed the first year of  
27 study of a degree of doctor of dental surgery or doctor of dental medicine  
28 from a school of dentistry approved by the Kansas dental board.

29 (c) Subject to the provisions of appropriation acts, each person  
30 entering into a dentistry bridging loan agreement under this section shall  
31 receive \$10,000 annually while enrolled in a school of dentistry or dental  
32 residency program in accordance with the practice commitment  
33 agreement.

34 (d) Each dentistry bridging loan agreement shall require that the  
35 person receiving the loan:

36 (1) Engage in the full-time practice of dentistry in any county in

1 Kansas other than Butler, Douglas, Johnson, Leavenworth, Reno, Riley,  
2 Saline, Sedgwick, Shawnee or Wyandotte for a period of not less than the  
3 length of the course of instruction for which the loan was awarded under  
4 a practice commitment agreement; and

5 (2) commence such full-time practice of dentistry within 90 days  
6 after completing a dental residency program or receiving a license to  
7 practice dentistry in this state.

8 (e) Upon failure to satisfy the obligation to engage in the full-time  
9 practice of dentistry in accordance with the provisions of the dental  
10 bridging loan agreement and this section, the person receiving the loan  
11 shall repay to the department of health and environment within 90 days of  
12 such failure, the amount equal to the amount of money received by such  
13 person from the department of health and environment, less credits  
14 earned, under such agreement plus interest at the annual rate of 15% from  
15 the date such money was received.

16 (f) An obligation to engage in the practice of dentistry in accordance  
17 with the provisions of a dentistry bridging loan agreement and this  
18 section shall be postponed during: (1) Any period of temporary medical  
19 disability during which the person obligated is unable to practice dentistry  
20 because of such medical disability; or (2) any other period of  
21 postponement agreed to or determined in accordance with criteria agreed  
22 to in the practice commitment agreement.

23 (g) An obligation to engage in the practice of dentistry in accordance  
24 with the provisions of a dentistry bridging loan agreement and this  
25 section shall be satisfied: (1) If the obligation to engage in the practice of  
26 dentistry in accordance with such agreement has been completed; (2) if  
27 the person obligated dies; or (3) if, because of permanent physical  
28 disability, the person obligated is unable to practice dentistry.

29 (h) The department of health and environment may adopt rules and  
30 regulations providing additional requirements or conditions for  
31 participation in the Kansas dentistry bridging loan program as are  
32 practicable and appropriate to accomplish the purposes of the program or  
33 as may be required for the implementation or administration of the  
34 program and, in any case, as are not inconsistent with the provisions of  
35 this section or the provisions of appropriation acts.

36 (i) Any person who is qualified under subsection (b) shall enter into  
37 a practice commitment agreement to commence the full-time practice of  
38 dentistry in any county in Kansas other than Butler, Douglas, Johnson,  
39 Leavenworth, Reno, Riley, Saline, Sedgwick, Shawnee or Wyandotte.  
40 Any local government of the county where such person is located to  
41 practice dentistry shall provide benefits to such person in an aggregate  
42 monetary value equal to or greater than the aggregate amount of  
43 payments to such person from the department of health and environment

1 under a dentistry bridging loan agreement under this section.

2 Sec. 4. K.S.A. 2010 Supp. 65-1456 is hereby amended to read as  
3 follows: 65-1456. (a) The board may suspend or revoke the license of any  
4 dentist who shall permit any dental hygienist operating under such  
5 dentist's supervision to perform any operation other than that permitted  
6 under the provisions of article 14 of chapter 65 of the Kansas Statutes  
7 Annotated, ~~or acts amendatory thereof and amendments thereto~~, and may  
8 suspend or revoke the license of any hygienist found guilty of performing  
9 any operation other than those permitted under article 14 of chapter 65 of  
10 the Kansas Statutes Annotated, ~~or acts amendatory thereof and~~  
11 ~~amendments thereto~~. No license of any dentist or dental hygienist shall be  
12 suspended or revoked in any administrative proceedings without first  
13 complying with the notice and hearing requirements of the Kansas  
14 administrative procedure act.

15 (b) The practice of dental hygiene shall include those educational,  
16 preventive, and therapeutic procedures which result in the removal of  
17 extraneous deposits, stains and debris from the teeth and the rendering of  
18 smooth surfaces of the teeth to the depths of the gingival sulci. Included  
19 among those educational, preventive and therapeutic procedures are the  
20 instruction of the patient as to daily personal care, protecting the teeth  
21 from dental caries, the scaling and polishing of the crown surfaces and  
22 the planing of the root surfaces, in addition to the curettage of those soft  
23 tissues lining the free gingiva to the depth of the gingival sulcus and such  
24 additional educational, preventive and therapeutic procedures as the  
25 board may establish by rules and regulations.

26 (c) Subject to such prohibitions, limitations and conditions as the  
27 board may prescribe by rules and regulations, any licensed dental  
28 hygienist may practice dental hygiene and may also perform such dental  
29 service as may be performed by a dental assistant under the provisions of  
30 K.S.A. 65-1423, and amendments thereto.

31 (d) Except as otherwise provided in this section, the practice of  
32 dental hygiene shall be performed under the direct or general supervision  
33 of a licensed dentist at the office of such licensed dentist. The board shall  
34 designate by rules and regulations the procedures which may be  
35 performed by a dental hygienist under direct supervision and the  
36 procedures which may be performed under general supervision of a  
37 licensed dentist. As used in this section: (1) "Direct supervision" means  
38 that the dentist is in the dental office, personally diagnoses the condition  
39 to be treated, personally authorizes the procedure and before dismissal of  
40 the patient evaluates the performance; and (2) "general supervision"  
41 means a Kansas licensed dentist may delegate verbally or by written  
42 authorization the performance of a service, task or procedure to a licensed  
43 dental hygienist under the supervision and responsibility of the dentist, if

1 the dental hygienist is licensed to perform the function, and the  
2 supervising dentist examines the patient at the time the dental hygiene  
3 procedure is performed, or during the 12 calendar months preceding the  
4 performance of the procedure, except that the licensed hygienist shall not  
5 be permitted to diagnose a dental disease or ailment, prescribe any  
6 treatment or a regimen thereof, prescribe, order or dispense medication or  
7 perform any procedure which is irreversible or which involves the  
8 intentional cutting of the soft or hard tissue by any means. A dentist is not  
9 required to be on the premises at the time a hygienist performs a function  
10 delegated under part (2) of this subsection.

11 (e) The practice of dental hygiene may be performed at an adult care  
12 home, hospital long-term care unit, state institution, local health  
13 department or indigent health care clinic on a resident of a facility, client  
14 or patient thereof so long as:

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

17 (2) the dental hygienist is under the supervision and responsibility of  
18 the dentist;

19 (3) either the supervising dentist is personally present or the  
20 services, tasks and procedures are limited to the cleaning of teeth,  
21 education and preventive care; *and*

22 (4) the supervising dentist examines the patient at the time the dental  
23 hygiene procedure is performed or has examined the patient during the 12  
24 calendar months preceding performance of the procedure; ~~and~~.

25 (f) The practice of dental hygiene may be performed with consent of  
26 the parent or legal guardian, on children participating in residential and  
27 nonresidential centers for therapeutic services, on all children in families  
28 which are receiving family preservation services, on all children in the  
29 custody of the secretary of social and rehabilitation services or the  
30 commissioner of juvenile justice authority and in an out-of-home  
31 placement residing in foster care homes, on children being served by  
32 runaway youth programs and homeless shelters; and on children birth to  
33 five and children in public and nonpublic schools kindergarten through  
34 grade 12 regardless of the time of year and children participating in youth  
35 organizations, so long as such children birth to five, in public or  
36 nonpublic schools or participating in youth organizations also meet the  
37 requirements of medicaid, healthwave, ~~or free or reduced lunch programs~~  
38 or Indian health services *or have not been seen by a dentist during the*  
39 *previous 12 months for dental exam*; at any state correctional institution,  
40 local health department or indigent health care clinic, as defined in  
41 K.S.A. 65-1466, and amendments thereto, and at any federally qualified  
42 health center, federally qualified health center look-alike or a community  
43 health center that receives funding from section 330 of the health center

1 consolidation act, on a person, inmate, client or patient thereof and on  
2 other persons as may be defined by the board; so long as:

3 (1) The dental hygienist has received an "extended care permit"  
4 from the Kansas dental board specifying that the dental hygienist has  
5 performed 1,200 hours of dental hygiene care within the past three years  
6 or has been an instructor at an accredited dental hygiene program for two  
7 academic years within the past three years;

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

10 (3) the dental hygienist is sponsored by a dentist licensed in the state  
11 of Kansas, including a signed agreement stating that the dentist shall  
12 monitor the dental hygienist's activities, except such dentist shall not  
13 monitor more than five dental hygienists with an extended care permit I;

14 (4) the tasks and procedures are limited to: (A) Removal of  
15 extraneous deposits, stains and debris from the teeth and the rendering of  
16 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the  
17 application of topical anesthetic if the dental hygienist has completed the  
18 required course of instruction approved by the dental board; (C) the  
19 application of fluoride; (D) dental hygiene instruction; (E) assessment of  
20 the patient's apparent need for further evaluation by a dentist to diagnose  
21 the presence of dental caries and other abnormalities; and (F) other duties  
22 as may be delegated verbally or in writing by the sponsoring dentists  
23 consistent with this act;

24 (5) the dental hygienist advises the patient and legal guardian that  
25 the services are preventive in nature and do not constitute a  
26 comprehensive dental diagnosis and care;

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

31 (7) any payment to the dental hygienist for dental hygiene services is  
32 received from the sponsoring dentist or the participating organization  
33 found in this subsection.

34 (g) The practice of dental hygiene may be performed on persons  
35 with developmental disabilities and on persons who are 65 years and  
36 older who live in a residential center, an adult care home, subsidized  
37 housing, hospital long-term care unit, state institution or are served in a  
38 community senior service center, elderly nutrition program or at the home  
39 of a homebound person who qualifies for the federal home and  
40 community based service (HCBS) waiver on a resident of a facility, client  
41 or patient thereof so long as:

42 (1) The dental hygienist has received an "extended care permit II"  
43 from the Kansas dental board specifying that the dental hygienist has: (A)

1 Performed ~~1,800~~ 1,600 hours of dental hygiene care or has been an  
2 instructor at an accredited dental hygiene program for two academic years  
3 within the past three years; and (B) completed six hours of training on the  
4 care of special needs patients or other training as may be accepted by the  
5 board;

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

8 (3) the dental hygienist is sponsored by a dentist licensed in the state  
9 of Kansas, including a signed agreement stating that the dentist shall  
10 monitor the dental hygienist's activities, except such dentist shall not  
11 monitor more than five dental hygienists with an extended care permit II;

12 (4) the tasks and procedures are limited to: (A) Removal of  
13 extraneous deposits, stains and debris from the teeth and the rendering of  
14 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the  
15 application of topical anesthetic if the dental hygienist has completed the  
16 required course of instruction approved by the dental board; (C) the  
17 application of fluoride; (D) dental hygiene instruction; (E) assessment of  
18 the patient's apparent need for further evaluation by a dentist to diagnose  
19 the presence of dental caries and other abnormalities; and (F) other duties  
20 as may be delegated verbally or in writing by the sponsoring dentist  
21 consistent with this act;

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

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

29 (7) any payment to the dental hygienist for dental hygiene services is  
30 received from the sponsoring dentist or the participating organization  
31 found in this subsection; and

32 (8) the dental hygienist completes a minimum of ~~six~~ three hours of  
33 education in the area of special needs care within the board's continuing  
34 dental education requirements for relicensure.

35 (h) *The expanded practice of dental hygiene may be performed with*  
36 *consent of the parent or legal guardian, on children participating in*  
37 *residential and nonresidential centers for therapeutic services, on all*  
38 *children in families which are receiving family preservation services, on*  
39 *all children in the custody of the secretary of social and rehabilitation*  
40 *services or the commissioner of juvenile justice authority and in an out-*  
41 *of-home placement residing in foster care homes, on children being*  
42 *served by runaway youth programs and homeless shelters; and on*  
43 *children birth to five and children in public and nonpublic schools*

1 kindergarten through grade 12 regardless of the time of year and children  
2 participating in youth organizations, so long as such children birth to  
3 five, in public or nonpublic schools or participating in youth  
4 organizations also meet the requirements of medicaid, healthwave, or  
5 Indian health services or have not been seen by a dentist during the  
6 previous 12 months for a dental exam; at any state correctional  
7 institution, local health department or indigent health care clinic, as  
8 defined in K.S.A. 65-1466, and amendments thereto, and at any federally  
9 qualified health center, federally qualified health center look-alike or a  
10 community health center that receives funding from section 330 of the  
11 health center consolidation act, on a person, inmate, client or patient; on  
12 persons with developmental disabilities and on persons who are 65 years  
13 and older who live in a residential center, an adult care home, subsidized  
14 housing, hospital long-term care unit, state institution or are served in a  
15 community senior service center, elderly nutrition program or at the  
16 home of a homebound person who qualifies for the federal home and  
17 community based service (HCBS) waiver on a resident of a facility, client  
18 or patient thereof so long as:

19 (1) The dental hygienist has received an "extended care permit III"  
20 from the Kansas dental board specifying that the dental hygienist has: (A)  
21 Performed 2,000 hours of dental hygiene care or has been an instructor  
22 at an accredited dental hygiene program for three academic years within  
23 the past four years; and (B) completed a course of study of 18 seat hours  
24 approved by the board which includes but is not limited to emergency  
25 dental care techniques, the preparation and placement of temporary  
26 restorations, the adjustment of dental prostheses and appropriate  
27 pharmacology;

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

30 (3) the dental hygienist is sponsored by a dentist licensed in the state  
31 of Kansas, including a signed agreement stating that the dentist shall  
32 monitor the dental hygienist's activities, except such dentist shall not  
33 monitor more than five dental hygienists with an extended care permit  
34 III;

35 (4) the tasks and procedures are limited to: (A) Removal of  
36 extraneous deposits, stains and debris from the teeth and the rendering of  
37 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the  
38 application of topical anesthetic if the dental hygienist has completed the  
39 required course of instruction approved by the dental board; (C) the  
40 application of fluoride; (D) dental hygiene instruction; (E) assessment of  
41 the patient's apparent need for further evaluation by a dentist to diagnose  
42 the presence of dental caries and other abnormalities; (F) identification  
43 and removal of decay using hand instrumentation and placing a

1 temporary filling, including glass ionomer and other palliative materials;  
2 (G) adjustment of dentures, placing soft relines in dentures, checking  
3 partial dentures for sore spots and placing permanent identification  
4 labeling in dentures; (H) smoothing of a sharp tooth with a slow speed  
5 dental handpiece; (I) use of local anesthetic, including topical,  
6 infiltration and block anesthesia, when appropriate to assist with  
7 procedures where medical services are available in a nursing home,  
8 health clinic, or any other settings. If the dental hygienist has completed  
9 a course on local anesthesia and nitrous oxide as required in this act; (J)  
10 extraction of deciduous teeth that are partially exfoliated with class 4  
11 mobility; (K) prescription of fluoride, chlorhexidine, antibiotics and  
12 antifungal as directed by a standing order from sponsoring dentist, and;  
13 (L) other duties as may be delegated verbally or in writing by the  
14 sponsoring dentist consistent with this act;

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

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

22 (7) any payment to the dental hygienist for dental hygiene services  
23 is received from the sponsoring dentist or the participating organization  
24 found in this subsection; and

25 (8) the dental hygienist completes a minimum of three hours of  
26 education related to the expanded scope of dental hygiene practice in  
27 section (h)(4) of this act within the board's continuing dental education  
28 requirements for relicensure.

29 ~~(h)~~ (i) In addition to the duties specifically mentioned in subsection  
30 (b) of K.S.A. 65-1456, and amendments thereto, any duly licensed dental  
31 hygienist may:

32 (1) Give fluoride treatments as a prophylactic measure, as defined  
33 by the United States public health service and as recommended for use in  
34 dentistry;

35 (2) remove overhanging restoration margins and periodontal surgery  
36 materials by hand scaling instruments; and

37 (3) administer local block and infiltration anaesthesia and nitrous  
38 oxide. (A) The administration of local anaesthesia shall be performed  
39 under the direct supervision of a licensed dentist except that topically  
40 applied local anaesthesia, as defined by the board, may be administered  
41 under the general supervision of a licensed dentist. (B) Each dental  
42 hygienist who administers local anaesthesia regardless of the type shall  
43 have completed courses of instruction in local anaesthesia and nitrous



1 oxide which have been approved by the board.

2 ~~(j)~~ (j) (1) The courses of instruction required in subsection ~~(h)~~ (i)(3)  
3 (B) shall provide a minimum of 12 hours of instruction at a teaching  
4 institution accredited by the American dental association.

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

9 (3) Certification in cardiac pulmonary resuscitation shall be required  
10 in all cases.

11 ~~(j)~~ (k) The board is authorized to issue to a qualified dental hygienist  
12 an extended care permit I or extended care permit II, *or extended care*  
13 *permit III* as provided in subsections (f) ~~and~~, (g) *and* (h) of this section.

14 ~~(k)~~ (l) Nothing in this section shall be construed to prevent a dental  
15 hygienist from providing dental hygiene instruction or visual oral health  
16 care screenings or fluoride applications in a school or community based  
17 setting regardless of the age of the patient.

18 New Sec. 5. The Kansas health policy authority shall appoint an  
19 independent commission to study issues to as to barriers in medicaid that  
20 may affect the dental participation, including rates of reimbursement,  
21 terms in the provider agreement, prior authorizations, claims processing,  
22 provider oversight, provider support, procedures allowed and patient case  
23 management. The commission shall file a report on its findings and  
24 conclusions on the issues with the Kansas health policy authority and the  
25 senate public health and welfare committee and the house committee on  
26 health and human services before January 15, 2012.

27 New Sec. 6. The Kansas health policy authority shall, subject to  
28 appropriations, provide sufficient funding for administrative services to  
29 support and maintain the level of services provided by the donated dental  
30 services program during 2010 for the fiscal year 2012.

31 New Sec. 7. The Kansas health policy authority is authorized to  
32 receive and expend, or supervise the expenditure of, any donation, gift,  
33 grant or bequest to support the training and dental services provided for  
34 in this act.

35 New Sec. 8. (a) Dental students who receive tuition subsidization by  
36 the state pursuant to an agreement between the state board of regents and  
37 the university of Missouri-Kansas City school of dentistry shall be  
38 required to provide dental service in Kansas for a minimum of four years  
39 after graduation.

40 (b) In addition, the state board of regents shall endeavor to add  
41 additional seats at the university of Missouri-Kansas City school of  
42 dentistry or other locations with the requirement that such students  
43 provide services in underserved areas of Kansas for a minimum of four

1 years after graduation.

2 Sec. 9. K.S.A. 2010 Supp. 65-1456 is hereby repealed.

3 Sec. 10. This act shall take effect and be in force from and after its  
4 publication in the statute book.

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