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

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

(b) The board shall authorize a person to practice as a dental therapist if such person is qualified under this section, works under the direct or general supervision of a Kansas licensed dentist in accordance with section 2, and amendments thereto, is licensed by the board and practices in accordance with this section and rules and regulations adopted by the board. Any supervising dentist of a dental therapist shall: (1) Enter into agreements to supervise no more than three dental therapists; and (2) be employed by an indigent healthcare clinic or enrolled as a medicaid provider.

(c) To be qualified to practice under this section, such person shall be a licensed dental hygienist and shall meet the following requirements:

(1) (A) The person shall be a graduate of a dental therapist education program approved by the board that requires the study of dental therapy, that the board determines has standards of education not less than that required for accreditation by the commission on dental accreditation of the American dental association or its equivalent or, prior to such accreditation process for dental therapy programs, is approved by a licensing entity of another state or federal jurisdiction and that requires no less than 500 hours of clinical training; and
(B) if the person's dental therapist training program did not include training on any individual competency listed in section 2(d) or (e), and amendments thereto, the person shall provide documentation to the board's satisfaction that such person has successfully completed additional training on that competency;

(2) the person shall pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution that provides dental therapist education; and

(3) the person shall obtain a policy of professional liability insurance and show proof of such insurance as required by rules and regulations.

(d) Any person practicing as a dental therapist in violation of the provisions of sections 1 through 3, and amendments thereto, shall be guilty of a misdemeanor, and the board may revoke or suspend such person's license.

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

(f) This section shall take effect on and after July 1, 2021.

New Sec. 2. (a) The Kansas dental board may suspend or revoke the license of any dentist who shall direct any dental therapist operating under such dentist's supervision to perform any operation other than that permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and may suspend or revoke the license of any dental therapist found guilty of performing any operation other than those permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No license of any dentist or dental therapist shall be suspended or revoked in any administrative proceeding without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

(b) Except as otherwise provided in this section, the practice of dental therapy shall be performed under the direct or general supervision of a licensed dentist. As used in sections 1 through 3, and amendments thereto:

(1) "Direct supervision" means the supervision of tasks and procedures with the presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed where the dentist personally diagnoses the condition to be treated, personally authorizes the procedure and, before dismissal of the patient, evaluates the dental therapist's performance; and (2) "general supervision" means the supervision of tasks or procedures without the presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed, so long as those tasks and procedures are within the scope of practice for a dental therapist.

(c) Subject to prohibitions, limitations and conditions imposed by rules and regulations adopted by the Kansas dental board, a licensed dental
therapist may perform dental hygiene tasks and procedures that may be performed by a licensed dental hygienist under K.S.A. 65-1456, and amendments thereto, except that restrictions imposed by K.S.A. 65-1456, and amendment thereto, that limit the locations or premises where a licensed dental hygienist may perform extended care permit III dental hygiene tasks and procedures shall not apply to a licensed dental therapist.

(d) A licensed dental therapist may perform the following services under general supervision:

(1) Identification of oral and systemic conditions requiring evaluation or treatment, or both, by dentists, physicians or other healthcare providers, and management of referrals;

(2) comprehensive charting of the oral cavity;

(3) oral health instruction, disease prevention education and oral health-related nutritional and dietary instruction;

(4) exposure of radiographic images;

(5) dental prophylaxis, including sub-gingival scaling or polishing procedures, or both;

(6) application of topical preventive or prophylactic agents;

(7) pulp vitality testing;

(8) application of desensitizing medication or resin;

(9) fabrication of athletic mouthguards;

(10) placement of a temporary filling, including glass ionomer and other palliative materials;

(11) fabrication of soft occlusal guards;

(12) tissue conditioning and soft reline;

(13) changing of periodontal dressings;

(14) tooth reimplantation and stabilization;

(15) administration of local anesthetic, if the dental therapist has completed a course on local anesthesia as required by sections 1 through 3, and amendments thereto;

(16) administration of nitrous oxide, if the dental therapist has completed a course on nitrous oxide as required by sections 1 through 3, and amendments thereto;

(17) dispensing and administering by the oral or topical route, or both, non-narcotic analgesics, anti-inflammatory and antibiotic medications as prescribed by a licensed healthcare provider, as defined in K.S.A. 40-3401, and amendments thereto;

(18) the formulation of a dental therapy care plan limited to the procedures in this section;

(19) emergency palliative treatment of dental pain limited to the procedures in this section;

(20) the placement and removal of space maintainers;

(21) fabrication and placement of single-tooth temporary crowns;
(22) suture removal;
(23) brush biopsies;
(24) minor adjustments and repairs on removable prostheses;
(25) re-cementing of permanent crowns; and
(26) prevention, identification and management of dental and medical
emergencies.
(e) A licensed dental therapist may perform the following services
under direct supervision:
(1) Extraction of erupted primary teeth that are non-ankylosed and that
have a majority resorption of all root structures;
(2) preparation and placement of direct restoration fabricated or made
directly inside the mouth in primary and permanent teeth;
(3) preparation and placement of preformed crowns on primary teeth;
(4) indirect pulp capping on permanent teeth; and
(5) indirect pulp capping on primary teeth.
(f) Any dental therapist is authorized to supervise any dental hygienist
or unlicensed person.
(g) Any dental therapist shall maintain current basic cardiac life
support certification from the American heart association, or an equivalent
certification approved by the Kansas dental board.
(h) This section shall be part of and supplemental to the dental
practices act.
(i) This section shall take effect on and after July 1, 2021.
New Sec. 3. (a) The Kansas dental board shall revoke or suspend the
license of any licensed dental therapist who is found guilty of using or
attempting to use in any manner whatsoever any prophylactic lists, call
lists, records, reprints or copies of same, or information gathered therefrom,
of the names of patients whom the dental therapist might have served in the
office of a prior employer, unless such names appear upon the bona fide
call or prophylactic list of the dental therapist's present employer and were
causse to so appear through the legitimate practice of dentistry as provided
for in sections 1 and 2, and amendments thereto.
(b) The board shall suspend or revoke the license of any licensed
dentist who is found guilty of aiding or abetting or encouraging a dental
therapist employed by such dentist to make use of a so-called prophylactic
call list, or calling by telephone or by use of written letters transmitted
through the mails to solicit patronage from patients served in the office of
any dentist formerly employing such dental therapist.
(c) No order of suspension or revocation provided in this section shall
be made or entered except after notice and opportunity for hearing in
accordance with the provisions of the Kansas administrative procedure act.
Any final order of suspension or revocation of a license shall be reviewable
in accordance with the Kansas judicial review act.
(d) This section shall be part of and supplemental to the dental practices act.

(e) This section shall take effect on and after July 1, 2021.

New Sec. 4. Prior to July 1, 2021, the Kansas dental board shall adopt rules and regulations as may be necessary to administer the provisions of sections 1 through 3, and amendments thereto, regarding the licensure of dental therapists. Prior to July 1, 2021, the board shall have such rules and regulations: Proposed; submitted to the secretary of administration and to the attorney general for approval as required by K.S.A. 77-420, and amendments thereto; and notice of the proposed rules and regulations given and a hearing held thereon in the manner provided by K.S.A. 77-421, and amendments thereto.

New Sec. 5. The department of health and environment and the Kansas dental board shall submit a joint report to the legislature on or before the first day of the 2030 regular session of the legislature that details the effects that enactment of sections 1 through 3, and amendments thereto, have on access to dental care in rural Kansas, including, but not limited to: The number and geographical distribution of practicing dental therapists; the number of dentists supervising dental therapists; the number of participating medicaid providers; the treated and untreated tooth decay rates of medicaid beneficiaries; urgent need rates; and federally designated dental health professional shortage areas.

Sec. 6. On and after July 1, 2021, K.S.A. 65-1421 is hereby amended to read as follows: 65-1421. It shall be unlawful for any person to practice dentistry, dental therapy or dental hygiene in the state of Kansas, except:

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

(b) those who are now duly licensed dental therapists, pursuant to law;

(c) those who are now duly licensed dental hygienists, pursuant to law; and

(d) those who may hereafter be duly licensed as dentists, dental therapists or dental hygienists, pursuant to the provisions of this act.

Sec. 7. On and after July 1, 2021, K.S.A. 65-1424 is hereby amended to read as follows: 65-1424. (a) As used in this act:

(1) "Proprietor" means any person who employs dentists, dental therapists or dental hygienists in the operation of a dental office.

(2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include including marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation. A person or entity is not a dental
franchisor if the agreement with the dentist:
(A) Permits the person or entity to interfere with the professional judgment of the dentist; or
(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

(3) (A) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist, dental therapist or dental hygienist related to the practice of dentistry, dental therapy or dental hygiene which that:
(A)(i) Permits the person or entity to interfere with the professional judgment of the dentist; or
(B)(ii) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

(B) A licensee of dentistry who enters into any arrangement with an unlicensed proprietor may have such license limited, suspended or revoked by the board.

(b) The estate or agent for a deceased or substantially disabled dentist may employ dentists, for a period of not more than 18 months following the date of death or substantial disability of the dentist, to provide service to patients until the practice can be sold or closed. Upon application showing good cause, including, but not limited to, evidence of a good faith effort to sell or close the dental practice, the Kansas dental board may extend the time in six-month increments for a period of not more than one additional year for which the practice can be sold or closed. The Kansas dental board may adopt rules and regulations as necessary to carry out the provisions of this section.

Sec. 8. On and after July 1, 2021, K.S.A. 65-1431 is hereby amended to read as follows: 65-1431. (a) Each license to practice as a dentist, dental therapist or dental hygienist issued by the board, shall expire on December 1 of the year specified by the board for the expiration of the license and shall be renewed on a biennial basis. Each application for renewal shall be made on a form prescribed and furnished by the board. Every licensed dentist, dental therapist or dental hygienist shall pay to the board a renewal fee fixed by the board as provided in K.S.A. 65-1447, and amendments thereto.

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

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

   (d) (1) The board shall require every licensee to submit with the
renewal application evidence of satisfactory completion of a program of
continuing education required by the board. The board by duly adopted
rules and regulations shall establish the requirements for such program of
continuing education as soon as possible after the effective date of this act.

   (2) A dentist who is a charitable healthcare provider in Kansas who
has signed an agreement to provide gratuitous services pursuant to K.S.A.
75-6102 and 75-6120, and amendments thereto, may fulfill one hour of
continuing education credit by the performance of two hours of gratuitous
services to medically indigent persons up to a maximum of six continuing
education credits per licensure period.

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

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

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

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

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

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

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

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

(j) The Kansas dental board may adopt such rules and regulations requiring the examination and providing means for examination of those persons returning to active practice after a period of retirement or disability as the board shall deem necessary and appropriate for the protection of the people of the state of Kansas except that for an applicant to practice dental therapy or dental hygiene who is returning to active practice after a period of retirement or disability, the board shall authorize as an alternative to the requirement for an examination that the applicant successfully complete a refresher course as defined by the board in an approved dental hygiene
school or dental therapy program.

Sec. 9. On and after July 1, 2021, K.S.A. 65-1434 is hereby amended to read as follows: 65-1434. (a) The board, without examination, may issue a license as a dentist, dental therapist or dental hygienist to an applicant holding a license in another state upon compliance with the requirements of professional qualification and experience set forth in subsection (b). The board shall prepare and adopt a form of application to be submitted by an applicant for a license to be issued under this section. On the receipt of any such application, the board shall conduct such review, verification or other investigation of the applicant and the professional qualifications, background, experience and practice of the applicant as the board deems necessary to assure full compliance with the requirements of this section. Any license so issued may be revoked by the board upon evidence that an applicant has obtained a license under this section through misrepresentation or omission of a material fact in the application or other information submitted to the board.

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

(1) Each applicant for licensure as a dentist under this section must meet the requirements set forth in K.S.A. 65-1426, and amendments thereto. Each applicant for licensure as a dental therapist must meet all applicable requirements set forth in section 1, and amendments thereto. Each applicant for licensure as a dental hygienist must meet any applicable requirements set forth in K.S.A. 65-1455, and amendments thereto.

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

(3) Each applicant for licensure as a dentist under this section shall have held a license to practice dentistry in one or more other states of the United States for the five-year period immediately preceding the date of application and shall have engaged in the active practice of dentistry for at least five years prior to the date of application. Each applicant for licensure as a dental therapist under this section shall have held a license to practice dental therapy in another state of the United States for a three-year period immediately preceding the date of application and shall have engaged in the active practice of dental therapy for at least three years prior to the date of application. Each applicant for licensure as a dental hygienist under this section shall have held a license to practice dental hygiene in another state of the United States for the three-year period immediately preceding the date of application and shall have engaged in the active practice of
dental hygiene for at least three years prior to the date of application. Successive and continuous periods of active practice in other states will comply with the active practice requirements of this paragraph (3). For the purpose of determining the period of practice, periods of military service will be considered to the extent approved by the Kansas dental board. Service as a full-time faculty member in a school of dentistry will be considered the practice of dentistry to the extent service involved full-time instruction in dentistry including clinical dentistry. Service as a faculty member in a school of dental hygiene will be considered the practice of dental hygiene to the extent such service involved instruction in dental hygiene including clinical dental hygiene. To be considered for the purposes of this statute, any such school of dentistry, dental therapy or dental hygiene must be approved by the Kansas dental board within the meaning of K.S.A. 65-1426, and amendments thereto.

(4) Each such applicant shall show evidence that the applicant has fully complied with all continuing education requirements imposed by the state or states in which the applicant has been licensed and has practiced during the five years applicable time period immediately preceding the date of the application. In the event the state or states in which the applicant has been licensed and practiced has no such requirement, the applicant shall provide such information concerning continuing education received by the applicant during the five-year applicable time period preceding application as may be required by the board. All applicants must have completed continuing education sufficient to comply with that continuing education required of Kansas licensees during the twenty-four 24-month period prior to the date of the application for licensure unless the Kansas dental board determines, for good cause shown, that the requirement will work an undue hardship upon the applicant and the requirement is not necessary for the protection of the people of Kansas based upon the training and experience of the applicant.

(5) The applicant shall provide such other information concerning the applicant and the dental education, qualification, experience and professional conduct of the applicant as the board in its discretion deems necessary to its determination to issue a license.

(6) Each applicant shall provide a certificate of the executive director of the board or other agency governing licensure of dentists, dental therapists or dental hygienists of the state in which the applicant has been licensed and has practiced during the required period preceding the date of the application. Such certificate shall state that: (A) The applicant is licensed to practice dentistry, dental therapy or dental hygiene in the state; (B) the license of the applicant has never been suspended or revoked; (C) the applicant has never been the subject of any proceeding for suspension, revocation or other disciplinary action initiated by the board of licensure of
any such state during the period the applicant has held a license to practice
dentistry, dental therapy or dental hygiene in such state; and (D) no
complaint has been filed against the applicant of such substance as, in the
judgment of the board of licensure of such state, has required the initiation
of proceedings against the applicant. In the event the applicant has
practiced dentistry, dental therapy or dental hygiene in more than one other
state in the United States, the applicant shall file a similar certificate with
respect to such period or periods during which the applicant has practiced
in each such state.
    (c) The Kansas dental board may direct an applicant to appear before
the board at a date, time and place to be determined by the Kansas dental
board to answer questions and provide such information concerning the
qualifications, background, experience and practice of the applicant as the
Kansas dental board may deem necessary.
    (d) The term "applicant" as used in this section shall apply to both
applicants for licensure as a dentist, applicants for licensure as a dental
therapist and applicants for licensure as a dental hygienist unless the
context otherwise indicates.
Sec. 10. On and after July 1, 2021, K.S.A. 65-1436 is hereby amended
to read as follows: 65-1436. (a) The Kansas dental board may refuse to
issue the license under the dental practices act, or may take any of the
actions with respect to any dental, dental therapy or dental hygiene license
as set forth in subsection (b), whenever it is established, after notice and
opportunity for hearing in accordance with the provisions of the Kansas
administrative procedure act, that any applicant for a dental, dental therapy
or dental hygiene license or any licensed dentist, dental therapist or dental
hygienist practicing in the state of Kansas has:
    (1) Committed fraud, deceit or misrepresentation in obtaining any
license, money or other thing of value;
    (2) habitually used intoxicants or drugs which that have rendered such
person unfit for the practice of dentistry, dental therapy or dental hygiene;
    (3) been determined by the board to be professionally incompetent;
    (4) committed gross, wanton or willful negligence in the practice of
dentistry, dental therapy or dental hygiene;
    (5) employed, allowed or permitted any unlicensed person or persons
to perform any work in the licensee's office— which that constitutes the
practice of dentistry, dental therapy or dental hygiene under the provisions
of the dental practices act;
    (6) willfully violated the laws of this state relating to the practice of
dentistry, dental therapy or dental hygiene or the rules and regulations of
the secretary of health and environment or of the board regarding
sanitation;
    (7) engaged in the division of fees, or agreed to split or divide the fee
received for dental service with any person for bringing or referring a
patient without the knowledge of the patient or the patient's legal
representative, except:
(A) The division of fees between dentists practicing in a partnership
and sharing professional fees;
(B) The division of fees between one licensed dentist employing
another; or
(C) The division of fees between a licensed dentist and a dental
franchisor;
(8) Committed complicity in association with or allowed the use of the
licensed dentist's name in conjunction with any person who is engaged in
the illegal practice of dentistry;
(9) Been convicted of a felony or a misdemeanor involving moral
turpitude in any jurisdiction and the licensee fails to show that the licensee
has been sufficiently rehabilitated to warrant the public trust;
(10) Prescribed, dispensed, administered or distributed a prescription
drug or substance, including a controlled substance, in an excessive,
improper or inappropriate manner or quantity outside the scope of practice
dentistry or in a manner that impairs the health and safety of an
individual;
(11) Prescribed, purchased, administered, sold or given away
prescription drugs, including a controlled substance, for other than legal
and legitimate purposes;
(12) Violated or been convicted of any federal or state law regulating
possession, distribution or use of any controlled substance;
(13) Failed to pay license fees;
(14) Used the name "clinic," "institute" or other title that may suggest a
public or semipublic activity except that the name "clinic" may be used as
authorized in K.S.A. 65-1435, and amendments thereto;
(15) Committed, after becoming a licensee, any conduct which that is
detrimental to the public health, safety or welfare as defined by rules and
regulations of the board;
(16) Engaged in a misleading, deceptive, untrue or fraudulent
misrepresentation in the practice of dentistry or on any document connected
with the practice of dentistry by knowingly submitting any misleading,
deceptive, untrue or fraudulent misrepresentation on a claim form, bill or
statement, including the systematic waiver of patient co-payment or co-
insurance;
(17) Failed to keep adequate records;
(18) The licensee has had a license to practice dentistry revoked,
suspended or limited, has been censured or has had other disciplinary
action taken, has had an application for license denied, or voluntarily
surrendered the license after formal proceedings have been commenced by
the proper licensing authority or another state, territory or the District of
Columbia or other country, a certified copy of the record of the action of
the other jurisdiction being conclusive evidence thereof;
(19) failed to furnish the board, or its investigators or representatives
any information legally requested by the board; or
(20) assisted suicide in violation of K.S.A. 21-3406, prior to its repeal,
or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as established by
any of the following:
   (A) A copy of the record of criminal conviction or plea of guilty for a
       felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018
       Supp. 21-5407, and amendments thereto;
   (B) a copy of the record of a judgment of contempt of court for
       violating an injunction issued under K.S.A. 60-4404, and amendments
       thereto; or
   (C) a copy of the record of a judgment assessing damages under
       K.S.A. 60-4405, and amendments thereto.
(b) Whenever it is established, after notice and opportunity for hearing
in accordance with the provisions of the Kansas administrative procedure
act, that a licensee is in any of the circumstances or has committed any of
the acts described in subsection (a), the Kansas dental board may take one
or any combination of the following actions with respect to the license of
the licensee:
   (1) Revoke the license;
   (2) suspend the license for such period of time as may be determined
       by the board;
   (3) restrict the right of the licensee to practice by imposing limitations
       upon dental, dental therapy or dental hygiene procedures which that may
       be performed, categories of dental disease which that may be treated or
       types of patients which that may be treated by the dentist, dental therapist
       or dental hygienist. Such restrictions shall continue for such period of time
       as may be determined by the board, and the board may require the licensee
to provide additional evidence at hearing before lifting such restrictions; or
   (4) grant a period of probation during which the imposition of one or
       more of the actions described in subsections (b)(1) through (b)(3) will be
       stayed subject to such conditions as may be imposed by the board including
       a requirement that the dentist, dental therapist or dental hygienist refrain
from any course of conduct which that may result in further violation of the
dental practice practices act or the dentist or dental hygienist complete
additional or remedial instruction. The violation of any provision of the
dental practice practices act or failure to meet any condition imposed by
the board as set forth in the order of the board will result in immediate
termination of the period of probation and imposition of such other action
as has been taken by the board.
(c) As used in this section, "professionally incompetent" means:

1. One or more instances involving failure to adhere to the applicable standard of dental, dental therapy or dental hygienist care to a degree which that constitutes gross negligence, as determined by the board;

2. Repeated instances involving failure to adhere to the applicable standard of dental, dental therapy or dental hygienist care to a degree which that constitutes ordinary negligence, as determined by the board; or

3. A pattern of dental, dental therapy or dental hygienist practice or other behavior— which that demonstrates a manifest incapacity or incompetence to practice dentistry.

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

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

Sec. 11. On and after July 1, 2021, K.S.A. 65-1441 is hereby amended to read as follows: 65-1441. Whoever sells or offers to sell a diploma conferring a dental degree, or a license granted pursuant to this act, or procures such diploma or license with intent that it be used as evidence of the right to practice dentistry, dental therapy or dental hygiene, as defined by law, by a person other than the one upon whom it was conferred, or to whom such license certificate or renewal certificate was granted, or with fraudulent intent alters such diploma or license certificate or renewal certificate, or uses or attempts to use it when it is so altered, shall be deemed guilty of a misdemeanor. The board may refuse to grant a license to practice dentistry, dental therapy or dental hygiene to any person found guilty of making a false statement, or cheating or of fraud or deception either in applying for a license or in taking any of the examinations provided for under the dental practices act.

Sec. 12. On and after July 1, 2021, K.S.A. 65-1447 is hereby amended
to read as follows: 65-1447. (a) On or before October 1 of each year, the
Kansas dental board shall determine the amount of funds which that will be
required during the ensuing fiscal year to properly administer the laws
which that the board is directed to enforce and administer and shall fix fees
in accordance with this section in such reasonable sums as may be
necessary for such purposes, within the limitations prescribed by subsection
(b).

(b) The board shall collect fees provided for in this act as follows:
Examination fee for dental applicants—not more than.......................... $200
Subsequent examination fee for dental applicants—not more than........ 100
Examination fee for specialty qualifications—not more than............. 200
Credentials/qualifications fee—not more than...................................... 300
Duplicate certificate fee—not more than............................................. 25
Certificate fee, including certificate for credentials/qualifications,
for dentists, dental therapists and dental hygienists—not
more than................................................................................. 25
Biennial license renewal fee for dentists—not more than.................... 325
Examination fee for dental hygienist applicants—not more than....... 100
Subsequent examination fee for dental hygienist applicants—not
more than.................................................................................... 100
Biennial license renewal fee for dental hygienists—not more than..... 160
Biennial license renewal fee for dental therapists—not more than...... 200
Examination fee for dental therapist applicants—not more than...... 150
Subsequent examination fee for dental therapist applicants—not
more than....................................................................................... 100
Reinstatement of a revoked license—not more than............................ 2,000
Processing fee for failure to notify of change of address—
not more than................................................................................ 100
Registration fee to operate a mobile dental facility or portable
dental operation—not more than..................................................... 500
Biennial registration renewal fee for mobile dental facility or
portable dental operation—not more than........................................ 350
Sedation permit—not more than....................................................... 200

(c) The amounts of fees in effect on the day preceding the effective
date of this act and the act of which this section is amendatory shall remain
in effect until fixed in different amounts by the board under this section.
The board may adopt rules and regulations for the proration of fees for a
license issued for a period of time less than the biennial licensure period.
Sec. 13. On and after July 1, 2021, K.S.A. 65-1449 is hereby amended
to read as follows: 65-1449. (a) Except as provided by subsection (b), no
action to revoke or suspend a license shall be taken until the licensee has
been furnished a statement in writing of the charges against the licensee,

together with a notice of the time and place of the hearing. The statement of
charges and notice shall be served upon the licensee in accordance with the
provisions of the Kansas administrative procedure act.

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

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

Sec. 14. On and after July 1, 2021, K.S.A. 65-1456 is hereby amended
to read as follows: 65-1456. (a) The board may suspend or revoke the
license of any dentist who shall permit any dental hygienist operating under
such dentist's supervision to perform any operation other than those
permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and may suspend or revoke
the license of any hygienist found guilty of performing any operation other
than those permitted under article 14 of chapter 65 of the Kansas Statutes
Annotated, and amendments thereto. No license of any dentist or dental
hygienist shall be suspended or revoked in any administrative proceedings
without first complying with the notice and hearing requirements of the
Kansas administrative procedure act.

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

(c) Subject to such prohibitions, limitations and conditions as the
board may prescribe by rules and regulations, any licensed dental hygienist
may practice dental hygiene and may also perform such dental service as
may be performed by a dental assistant under the provisions of K.S.A. 65-
1423, and amendments thereto.
(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall designate by rules and regulations the procedures—which that may be performed by a dental hygienist under direct supervision and the procedures—which that may be performed under general supervision of a licensed dentist. As used in this section: (1) "Direct supervision" means that the dentist is in the dental office, the supervision of tasks and procedures with the presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed where the dentist personally diagnoses the condition to be treated, personally authorizes the procedure, and, before dismissal of the patient, evaluates the dental hygienist's performance; and (2) "general supervision" means a Kansas licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function; and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure—which that is irreversible or which that involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under part paragraph (2) of this subsection.

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

(1) A licensed dentist has delegated the performance of the service, task or procedure;
(2) the dental hygienist is under the supervision and responsibility of the dentist;
(3) either the supervising dentist is personally present or the services, tasks and procedures are limited to the cleaning of teeth, education and preventive care; and
(4) the supervising dentist examines the patient at the time the dental hygiene procedure is performed or has examined the patient during the 12 calendar months preceding performance of the procedure.

(f) The practice of dental hygiene may be performed, with consent of the parent or legal guardian: On children participating in residential and nonresidential centers for therapeutic services; on all children in families...
which that are receiving family preservation services; on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes; on children being served by runaway youth programs and homeless shelters; and on children birth up to five years old and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent healthcare clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient thereof; and on other persons as may be defined by the board; so long as:

1. The dental hygienist has received an "extended care permit I" from the Kansas dental board specifying that the dental hygienist has performed 1,200 hours of dental hygiene care within the past three years or has been an instructor at an accredited dental hygiene program for two academic years within the past three years;
2. The dental hygienist shows proof of professional liability insurance;
3. The dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit;
4. The tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic, if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and (F) other duties as may be delegated verbally or in writing by the sponsoring dentists consistent with this act;
5. The dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute a comprehensive dental diagnosis and care;
6. The dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection; and
7. Any payment to the dental hygienist for dental hygiene services is
received from the sponsoring dentist or the participating organization found
in this subsection.

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

(1) The dental hygienist has received an "extended care permit II"
from the Kansas dental board specifying that the dental hygienist has: (A)
Performed 1,600 hours of dental hygiene care or has been an instructor at
an accredited dental hygiene program for two academic years within the
past three years; and (B) completed six hours of training on the care of
special needs patients or other training as may be accepted by the board;

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

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

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

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

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

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

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

(h) The expanded practice of dental hygiene may be performed, with consent of the parent or legal guardian:
- on children participating in residential and nonresidential centers for therapeutic services;
- on all children in families which that are receiving family preservation services;
- on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes;
- on children being served by runaway youth programs and homeless shelters; and on children birth up to five years old and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent healthcare clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient; on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit, or state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community-based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

1. The dental hygienist has received an "extended care permit III" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 2,000 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for three academic years within the past four years; and (B) completed a course of study of 18 seat hours approved by the board which that includes, but is not limited to, emergency dental care techniques, the preparation and placement of temporary restorations, the adjustment of dental prostheses and appropriate pharmacology;
2. The dental hygienist shows proof of professional liability insurance;
3. The dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit III;
4. The tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application
of topical anesthetic if the dental hygienist has completed the required
course of instruction approved by the dental board; (C) the application of
fluoride; (D) dental hygiene instruction; (E) assessment of the patient's
apparent need for further evaluation by a dentist to diagnose the presence of
dental caries and other abnormalities; (F) identification and removal of
decay using hand instrumentation and placing a temporary filling, including
glass ionomer and other palliative materials; (G) adjustment of dentures,
placing soft reline in dentures, checking partial dentures for sore spots and
placing permanent identification labeling in dentures; (H) smoothing of a
sharp tooth with a slow speed dental handpiece; (I) use of local anesthetic,
including topical, infiltration and block anesthesia, when appropriate to
assist with procedures where medical services are available in a nursing
home, health clinic or any other settings if the dental hygienist has
completed a course on local anesthesia and nitrous oxide as required in this
act; (J) extraction of deciduous teeth that are partially exfoliated with class
4 3 mobility; and (K) other duties as may be delegated verbally or in
writing by the sponsoring dentist consistent with this act;
(5) the dental hygienist advises the patient and legal guardian that the
services are palliative or preventive in nature and do not constitute
comprehensive dental diagnosis and care;
(6) the dental hygienist provides a copy of the findings and the report
of treatment to the sponsoring dentist and any other dental or medical
supervisor at a participating organization found in this subsection;
(7) the dental hygienist notifies the patient or the patient's parent or
legal guardian of such patient's need for treatment by a dentist, when the
dental hygienist finds an apparent need for evaluation to diagnose the
presence of dental caries and other abnormalities;
(8) any payment to the dental hygienist for dental hygiene services is
received from the sponsoring dentist or the participating organization found
in this subsection; and
(9) the dental hygienist completes a minimum of three hours of
education related to the expanded scope of dental hygiene practice in
subsection (h)(4) of this act within the board's continuing dental education
requirements for relicensure.
(i) In addition to the duties specifically mentioned in subsection (b)
any duly licensed dental hygienist may:
(1) Give fluoride treatments as a prophylactic measure, as defined by
the United States public health service and as recommended for use in
dentistry;
(2) remove overhanging restoration margins and periodontal surgery
materials by hand scaling instruments; and
(3) administer local block and infiltration anaesthesia and nitrous
oxide. (A) The administration of local anaesthesia shall be performed under
the direct supervision of a licensed dentist, except that topically applied
local anaesthesia, as defined by the board, may be administered under the
general supervision of a licensed dentist. (B) Each dental hygienist who
administers local anaesthesia, regardless of the type, shall have completed
courses of instruction in local anaesthesia and nitrous oxide—which that
have been approved by the board.

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

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

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

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

(l) Nothing in this section shall be construed to prevent a dental
hygienist from providing dental hygiene instruction or visual oral
healthcare screenings or fluoride applications in a school or community-
based setting regardless of the age of the patient.

(m) As used in this section, "dentally underserved" means a person
who lacks resources to pay for medically necessary healthcare services and
who meets the eligibility criteria for qualification as a medically indigent
person established by the secretary of health and environment under K.S.A.
75-6120, and amendments thereto.

Sec. 15. On and after July 1, 2021, K.S.A. 65-1460 is hereby amended
to read as follows: 65-1460. Any person who shall practice dentistry, dental
therapy or dental hygiene in this state within the meaning of this act
without having first obtained a license from the board, or who violates any
of the provisions of this act, the penalty for which is not herein specifically
provided, shall be deemed guilty of a misdemeanor. Anyone convicted of a
misdemeanor under this act shall be punished by a fine of not more than
one thousand dollars $1,000, or by imprisonment in the county jail for not
more than twelve 12 months, or by both such fine and imprisonment, in the
discretion of the court.

Sec. 16. On and after July 1, 2021, K.S.A. 65-1462 is hereby amended
to read as follows: 65-1462. (a) No person reporting to the Kansas dental
board under oath and in good faith any information such person may have
relating to alleged incidents of malpractice or the qualifications, fitness or
character of a person licensed to practice dentistry shall be subject to a civil
action for damages as a result of reporting such information.
(b) Any state, regional or local association of licensed dentists, dental therapists or licensed dental hygienists, and the individual members of any committee thereof, which that in good faith investigates or communicates information pertaining to the alleged incidents of malpractice or the qualifications, fitness or character of any licensee to the Kansas dental board or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

Sec. 17. On and after July 1, 2021, K.S.A. 65-1469 is hereby amended to read as follows: 65-1469. As used in this section:

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

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

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

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

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

(3) To become registered, the operator shall:

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

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

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

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

(d) The board shall adopt rules and regulations as necessary to carry out the provisions of this act. The rules and regulations shall include, but not be limited to, requirements relating to the official address and telephone number of the mobile dental facility or portable dental operation, the proper maintenance of dental records, procedures for emergency follow-up care for patients, appropriate communications facilities, appropriate
authorizations for treatment by dental patients, follow-up treatment and
services, personnel and address changes, notice to be provided on cessation
of operation and such other matters as the board deems necessary to protect
the public health and welfare.
(e) The board may refuse to issue a registration under this section or
may revoke or suspend a registration upon a finding by the board that an
applicant or person registered under this section has failed to comply with
any provision of the section or any rules and regulations adopted pursuant
to this section. No order refusing to issue a registration or order of
suspension or revocation shall be made or entered except after notice and
opportunity for hearing in accordance with the provisions of the Kansas
administrative procedure act. Any final order of suspension or revocation of
a license shall be reviewable in accordance with the Kansas judicial review
act.
(f) (1) This section applies to each operator of a mobile dental facility
or portable dental operation that provides dental services except those
specifically exempted by subsection paragraph (2).
(2) This section shall not apply to:
(A) Dentists providing dental services for federal, state and local
governmental agencies;
(B) dentists licensed to practice in Kansas providing emergency
treatment for their patients of record;
(C) dentists who are not employed by or independently contracting
with a mobile dental facility or portable dental operation who provide
nonemergency treatment for their patients of record outside the dentist's
physically stationary office fewer than 30 days per calendar year;
(D) dental hygienists who are providing dental hygiene services as
authorized by the Kansas dental act and the board's rules and regulations;
(E) a dentist or dental therapist who is providing dental services as a
charitable healthcare provider under K.S.A. 75-6102, and amendments
thereto;
(F) a dental hygienist who is providing dental hygiene services as a
charitable healthcare provider under K.S.A. 75-6102, and amendments
thereto; and
(G) a not-for-profit organization providing dental services.
(g) This section shall be part of and supplemental to the dental
practices act.
Sec. 18. On and after July 1, 2021, K.S.A. 65-4915 is hereby amended
to read as follows: 65-4915. (a) As used in this section:
(1) "Healthcare provider" means: (A) Those persons and entities
defined as a healthcare provider under K.S.A. 40-3401, and amendments
thereto; and (B) a dentist licensed by the Kansas dental board, a dental therapist licensed by the Kansas dental board, a dental hygienist licensed
by the Kansas dental board, a professional nurse licensed by the board of
nursing, a practical nurse licensed by the board of nursing, a mental health
technician licensed by the board of nursing, a physical therapist licensed by
the state board of healing arts, a physical therapist assistant certified by the
state board of healing arts, an occupational therapist licensed by the state
board of healing arts, an occupational therapy assistant licensed by the state
board of healing arts, a respiratory therapist licensed by the state board of
healing arts, a physician assistant licensed by the state board of healing arts
and attendants and ambulance services certified by the emergency medical
services board.

(2) "Healthcare provider group" means:

(A) A state or local association of healthcare providers or one or more
committees thereof;

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

(C) an organization of healthcare providers formed pursuant to state or
federal law and authorized to evaluate medical and healthcare services;

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

(E) an organized medical staff of a licensed medical care facility as
defined by K.S.A. 65-425, and amendments thereto, an organized medical
staff of a private psychiatric hospital licensed under K.S.A. 2018 Supp. 39-
2001 et seq., and amendments thereto, or an organized medical staff of a
state psychiatric hospital or state institution for people with intellectual
disability, as follows: Larned state hospital, Osawatomie state hospital,
Rainbow mental health facility, Kansas neurological institute and Parsons
state hospital and training center;

(F) a healthcare provider;

(G) a professional society of healthcare providers or one or more
committees thereof;

(H) a Kansas corporation whose stockholders or members are
healthcare providers or an association of healthcare providers, which that
corporation evaluates medical and healthcare services;

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

(J) the university of Kansas medical center.

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

(A) Evaluate and improve the quality of healthcare services rendered
by healthcare providers;

(B) determine that health services rendered were professionally
indicated or were performed in compliance with the applicable standard of
care;
(C) determine that the cost of healthcare rendered was considered reasonable by the providers of professional health services in this area;
(D) evaluate the qualifications, competence and performance of the providers of healthcare or to act upon matters relating to the discipline of any individual provider of healthcare;
(E) reduce morbidity or mortality;
(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of healthcare;
(G) conduct of research;
(H) determine if a hospital's facilities are being properly utilized;
(I) supervise, discipline, admit, determine privileges or control members of a hospital's medical staff;
(J) review the professional qualifications or activities of healthcare providers;
(K) evaluate the quantity, quality and timeliness of healthcare services rendered to patients in the facility;
(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by healthcare providers in a facility rendering healthcare.

(4) "Peer review officer or committee" means:
(A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a healthcare provider group and authorized to perform peer review; or
(B) a healthcare provider monitoring the delivery of healthcare at correctional institutions under the jurisdiction of the secretary of corrections.

(b) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a healthcare provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to
practice of the healthcare provider. A licensing agency in conducting a
disciplinary proceeding in which admission of any peer review committee
report, record or testimony is proposed shall hold the hearing in closed
session when any such report, record or testimony is disclosed. Unless
otherwise provided by law, a licensing agency conducting a disciplinary
proceeding may close only that portion of the hearing in which disclosure
of a report or record privileged under this section is proposed. In closing a
portion of a hearing as provided by this section, the presiding officer may
exclude any person from the hearing location except the licensee, the
licensee's attorney, the agency's attorney, the witness, the court reporter and
appropriate staff support for either counsel. The licensing agency shall
make the portions of the agency record in which such report or record is
disclosed subject to a protective order prohibiting further disclosure of such
report or record. Such report or record shall not be subject to discovery,
subpoena or other means of legal compulsion for their release to any person
or entity. No person in attendance at a closed portion of a disciplinary
proceeding shall at a subsequent civil, criminal or administrative hearing,
be required to testify regarding the existence or content of a report or
record privileged under this section that was disclosed in a closed portion
of a hearing, nor shall such testimony be admitted into evidence in any
subsequent civil, criminal or administrative hearing. A licensing agency
conducting a disciplinary proceeding may review peer review committee
records, testimony or reports but must prove its findings with
independently obtained testimony or records that shall be presented as part
of the disciplinary proceeding in open meeting of the licensing agency.
Offering such testimony or records in an open public hearing shall not be
deemed a waiver of the peer review privilege relating to any peer review
committee testimony, records or report.
(d) Nothing in this section shall limit the authority that may otherwise
be provided by law of the commissioner of insurance, the state board of
healing arts or other healthcare provider licensing or disciplinary boards of
this state to require a peer review committee or officer to report to it any
disciplinary action or recommendation of such committee or officer; to
transfer to it records of such committee's or officer's proceedings or actions
to restrict or revoke the license, registration, certification or other
authorization to practice of a healthcare provider; or to terminate the
liability of the fund for all claims against a specific healthcare provider for
damages for death or personal injury pursuant to K.S.A. 40-3403(i), and
amendments thereto. Reports and records so furnished shall not be subject
to discovery, subpoena or other means of legal compulsion for their release
to any person or entity and shall not be admissible in evidence in any
judicial or administrative proceeding other than a disciplinary proceeding
by the state board of healing arts or other healthcare provider licensing or
disciplinary boards of this state.

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

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

Sec. 19. On and after July 1, 2021, K.S.A. 65-4921 is hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and amendments thereto:

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

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

(c) "Healthcare provider" means: (1) Those persons and entities defined as a healthcare provider under K.S.A. 40-3401, and amendments thereto; and (2) a dentist licensed by the Kansas dental board, a dental therapist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts and a respiratory therapist licensed by the state board of healing arts.

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

(e) "Medical care facility" means: (1) A medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto; (2) a private psychiatric hospital licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto; and (3) state psychiatric hospitals and state institutions for people with intellectual disability, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center.

(f) "Reportable incident" means an act by a healthcare provider that: (1) Is or may be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or (2) may be grounds for disciplinary action by the appropriate licensing agency.
"Risk manager" means the individual designated by a medical care
facility to administer its internal risk management program and to receive
reports of reportable incidents within the facility.

"Secretary" means the secretary of health and environment.

Sec. 20. On and after July 1, 2021, K.S.A. 65-5912 is hereby amended
to read as follows: 65-5912. (a) Nothing in this act shall be construed to
require any insurer or other entity regulated under chapter 40 of the Kansas
Statutes Annotated, and amendments thereto, or any other law of this state
to provide coverage for or indemnify for the services provided by a person
licensed under this act.

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

(1) To any person licensed to practice the healing arts, a licensed
dentist, a licensed dental therapist, a licensed dental hygienist, a licensed
professional nurse, a licensed practical nurse, a licensed psychologist, a
licensed masters level psychologist, a licensed pharmacist or an employee
thereof, a physician assistant, a licensed professional counselor;

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

(3) to any dietetic technician or dietetic assistant;

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

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

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

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

(8) to any person who performs the activities and services of a
licensed dietitian or nutrition educator as an employee of the state or a
political subdivision, an elementary or secondary school, an educational institution, a licensed institution, or a not-for-profit organization;

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

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

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

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

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

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

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

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

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

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

Sec. 21. On and after July 1, 2021, K.S.A. 65-7304 is hereby amended to read as follows: 65-7304. The following shall be exempt from the requirement of a license pursuant to this act:

(a) A licensed practitioner;

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

(c) healthcare providers in the United States armed forces, public health services, federal facilities and other military service when acting in
the line of duty in this state;
(d) persons rendering assistance in the case of an emergency;
(e) a licensed dental hygienist, a licensed dental therapist or an
unlicensed person working under the supervision of a licensed dentist who
has been trained by a licensed dentist on the proper use of dental
radiographic equipment for the purpose of providing medical imaging for
dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and
amendments thereto; and
(f) a licensed physician assistant, a licensed nurse or an unlicensed
person performing radiologic technology procedures who is: (1) Working
under the supervision of a licensed practitioner or a person designated by a
hospital licensed pursuant to K.S.A. 65-425 et seq., and amendments
thereto; and (2) who has been trained on the proper use of equipment for
the purpose of performing radiologic technology procedures consistent with
The board shall adopt rules and regulations to assure that persons exempted
from licensure under this subsection receive continuing education
consistent with their practice authorized herein.
(g) This section shall take effect on and after July 1, 2005.

Sec. 22. On and after July 1, 2021, K.S.A. 74-1405 is hereby amended
to read as follows: 74-1405. (a) The board at its first meeting day of each
year shall elect from its members a president, vice-president and secretary.
The board shall have a common seal. The board shall hold two regular
meetings each year at times to be fixed by the board, and special meetings
at such other times as may be necessary.
(b) Members of the Kansas dental board attending meetings of such
board, or attending a subcommittee meeting thereof authorized by such
board, or conducting examinations for dental, dental therapist or dental
hygienists licenses or conducting inspections of dental laboratories required
by K.S.A. 65-1438, and amendments thereto, shall be paid compensation,
subsistence allowances, mileage and other expenses as provided in K.S.A.
75-3223, and amendments thereto. Members of the board conducting
examinations for dental, dental therapist or dental hygienists licenses may
receive amounts for compensation, subsistence allowances, mileage or
other expenses from a nonstate agency for conducting such examinations
but no member receiving any such amounts shall be paid any
compensation, subsistence allowances, mileage or other expenses under
this section for conducting such examinations.
(c) The official office of the board shall be in Topeka. Meetings shall
be held in Topeka or at such other places as the board shall determine to be
most appropriate. Service of process may be had upon the board by
delivery of process to the secretary of state who shall mail the same by
registered or certified mail to the executive director of the board.
(d) The board may appoint an executive director who shall be in the unclassified service of the Kansas civil service act. The executive director shall receive an annual salary fixed by the board and approved by the governor. The executive director shall be the legal custodian of all property, money, minutes, records, and proceedings and seal of the board.

(e) The board in its discretion may affiliate as an active member with the national association of dental examiners and any organization of one or more state boards for the purpose of conducting a standard examination of candidates for licensure as dentists, dental therapists or dental hygienists and pay regular dues to such association or organization, and may send members of the board to the meetings of the national association and the meetings of any organization of state boards of dental examiners organized for the purpose of conducting a standard examination of candidates for licensure as dentists, dental therapists and dental hygienists.

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

Sec. 23. On and after July 1, 2021, K.S.A. 74-1406 is hereby amended to read as follows: 74-1406. The board shall exercise, subject to the provisions of this act, the following powers and duties:

(a) Adopt such rules for its governance as it may deem proper.
(b) Adopt rules and regulations for qualification and licensing of dental therapists and dental hygienists.
(c) Adopt rules and regulations regarding sanitation.
(d) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists or certificates as specialists in dentistry.
(e) Pass upon the qualifications of applicants for reciprocal licenses.
(f) Prescribe rules and regulations for examination of candidates.
(g) Formulate rules and regulations by which dental schools and colleges shall be approved.
(h) Grant licenses, issue license certificates as specialists in dentistry and issue renewal licenses and certificates as specialists in dentistry in conformity with this act to such applicants and dentists as have been found qualified.
(i) Conduct hearings or proceedings to revoke or suspend and to
revoke or suspend a license, certificate or renewal license or certificate
granted under the authority of this act or previous acts.

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

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

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

Sec. 24. On and after July 1, 2021, K.S.A. 2018 Supp. 75-2935 is
hereby amended to read as follows: 75-2935. The civil service of the state
of Kansas is hereby divided into the unclassified and the classified services.

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

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

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

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

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

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

(f) chancellor, president, deans, administrative officers, student health
service physicians, pharmacists, teaching and research personnel,
healthcare employees and student employees in the institutions under the
state board of regents, the executive officer of the board of regents and the
executive officer's employees other than clerical employees, and, at the
discretion of the state board of regents, directors or administrative officers
of departments and divisions of the institution and county extension agents,
except that this subsection (1)(f) paragraph shall not be construed to
include the custodial, clerical or maintenance employees, or any employees
performing duties in connection with the business operations of any such
institution, except administrative officers and directors; as used in this
subsection (1)(f) paragraph, "healthcare employees" means employees of
the university of Kansas medical center who provide healthcare services at
the university of Kansas medical center and who are medical technicians or
technologists or respiratory therapists, who are licensed professional nurses
or licensed practical nurses, or who are in job classes which that are
designated for this purpose by the chancellor of the university of Kansas
upon a finding by the chancellor that such designation is required for the
university of Kansas medical center to recruit or retain personnel for
positions in the designated job classes; and employees of any institution
under the state board of regents who are medical technologists;
(g) operations, maintenance and security personnel employed to
implement agreements entered into by the adjutant general and the federal
national guard bureau, and officers and enlisted persons in the national
guard and the naval militia;
(h) persons engaged in public work for the state but employed by
contractors when the performance of such contract is authorized by the
legislature or other competent authority;
(i) persons temporarily employed or designated by the legislature or
by a legislative committee or commission or other competent authority to
make or conduct a special inquiry, investigation, examination or
installation;
(j) officers and employees in the office of the attorney general and
special counsel to state departments appointed by the attorney general,
except that officers and employees of the division of the Kansas bureau of
investigation shall be in the classified or unclassified service as provided in
K.S.A. 75-711, and amendments thereto;
(k) all employees of courts;
(l) client, patient and inmate help in any state facility or institution;
(m) all attorneys for boards, commissions and departments;
(n) the secretary and assistant secretary of the Kansas state historical
society;
(o) physician specialists, dentists, dental therapists, dental hygienists,
pharmacists, medical technologists and long term care workers employed
by the Kansas department for aging and disability services;
(p) physician specialists, dentists and medical technologists employed
by any board, commission or department or by any institution under the
jurisdiction thereof;
(q) student employees enrolled in public institutions of higher
learning;
(r) administrative officers, directors and teaching personnel of the
state board of education and the state department of education and of any
institution under the supervision and control of the state board of education,
except that this subsection (1)(r) paragraph shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

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

(t) one personal secretary and one special assistant to the following:
The secretary of administration, the secretary for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;

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

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

(w) one public information officer and one chief attorney for the following: The department of administration, the Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the commissioner of juvenile justice;

(x) if designated by the appointing authority, persons in newly hired positions, including any employee who is rehired into such position and any current state employee who voluntarily transfers into, or is voluntarily promoted or demoted into such position, on and after July 1, 2015, in any state agency;

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

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

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

(bb) positions at state institutions of higher education that have been
converted to unclassified positions pursuant to K.S.A. 2018 Supp. 76-715a,
and amendments thereto; and

(cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
12a16, 76-3202 and 82a-1205 and K.S.A. 2018 Supp. 39-1911, and
amendments thereto, any vacant position within the classified service may
be converted by the appointing authority to an unclassified position.

(2) The classified service comprises all positions now existing or
hereafter created which are not included in the unclassified service.
Appointments in the classified service shall be made according to merit and
fitness from eligible pools which so far as practicable shall be
competitive. No person shall be appointed, promoted, reduced or
discharged as an officer, clerk, employee or laborer in the classified service
in any manner or by any means other than those prescribed in the Kansas
civil service act and the rules adopted in accordance therewith.

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

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

(5) On and after the effective date of this act, any state agency that has
positions in the classified service within the Kansas civil service act to
satisfy any requirement of maintaining personnel standards on a merit basis
pursuant to federal law or the rules and regulations promulgated thereunder
by the federal government or any agency thereof, shall adopt a binding
statement of agency policy pursuant to K.S.A. 77-415, and amendments
thereto, to satisfy such requirements if the appointing authority has made
any such position unclassified.

Sec. 25. On and after July 1, 2021, K.S.A. 2018 Supp. 75-6102 is
hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101
through 75-6118, and amendments thereto, unless the context clearly
requires otherwise:
(a) "State" means the state of Kansas and any department or branch of
state government, or any agency, authority, institution or other
instrumentality thereof.
(b) "Municipality" means any county, township, city, school district or
other political or taxing subdivision of the state, or any agency, authority,
institution or other instrumentality thereof.
(c) "Governmental entity" means state or municipality.
(d) (1) "Employee" means: (A) Any officer, employee, servant or
member of a board, commission, committee, division, department, branch
or council of a governmental entity, including elected or appointed officials
and persons acting on behalf or in service of a governmental entity in any
official capacity, whether with or without compensation and a charitable
healthcare provider;
(B) any steward or racing judge appointed pursuant to K.S.A. 74-
8818, and amendments thereto, regardless of whether the services of such
steward or racing judge are rendered pursuant to contract as an independent
contractor;
(C) employees of the United States marshals service engaged in the
transportation of inmates on behalf of the secretary of corrections;
(D) a person who is an employee of a nonprofit independent
contractor, other than a municipality, under contract to provide educational
or vocational training to inmates in the custody of the secretary of
corrections and who is engaged in providing such service in an institution
under the control of the secretary of corrections provided that such
employee does not otherwise have coverage for such acts and omissions
within the scope of their employment through a liability insurance contract
of such independent contractor;
(E) a person who is an employee or volunteer of a nonprofit program,
other than a municipality, who has contracted with the commissioner of
juvenile justice or with another nonprofit program that has contracted with
the secretary of corrections to provide a juvenile justice program for
juvenile offenders in a judicial district provided that such employee or
volunteer does not otherwise have coverage for such acts and omissions
within the scope of their employment or volunteer activities through a
liability insurance contract of such nonprofit program;
(F) a person who contracts with the Kansas guardianship program to
provide services as a court-appointed guardian or conservator;
an employee of an indigent healthcare clinic;

former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity;

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

any member of a regional search and rescue team or regional hazardous materials response team contracting with the state fire marshal pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2018 Supp. 75-1518, and amendments thereto, in connection with authorized training or upon activation for an emergency response; and

medical students enrolled at the university of Kansas medical center who are in clinical training, on or after July 1, 2008, at the university of Kansas medical center or at another healthcare institution.

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

(B) any independent contractor under contract with a governmental entity except those contractors specifically listed in subsection (d)(1).

"Charitable healthcare provider" means a person licensed by the state board of healing arts as an exempt licensee or a federally active licensee, a person issued a limited permit by the state board of healing arts, a physician assistant licensed by the state board of healing arts, a mental health practitioner licensed by the behavioral sciences regulatory board, an ultrasound technologist currently registered in any area of sonography credentialed through the American registry of radiology technologists, the American registry for diagnostic medical sonography or cardiovascular credentialing international and working under the supervision of a person licensed to practice medicine and surgery, or a healthcare provider as the term "healthcare provider" is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A. 75-6120, and amendments thereto, who, pursuant to such agreement, gratuitously renders professional services to a person who has provided information that would reasonably lead the healthcare provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section or to a person receiving medical assistance from the programs operated by the department of health and environment, and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto;

(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children's immunization programs administered by the secretary;
(3) a local health department or indigent healthcare clinic that renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of health and environment gratuitously or for a fee paid by the local health department or indigent healthcare clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto. Professional services rendered by a provider under this paragraph shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent healthcare clinic and notwithstanding any fee paid by the local health department or indigent healthcare clinic to a provider in accordance with this paragraph; or

(4) the secretary of health and environment to provide dentistry services defined by K.S.A. 65-1422 et seq., and amendments thereto, dental therapy services defined by section 2, and amendments thereto, or dental hygienist services defined by K.S.A. 65-1456, and amendments thereto, that are targeted, but are not limited to, medically indigent persons, and are provided on a gratuitous basis: (A) At a location sponsored by a not-for-profit organization that is not the dentist or dental hygienist office location; (B) at the office location of a dentist or dental hygienist provided the care be delivered as part of a program organized by a not-for-profit organization and approved by the secretary of health and environment; or (C) as part of a charitable program organized by the dentist that has been approved by the secretary of health and environment upon a showing that the dentist seeks to treat medically indigent patients on a gratuitous basis, except that such dentistry services and dental hygienist services shall not include "oral and maxillofacial surgery" as defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7.

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

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

(h) "Local health department" means the same as defined in K.S.A. 65-241, and amendments thereto.

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

(j) "Community mental health center" means the same as defined in K.S.A. 2018 Supp. 39-2002, and amendments thereto.


Sec. 27. This act shall take effect and be in force from and after its publication in the statute book.