AN ACT concerning health and healthcare; relating to oral health; establishing a state oral health plan; medical assistance dental benefits; revising the dental practices act; amending K.S.A. 65-1456 and repealing the existing section.

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

New Section 1. Sections 1 through 3, and amendments thereto, shall be known and may be cited as the Kansas oral health improvement act.

New Sec. 2. (a) The secretary of health and environment shall develop, implement and monitor a state oral health plan and, at least once every five calendar years, shall prepare and publish a written report detailing such plan. The plan shall address, at a minimum, the following topics as related to oral health services in the state of Kansas: Oral health workforce, drinking water, teledentistry, oral health literacy, the financing of oral health services and system collaboration between oral health providers, funding sources and consumers.

(b) The secretary of health and environment shall convene an advisory committee consisting of public and private stakeholders to assist the secretary in developing, implementing and monitoring the state oral health plan. Members of such advisory committee shall include, but not be limited to, individuals from the following organizations:

(1) The department of health and environment;
(2) oral health Kansas;
(3) the community care network of Kansas;
(4) the Kansas dental hygienists’ association; and
(5) the Kansas dental association.

(c) The secretary of health and environment shall convene meetings of the advisory committee at least once per calendar year, except that, in the calendar year immediately preceding the written report required by subsection (a), the secretary shall convene meetings of the advisory committee at least once per calendar quarter.

(d) In the advisory committee's considerations, the secretary of health and environment shall solicit input and participation from stakeholders representing the following interests: Behavioral health, disabilities, aging, early childhood, hospitals, public health, with emphasis on local health departments, education, long-term care, dental education, insurance and
health foundations.

New Sec. 3. (a) The secretary of health and environment shall establish or adjust provider reimbursement rates for dental services provided to medical assistance enrollees under K.S.A. 39-709, and amendments thereto, at rates equal to 60% of the reimbursement rates paid by the state healthcare benefits program. The secretary shall review such rates for potential adjustment at least once per calendar year.

(b) The secretary of health and environment shall provide dental benefits to any medical assistance enrollee under K.S.A. 39-709, and amendments thereto.

(c) The secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this section.

(d) The secretary of health and environment shall adopt rules and regulations as necessary to implement and administer this section.

Sec. 4. 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 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 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, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient evaluates the 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 health care 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 secretary of corrections 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 health care 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, 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 renewal of licensure.

(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 secretary of corrections 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 health care 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, 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 \( \frac{3}{3} \) 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 parent or 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 paragraph (4) within the board's continuing
dental education requirements for relicensure renewal of licensure.

(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 health
care 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 health care 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. 5. K.S.A. 65-1456 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.