

SENATE BILL No. 227

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning health and healthcare; relating to oral health;
2 providing dental benefits for medicaid enrollees; making technical
3 corrections to the dental practices act; amending K.S.A. 65-1456 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) The secretary of health and environment shall
8 provide dental benefits to any medical assistance enrollee under K.S.A.
9 39-709, and amendments thereto.

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

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

15 Sec. 2. K.S.A. 65-1456 is hereby amended to read as follows: 65-

16 1456. (a) The board may suspend or revoke the license of any dentist who
17 shall permit any dental hygienist operating under such dentist's supervision
18 to perform any operation other than ~~that~~ those permitted under ~~the~~
19 ~~provisions of~~ article 14 of chapter 65 of the Kansas Statutes Annotated,
20 and amendments thereto, and may suspend or revoke the license of any
21 hygienist found guilty of performing any operation other than those
22 permitted under article 14 of chapter 65 of the Kansas Statutes Annotated,
23 and amendments thereto. No license of any dentist or dental hygienist shall
24 be suspended or revoked in any administrative proceedings without first
25 complying with the notice and hearing requirements of the Kansas
26 administrative procedure act.

27 (b) The practice of dental hygiene shall include those educational,
28 preventive, and therapeutic procedures ~~which~~ that result in the removal of
29 extraneous deposits, stains and debris from the teeth and the rendering of
30 smooth surfaces of the teeth to the depths of the gingival sulci. Included
31 among those educational, preventive and therapeutic procedures are the
32 instruction of the patient as to daily personal care, protecting the teeth
33 from dental caries, the scaling and polishing of the crown surfaces and the
34 planing of the root surfaces, in addition to the curettage of those soft
35 tissues lining the free gingiva to the depth of the gingival sulcus and such
36 additional educational, preventive and therapeutic procedures as the board

1 may establish by rules and regulations.

2 (c) Subject to such prohibitions, limitations and conditions as the
3 board may prescribe by rules and regulations, any licensed dental hygienist
4 may practice dental hygiene and may also perform such dental service as
5 may be performed by a dental assistant under the provisions of K.S.A. 65-
6 1423, and amendments thereto.

7 (d) Except as otherwise provided in this section, the practice of dental
8 hygiene shall be performed under the direct or general supervision of a
9 licensed dentist at the office of such licensed dentist. The board shall
10 designate by rules and regulations the procedures—~~which that~~ may be
11 performed by a dental hygienist under direct supervision and the
12 procedures—~~which that~~ may be performed under general supervision of a
13 licensed dentist. As used in this section: (1) "Direct supervision" means
14 that the dentist is in the dental office, personally diagnoses the condition to
15 be treated, personally authorizes the procedure and before dismissal of the
16 patient evaluates the performance; and (2) "general supervision" means a
17 Kansas licensed dentist may delegate verbally or by written authorization
18 the performance of a service, task or procedure to a licensed dental
19 hygienist under the supervision and responsibility of the dentist, if the
20 dental hygienist is licensed to perform the function, and the supervising
21 dentist examines the patient at the time the dental hygiene procedure is
22 performed, or during the 12 calendar months preceding the performance of
23 the procedure, except that the licensed hygienist shall not be permitted to
24 diagnose a dental disease or ailment, prescribe any treatment or a regimen
25 thereof, prescribe, order or dispense medication or perform any procedure
26 ~~which that~~ is irreversible or ~~which that~~ involves the intentional cutting of
27 the soft or hard tissue by any means. A dentist is not required to be on the
28 premises at the time a hygienist performs a function delegated under ~~part~~
29 *paragraph (2) of this subsection.*

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

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

36 (2) the dental hygienist is under the supervision and responsibility of
37 the dentist;

38 (3) either the supervising dentist is personally present or the services,
39 tasks and procedures are limited to the cleaning of teeth, education and
40 preventive care; and

41 (4) the supervising dentist examines the patient at the time the dental
42 hygiene procedure is performed or has examined the patient during the 12
43 calendar months preceding performance of the procedure.

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

19 (1) The dental hygienist has received an "extended care permit I"
20 from the Kansas dental board specifying that the dental hygienist has
21 performed 1,200 hours of dental hygiene care within the past three years or
22 has been an instructor at an accredited dental hygiene program for two
23 academic years within the past three years;

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

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

30 (4) the tasks and procedures are limited to:

31 (A) Removal of extraneous deposits, stains and debris from the teeth
32 and the rendering of smooth surfaces of the teeth to the depths of the
33 gingival sulci;

34 (B) the application of topical anesthetic if the dental hygienist has
35 completed the required course of instruction approved by the dental board;

36 (C) the application of fluoride;

37 (D) dental hygiene instruction;

38 (E) assessment of the patient's apparent need for further evaluation by
39 a dentist to diagnose the presence of dental caries and other abnormalities;
40 and

41 (F) other duties as may be delegated verbally or in writing by the
42 sponsoring dentists consistent with this act;

43 (5) the dental hygienist advises the patient and legal guardian that the

1 services are preventive in nature and do not constitute a comprehensive
2 dental diagnosis and care;

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

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

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

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

19 (A) Performed 1,600 hours of dental hygiene care or has been an
20 instructor at an accredited dental hygiene program for two academic years
21 within the past three years; and

22 (B) completed six hours of training on the care of special needs
23 patients or other training as may be accepted by the board;

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

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

30 (4) the tasks and procedures are limited to:

31 (A) Removal of extraneous deposits, stains and debris from the teeth
32 and the rendering of smooth surfaces of the teeth to the depths of the
33 gingival sulci;

34 (B) the application of topical anesthetic if the dental hygienist has
35 completed the required course of instruction approved by the dental board;

36 (C) the application of fluoride;

37 (D) dental hygiene instruction;

38 (E) assessment of the patient's apparent need for further evaluation by
39 a dentist to diagnose the presence of dental caries and other abnormalities;
40 and

41 (F) other duties as may be delegated verbally or in writing by the
42 sponsoring dentist consistent with this act;

43 (5) the dental hygienist advises the patient and legal guardian that the

1 services are preventive in nature and do not constitute comprehensive
2 dental diagnosis and care;

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

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

9 (8) the dental hygienist completes a minimum of three hours of
10 education in the area of special needs care within the board's continuing
11 dental education requirements for ~~relicensure~~ *renewal of licensure*.

12 (h) The expanded practice of dental hygiene may be performed with
13 consent of the parent or legal guardian; On children participating in
14 residential and nonresidential centers for therapeutic services; on all
15 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 of age~~ *birth up to five years of age* and children in public and nonpublic schools ~~in kindergarten or grades one through grade 12~~ *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:

16 (1) The dental hygienist has received an "extended care permit III"
17 from the Kansas dental board specifying that the dental hygienist has:

18 (A) Performed 2,000 hours of dental hygiene care or has been an
19 instructor at an accredited dental hygiene program for three academic
20 years within the past four years; and

21 (B) completed a course of study of 18 seat hours approved by the
22 board ~~which~~ *that* includes, but is not limited to, emergency dental care
23 techniques, the preparation and placement of temporary restorations, the
24

- 1 adjustment of dental prostheses and appropriate pharmacology;
- 2 (2) the dental hygienist shows proof of professional liability
3 insurance;
- 4 (3) the dental hygienist is sponsored by a dentist licensed in the state
5 of Kansas, including a signed agreement stating that the dentist shall
6 monitor the dental hygienist's activities, except such dentist shall not
7 monitor more than five dental hygienists with an extended care permit III;
- 8 (4) the tasks and procedures are limited to:
- 9 (A) Removal of extraneous deposits, stains and debris from the teeth
10 and the rendering of smooth surfaces of the teeth to the depths of the
11 gingival sulci;
- 12 (B) the application of topical anesthetic, if the dental hygienist has
13 completed the required course of instruction approved by the dental board;
- 14 (C) the application of fluoride;
- 15 (D) dental hygiene instruction;
- 16 (E) assessment of the patient's apparent need for further evaluation by
17 a dentist to diagnose the presence of dental caries and other abnormalities;
- 18 (F) identification and removal of decay using hand instrumentation
19 and placing a temporary filling, including glass ionomer and other
20 palliative materials;
- 21 (G) adjustment of dentures, placing soft relines in dentures, checking
22 partial dentures for sore spots and placing permanent identification
23 labeling in dentures;
- 24 (H) smoothing of a sharp tooth with a slow speed dental handpiece;
- 25 (I) use of local anesthetic, including topical, infiltration and block
26 anesthesia, when appropriate to assist with procedures where medical
27 services are available in a nursing home, health clinic or any other settings
28 if the dental hygienist has completed a course on local anesthesia and
29 nitrous oxide as required in this act;
- 30 (J) extraction of deciduous teeth that are partially exfoliated with
31 class-4 3 mobility; and
- 32 (K) other duties as may be delegated verbally or in writing by the
33 sponsoring dentist consistent with this act;
- 34 (5) the dental hygienist advises the patient and *parent or* legal
35 guardian that the services are palliative or preventive in nature and do not
36 constitute comprehensive dental diagnosis and care;
- 37 (6) the dental hygienist provides a copy of the findings and the report
38 of treatment to the sponsoring dentist and any other dental or medical
39 supervisor at a participating organization found in this subsection;
- 40 (7) the dental hygienist notifies the patient or the patient's parent or
41 legal guardian of such patient's need for treatment by a dentist, when the
42 dental hygienist finds an apparent need for evaluation to diagnose the
43 presence of dental caries and other abnormalities;

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

4 (9) the dental hygienist completes a minimum of three hours of
5 education related to the expanded scope of dental hygiene practice in
6 ~~subsection (h)(4) of this act~~ *paragraph (4)* within the board's continuing
7 dental education requirements for ~~relicensure~~ *renewal of licensure*.

8 (i) In addition to the duties specifically mentioned in subsection (b),
9 any duly licensed dental hygienist may:

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

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

15 (3) administer local block and infiltration anaesthesia and nitrous
16 oxide.

17 (A) The administration of local anaesthesia shall be performed under
18 the direct supervision of a licensed dentist except that topically applied
19 local anaesthesia, as defined by the board, may be administered under the
20 general supervision of a licensed dentist.

21 (B) Each dental hygienist who administers local anaesthesia
22 regardless of the type shall have completed courses of instruction in local
23 anaesthesia and nitrous oxide ~~which~~ *that* have been approved by the board.

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

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

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

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

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

40 (m) As used in this section, "dentally underserved" means a person
41 who lacks resources to pay for medically necessary health care services
42 and who meets the eligibility criteria for qualification as a medically
43 indigent person established by the secretary of health and environment

1 under K.S.A. 75-6120, and amendments thereto.

2 Sec. 3. K.S.A. 65-1456 is hereby repealed.

3 Sec. 4. This act shall take effect and be in force from and after its

4 publication in the statute book.