

2023 Kansas Statutes

- 65-1471. Dental services agreements; limitations.** (a) As used in this section, "licensed dentist" means a dentist licensed under the dental practices act.
- (b) No person who is a licensed dentist or any entity that is not a professional corporation or limited liability company owned by a licensed dentist shall enter into or continue to maintain a contract or agreement with a licensed dentist in which such contract or agreement allows or provides for the following functions to be controlled by any person or entity other than a licensed dentist pursuant to this section:
- (1) Providing dental treatment to patients;
 - (2) the decision to accept individual patients for treatment;
 - (3) the direction or delegation of all professional dental services;
 - (4) the ownership of dental charts or patient records;
 - (5) except as provided in subsection (d), the ownership of dental equipment or dental materials; and
 - (6) the supervision of clinical dental staff.
- (c) It shall not be a violation of this section for a person or entity to act on behalf of a licensed dentist to perform or arrange for others to perform office administrative services including, but not limited to:
- (1) Purchasing, billing or tax preparation;
 - (2) compliance or quality assurance programs;
 - (3) legal advice or representation; and
 - (4) payroll, advertising, training, recruiting, recordkeeping, programming or other similar functions under the direction or with the consent or approval of a licensed dentist or professional corporation or limited liability company owned by a licensed dentist.
- (d) Nothing in this section shall prohibit a licensed dentist, professional corporation or limited liability company owned by a licensed dentist from entering into real estate lease, equipment lease or lease purchase agreement or bona fide sale of dental equipment or material secured by a chattel mortgage or retain title agreements with equipment manufacturers, landlords, lending institutions, leasing companies, dental franchisors or persons or entities providing dental office administrative services or similar commercial financing transactions.
- (e) No contract or provision in any such agreement shall require either party to indemnify the other party for negligence, intentional acts or omissions that constitute a violation of K.S.A. 65-1422 et seq., and amendments thereto.

History: L. 2011, ch. 114, § 97; June 9.