

**HOUSE BILL No. 2631**

By Committee on Health and Human Services

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1 AN ACT concerning dental care; amending K.S.A. 2011 Supp. 65-1424,  
2 65-1456 and 75-6102 and repealing the existing sections.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 ***Section 1. K.S.A. 2011 Supp. 65-1424 is hereby amended to read as***  
6 ***follows: 65-1424. (a) As used in this act:***

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

9 ***(2) "Dental franchisor" means any person or entity, pursuant to a***  
10 ***written agreement, who provides a licensed dentist any dental practice***  
11 ***management consulting services, which may include marketing or***  
12 ***advertising services, signage or branding consulting, or places in***  
13 ***possession of a licensed dentist such dental material or equipment as***  
14 ***may be necessary for the management of a dental office on the basis of a***  
15 ***lease or any other agreement for compensation. A person or entity is not***  
16 ***a dental franchisor if the agreement with the dentist:***

17 ***(A) Permits the person or entity to interfere with the professional***  
18 ***judgment of the dentist; or***

19 ***(B) contains terms that would constitute a violation of the dental***  
20 ***practices act, rules and regulations adopted by the board, any orders and***  
21 ***directives issued by the board or any other applicable law.***

22 ***(3) "Unlicensed proprietor" means any person or entity not***  
23 ***authorized to own or operate a dental practice that enters into an***  
24 ***agreement with a dentist or dental hygienist related to the practice of***  
25 ***dentistry or dental hygiene which:***

26 ***(A) Permits the person or entity to interfere with the professional***  
27 ***judgment of the dentist; or***

28 ***(B) contains terms that would constitute a violation of the dental***  
29 ***practices act, rules and regulations adopted by the board, any orders and***  
30 ***directives issued by the board or any other applicable law.***

31 ***A licensee of dentistry who enters into any arrangement with an***  
32 ***unlicensed proprietor may have such license limited, suspended or***  
33 ***revoked by the board.***

34 ***(b) The estate or agent for a deceased or substantially disabled***

1 ***dentist may employ dentists, for a period of not more than one year 18***  
2 ***months following the date of death or substantial disability of the dentist,***  
3 ***to provide service to patients until the practice can be sold or closed.***  
4 *Upon application showing good cause, including, but not limited to,*  
5 *evidence of a good faith effort to sell or close the dental practice, the*  
6 *Kansas dental board may extend the time in six-month increments for a*  
7 *period of not more than one additional year for which the practice can be*  
8 *sold or closed. The Kansas dental board may adopt rules and regulations*  
9 *as necessary to carry out the provisions of this section.*

10 ~~Section 1.~~ **Sec. 2. On and after July 1, 2012,** K.S.A. 2011 Supp. 65-  
11 1456 is hereby amended to read as follows: 65-1456. (a) The board may  
12 suspend or revoke the license of any dentist who shall permit any dental  
13 hygienist operating under such dentist's supervision to perform any  
14 operation other than that permitted under the provisions of article 14 of  
15 chapter 65 of the Kansas Statutes Annotated, ~~or acts amendatory thereof~~  
16 ~~and amendments thereto,~~ and may suspend or revoke the license of any  
17 hygienist found guilty of performing any operation other than those  
18 permitted under article 14 of chapter 65 of the Kansas Statutes Annotated,  
19 ~~or acts amendatory thereof and amendments thereto.~~ No license of any  
20 dentist or dental hygienist shall be suspended or revoked in any  
21 administrative proceedings without first complying with the notice and  
22 hearing requirements of the Kansas administrative procedure act.

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

34 (c) Subject to such prohibitions, limitations and conditions as the  
35 board may prescribe by rules and regulations, any licensed dental hygienist  
36 may practice dental hygiene and may also perform such dental service as  
37 may be performed by a dental assistant under the provisions of K.S.A. 65-  
38 1423, and amendments thereto.

39 (d) Except as otherwise provided in this section, the practice of dental  
40 hygiene shall be performed under the direct or general supervision of a  
41 licensed dentist at the office of such licensed dentist. The board shall  
42 designate by rules and regulations the procedures which may be performed  
43 by a dental hygienist under direct supervision and the procedures which

1 may be performed under general supervision of a licensed dentist. As used  
2 in this section: (1) "Direct supervision" means that the dentist is in the  
3 dental office, personally diagnoses the condition to be treated, personally  
4 authorizes the procedure and before dismissal of the patient evaluates the  
5 performance; and (2) "general supervision" means a Kansas licensed  
6 dentist may delegate verbally or by written authorization the performance  
7 of a service, task or procedure to a licensed dental hygienist under the  
8 supervision and responsibility of the dentist, if the dental hygienist is  
9 licensed to perform the function, and the supervising dentist examines the  
10 patient at the time the dental hygiene procedure is performed, or during the  
11 12 calendar months preceding the performance of the procedure, except  
12 that the licensed hygienist shall not be permitted to diagnose a dental  
13 disease or ailment, prescribe any treatment or a regimen thereof, prescribe,  
14 order or dispense medication or perform any procedure which is  
15 irreversible or which involves the intentional cutting of the soft or hard  
16 tissue by any means. A dentist is not required to be on the premises at the  
17 time a hygienist performs a function delegated under part (2) of this  
18 subsection.

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

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

25 (2) the dental hygienist is under the supervision and responsibility of  
26 the dentist;

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

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

33 (f) The practice of dental hygiene may be performed with consent of  
34 the parent or legal guardian, on children participating in residential and  
35 nonresidential centers for therapeutic services, on all children in families  
36 which are receiving family preservation services, on all children in the  
37 custody of the secretary of social and rehabilitation services or the  
38 commissioner of juvenile justice authority and in an out-of-home  
39 placement residing in foster care homes, on children being served by  
40 runaway youth programs and homeless shelters; and on children birth to  
41 five and children in public and nonpublic schools kindergarten through  
42 grade 12 regardless of the time of year and children participating in youth  
43 organizations, so long as such children ~~birth to five, in public or nonpublic~~

1 ~~schools or participating in youth organizations also meet the requirements~~  
2 ~~of medicaid, healthwave, or free or reduced lunch programs or Indian~~  
3 ~~health services who are dentally underserved are targeted;~~ at any state  
4 correctional institution, local health department or indigent health care  
5 clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any  
6 federally qualified health center, federally qualified health center look-  
7 alike or a community health center that receives funding from section 330  
8 of the health center consolidation act, on a person, inmate, client or patient  
9 thereof and on other persons as may be defined by the board; so long as:

10 (1) The dental hygienist has received an "extended care permit *J*"  
11 from the Kansas dental board specifying that the dental hygienist has  
12 performed 1,200 hours of dental hygiene care within the past three years or  
13 has been an instructor at an accredited dental hygiene program for two  
14 academic years within the past three years;

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

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

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

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

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

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

40 (g) The practice of dental hygiene may be performed on persons with  
41 developmental disabilities and on persons who are 65 years and older who  
42 live in a residential center, an adult care home, subsidized housing,  
43 hospital long-term care unit, state institution or are served in a community

1 senior service center, elderly nutrition program or at the home of a  
2 homebound person who qualifies for the federal home and community  
3 based service (HCBS) waiver on a resident of a facility, client or patient  
4 thereof so long as:

5 (1) The dental hygienist has received an "extended care permit II"  
6 from the Kansas dental board specifying that the dental hygienist has: (A)  
7 performed ~~1,800~~ **1,600** hours of dental hygiene care or has been an  
8 instructor at an accredited dental hygiene program for two academic years  
9 within the past three years; and (B) completed six hours of training on the  
10 care of special needs patients or other training as may be accepted by the  
11 board;

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

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

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

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

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

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

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

40 (h) *The expanded practice of dental hygiene may be performed with*  
41 *consent of the parent or legal guardian, on children participating in*  
42 *residential and nonresidential centers for therapeutic services, on all*  
43 *children in families which are receiving family preservation services, on*

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

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

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

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

39 (4) the tasks and procedures are limited to: (A) Removal of  
40 extraneous deposits, stains and debris from the teeth and the rendering of  
41 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the  
42 application of topical anesthetic if the dental hygienist has completed the  
43 required course of instruction approved by the dental board; (C) the

1 application of fluoride; (D) dental hygiene instruction; (E) assessment of  
 2 the patient's apparent need for further evaluation by a dentist to diagnose  
 3 the presence of dental caries and other abnormalities; (F) identification  
 4 and removal of decay using hand instrumentation and placing a  
 5 temporary filling, including glass ionomer and other palliative materials;  
 6 (G) adjustment of dentures, placing soft relines in dentures, checking  
 7 partial dentures for sore spots and placing permanent identification  
 8 labeling in dentures; (H) smoothing of a sharp tooth with a slow speed  
 9 dental handpiece; (I) use of local anesthetic, including topical, infiltration  
 10 and block anesthesia, when appropriate to assist with procedures where  
 11 medical services are available in a nursing home, health clinic or any  
 12 other settings; if the dental hygienist has completed a course on local  
 13 anesthesia and nitrous oxide as required in this act; (J) extraction of  
 14 deciduous teeth that are partially exfoliated with class 4 mobility; **and** (K)  
 15 ~~prescription of fluoride, chlorhexidine, antibiotics and antifungal as~~  
 16 ~~directed by a standing order from a sponsoring dentist; and (L) other~~  
 17 ~~duties as may be delegated verbally or in writing by the sponsoring dentist~~  
 18 ~~consistent with this act;~~

19 (5) the dental hygienist advises the patient and legal guardian that  
 20 the services are **temporary palliative or** preventive in nature and do not  
 21 constitute comprehensive dental diagnosis and care;

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

25 (7) **the dental hygienist notifies the patient or the patient's parent or**  
 26 **legal guardian of such patient's need for treatment by a dentist, when**  
 27 **the dental hygienist finds an apparent need for evaluation to diagnose**  
 28 **the presence of dental caries and other abnormalities;**

29 ~~(7)~~ (8) any payment to the dental hygienist for dental hygiene  
 30 services is received from the sponsoring dentist or the participating  
 31 organization found in this subsection; and

32 ~~(8)~~ (9) the dental hygienist completes a minimum of three hours of  
 33 education related to the expanded scope of dental hygiene practice in  
 34 subsection (h)(4) of this act within the board's continuing dental education  
 35 requirements for relicensure.

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

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

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

1 (3) administer local block and infiltration anaesthesia and nitrous  
 2 oxide. (A) The administration of local anaesthesia shall be performed  
 3 under the direct supervision of a licensed dentist except that topically  
 4 applied local anaesthesia, as defined by the board, may be administered  
 5 under the general supervision of a licensed dentist. (B) Each dental  
 6 hygienist who administers local anaesthesia regardless of the type shall  
 7 have completed courses of instruction in local anaesthesia and nitrous  
 8 oxide which have been approved by the board.

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

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

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

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

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

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

30 New Sec. ~~23~~ 3. *On and after July 1, 2012*, the state board of regents  
 31 shall endeavor to add additional seats at the university of Missouri-Kansas  
 32 City school of dentistry or other locations with the requirement that such  
 33 students provide services in underserved areas of Kansas for a minimum of  
 34 four years after graduation.

35 New Sec. ~~23~~ 4. (a) There is established a special volunteer dental  
 36 license for dentists who are retired from active practice and wish to donate  
 37 their expertise for the dental care and treatment of indigent and  
 38 underserved persons of the state. The special volunteer dental license shall  
 39 be:

- 40 (1) Issued by the Kansas dental board to eligible dentists;
- 41 (2) issued without the payment of an application fee, license fee or  
 42 renewal fee;
- 43 (3) issued or renewed without any continuing education requirements;

- 1 (4) issued for a fiscal year or part thereof; and  
2 (5) renewable annually upon approval of the board.
- 3 (b) A dentist shall meet the following requirements to be eligible for a  
4 special volunteer dental license:
- 5 (1) Completion of a special volunteer dental license application,  
6 including documentation of the dentist's dental school graduation and  
7 practice history;
- 8 (2) documentation that the dentist has been previously issued a full  
9 and unrestricted license to practice dentistry in Kansas or in another state  
10 of the United States and that the dentist has never been the subject of any  
11 disciplinary action in any jurisdiction;
- 12 (3) acknowledgment and documentation that the dentist's practice  
13 under the special volunteer dental license will be exclusively and totally  
14 devoted to providing dental care to underserved and indigent persons in  
15 Kansas; and
- 16 (4) acknowledgment and documentation that the dentist will not  
17 receive or have the expectation to receive any payment or compensation,  
18 either direct or indirect, for any dental services rendered under the special  
19 volunteer dental license.
- 20 (c) *The provisions of this section shall become effective on and*  
21 *after July 1, 2012.*
- 22 Sec. ~~4~~ 5. *On and after July 1, 2012*, K.S.A. 2011 Supp. 75-6102 is  
23 hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101  
24 through 75-6118, and amendments thereto, unless the context clearly  
25 requires otherwise:
- 26 (a) "State" means the state of Kansas and any department or branch of  
27 state government, or any agency, authority, institution or other  
28 instrumentality thereof.
- 29 (b) "Municipality" means any county, township, city, school district  
30 or other political or taxing subdivision of the state, or any agency,  
31 authority, institution or other instrumentality thereof.
- 32 (c) "Governmental entity" means state or municipality.
- 33 (d) (1) "Employee" means: (A) Any officer, employee, servant or  
34 member of a board, commission, committee, division, department, branch  
35 or council of a governmental entity, including elected or appointed  
36 officials and persons acting on behalf or in service of a governmental  
37 entity in any official capacity, whether with or without compensation and a  
38 charitable health care provider;
- 39 (B) any steward or racing judge appointed pursuant to K.S.A. 74-  
40 8818, and amendments thereto, regardless of whether the services of such  
41 steward or racing judge are rendered pursuant to contract as an  
42 independent contractor;
- 43 (C) employees of the United States marshal's service engaged in the

1 transportation of inmates on behalf of the secretary of corrections;

2 (D) a person who is an employee of a nonprofit independent  
3 contractor, other than a municipality, under contract to provide educational  
4 or vocational training to inmates in the custody of the secretary of  
5 corrections and who is engaged in providing such service in an institution  
6 under the control of the secretary of corrections provided that such  
7 employee does not otherwise have coverage for such acts and omissions  
8 within the scope of their employment through a liability insurance contract  
9 of such independent contractor;

10 (E) a person who is an employee or volunteer of a nonprofit program,  
11 other than a municipality, who has contracted with the commissioner of  
12 juvenile justice or with another nonprofit program that has contracted with  
13 the commissioner of juvenile justice to provide a juvenile justice program  
14 for juvenile offenders in a judicial district provided that such employee or  
15 volunteer does not otherwise have coverage for such acts and omissions  
16 within the scope of their employment or volunteer activities through a  
17 liability insurance contract of such nonprofit program;

18 (F) a person who contracts with the Kansas guardianship program to  
19 provide services as a court-appointed guardian or conservator;

20 (G) an employee of an indigent health care clinic;

21 (H) former employees for acts and omissions within the scope of their  
22 employment during their former employment with the governmental  
23 entity;

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

28 (J) medical students enrolled at the university of Kansas medical  
29 center who are in clinical training, on or after July 1, 2008, at the  
30 university of Kansas medical center or at another health care institution.

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

33 (B) any independent contractor under contract with a governmental  
34 entity except those contractors specifically listed in paragraph (1) of this  
35 subsection.

36 (e) "Charitable health care provider" means a person licensed by the  
37 state board of healing arts as an exempt licensee or a federally active  
38 licensee, a person issued a limited permit by the state board of healing arts,  
39 a physician assistant licensed by the state board of healing arts, a mental  
40 health practitioner licensed by the behavioral sciences regulatory board, an  
41 ultrasound technologist currently registered in any area of sonography  
42 credentialed through the American registry of radiology technologists, the  
43 American registry for diagnostic medical sonography or cardiovascular

1 credentialing international and working under the supervision of a person  
2 licensed to practice medicine and surgery, or a health care provider as the  
3 term "health care provider" is defined under K.S.A. 65-4921, and  
4 amendments thereto, who has entered into an agreement with:

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

14 (2) the secretary of health and environment and who, pursuant to such  
15 agreement, gratuitously renders professional services in conducting  
16 children's immunization programs administered by the secretary;

17 (3) a local health department or indigent health care clinic, which  
18 renders professional services to medically indigent persons or persons  
19 receiving medical assistance from the programs operated by the Kansas  
20 health policy authority gratuitously or for a fee paid by the local health  
21 department or indigent health care clinic to such provider and who is  
22 considered an employee of the state of Kansas under K.S.A. 75-6120, and  
23 amendments thereto. Professional services rendered by a provider under  
24 this paragraph (3) shall be considered gratuitous notwithstanding fees  
25 based on income eligibility guidelines charged by a local health  
26 department or indigent health care clinic and notwithstanding any fee paid  
27 by the local health department or indigent health care clinic to a provider  
28 in accordance with this paragraph (3); or

29 (4) the secretary of health and environment to provide dentistry  
30 services defined by K.S.A. 65-1422 et seq., and amendments thereto, or  
31 dental hygienist services defined by K.S.A. 65-1456, and amendments  
32 thereto, that are targeted, but are not limited to medically indigent persons,  
33 and are provided on a gratuitous basis: (A) At a location sponsored by a  
34 not-for-profit organization that is not the dentist or dental hygienist office  
35 location; or (B) *at the office location of a dentist or dental hygienist*  
36 *provided the care be delivered as part of a program organized by a not-*  
37 *for-profit organization and approved by the secretary of health and*  
38 *environment; or (C) **as part of** a charitable program organized by the*  
39 *dentist that has been approved by the secretary of health and environment*  
40 *upon a showing that the dentist seeks to treat medically indigent patients*  
41 *on a gratuitous basis;*, except that such dentistry services and dental  
42 hygienist services shall not include "oral and maxillofacial surgery" as  
43 defined by Kansas administrative regulation 71-2-2 rules and regulations

1 ***adopted by the Kansas dental board***, or use sedation or general anesthesia  
2 that result in "deep sedation" or "general anesthesia" as defined by Kansas  
3 administrative regulation 71-5-1 ***rules and regulations adopted by the***  
4 ***Kansas dental board***.

5 (f) "Medically indigent person" means a person who lacks resources  
6 to pay for medically necessary health care services and who meets the  
7 eligibility criteria for qualification as a medically indigent person  
8 established by the secretary of health and environment under K.S.A. 75-  
9 6120, and amendments thereto.

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

14 (h) "Local health department" shall have the meaning ascribed to  
15 such term under K.S.A. 65-241, and amendments thereto.

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

21 Sec. ~~5~~ **6. On and after July 1, 2012**, K.S.A. 2011 Supp. **65-1424**, 65-  
22 1456 and 75-6102 are hereby repealed.

23 Sec. ~~6~~ **7. This act shall take effect and be in force from and after its**  
24 publication in the statute book ***Kansas register***.  
25