AN ACT concerning the Kansas dental board; relating to licensure of
dental therapists; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-
1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2016 Supp. 65-1424,
5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the
existing sections.

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 pursuant to a written
supervising agreement, is licensed by the board and practices in
compliance with this section and rules and regulations adopted by the
board. Any supervising dentist of a dental therapist shall be either: (1)
Employed by an indigent health care clinic; or (2) enrolled as a medicaid
provider.

A supervising agreement entered into with a dental therapist must
include specific written protocols detailing the scope of practice that the
supervising dentist authorizes the dental therapist to perform and the
required level of supervision, and outlining a course of action when the
dental therapist encounters a patient who requires treatment that exceeds
the dental therapist's authorized scope of practice. The supervising dentist
must ensure that a dentist is available, in person or through distance
technology, to the dental therapist for timely consultation if needed.

(c) To be qualified to practice under this section, such person shall be
a licensed dental hygienist who is also a graduate of a dental therapist
education program approved by the board.

(1) (A) The board shall approve only those schools which require the
study of dental therapy and which the board determines have 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

(B) if the person's dental therapist training program did not include training on any individual competency listed in section 3(c), 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) pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution which provides dental therapist education;

(3) have practiced under direct supervision of a supervising dentist for at least 500 hours before practicing under general supervision; and

(4) 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 this act shall be guilty of a misdemeanor, and the board may revoke or suspend such person's license therefor.

(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, 2019.

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 4, and amendments thereto:

(1) "Direct supervision" means that the dentist in the dental office 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, and pursuant to a written supervising agreement, so long as
those tasks and procedures are within the scope of practice for a dental therapist.

(c) A licensed dental therapist may perform dental services as authorized under this section, limited to the following services under direct or general supervision, unless restricted or prohibited in the supervising agreement:

(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 and disease prevention education, including nutritional counseling and dietary analysis;

(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 in this act;

(16) administration of nitrous oxide, if the dental therapist has completed a course on nitrous oxide as required in this act;

(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 health care provider;

(18) diagnosis of dental decay and periodontal disease;

(19) the formulation of an individualized treatment plan limited to the procedures in this section;

(20) extractions of primary teeth;

(21) nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility of +3 or +4. The dental therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted or needs to be sectioned for removal;

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

(23) the placement and removal of space maintainers;
(24) preparation and placement of direct restoration in primary and permanent teeth;
(25) fabrication and placement of single-tooth temporary crowns;
(26) preparation and placement of preformed crowns on primary teeth;
(27) pulpetomies on primary teeth;
(28) indirect and direct pulp capping on permanent teeth;
(29) indirect pulp capping on primary teeth;
(30) suture removal;
(31) brush biopsies;
(32) minor adjustments and repairs on removable prostheses;
(33) re-cementing of permanent crowns; and
(34) prevention of, identification and management of dental and medical emergencies.

(d) Any dental therapist is authorized to supervise any dental hygienist or dental assistant unless restricted or prohibited in the supervising agreement with the supervising dentist.

(e) 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.

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

(g) This section shall take effect on and after July 1, 2019.

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 caused to so appear through the legitimate practice of dentistry as provided for in this act.

(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 the 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, 2019.

New Sec. 4. On or before July 1, 2019, the Kansas dental board shall adopt rules and regulations as may be necessary to administer the provisions of this act regarding the licensure of dental therapists. On or before July 1, 2019, 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.

Sec. 5. On and after July 1, 2019, 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

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

Sec. 6. On and after July 1, 2019, K.S.A. 2016 Supp. 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 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) "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:
(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.

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. 7. On and after July 1, 2019, K.S.A. 2016 Supp. 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 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 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 therapy or 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. 8. On and after July 1, 2019, K.S.A. 2016 Supp. 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-year 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. 9. On and after July 1, 2019, K.S.A. 2016 Supp. 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 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 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
of 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 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. 2016 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. 2016
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 may be performed, categories of dental disease which may be treated or types of patients which 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 may result in further violation of the dental practice act or the dentist or dental hygienist complete additional or remedial instruction. The violation of any provision of the dental practice 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 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 constitutes ordinary negligence, as determined by the board; or
(3) a pattern of dental, dental therapy or dental hygienist practice or other behavior which 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. 10. On and after July 1, 2019, 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. 11. On and after July 1, 2019, K.S.A. 2016 Supp. 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 will be required during the ensuing fiscal year to properly administer the laws which 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
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<tbody>
<tr>
<td>Examination fee for specialty qualifications—not more than</td>
<td>100</td>
</tr>
<tr>
<td>Credentials/qualifications fee—not more than</td>
<td>200</td>
</tr>
<tr>
<td>Duplicate certificate fee—not more than</td>
<td>300</td>
</tr>
<tr>
<td>Certificate fee, including certificate for credentials/qualifications, for dentists, dental therapists and dental hygienists—not more than</td>
<td>25</td>
</tr>
<tr>
<td>Biennial license renewal fee for dentists—not more than</td>
<td>325</td>
</tr>
<tr>
<td>Examination fee for dental hygienist applicants—not more than</td>
<td>100</td>
</tr>
<tr>
<td>Subsequent examination fee for dental hygienist applicants—not more than</td>
<td>100</td>
</tr>
<tr>
<td>Biennial license renewal fee for dental hygienists—not more than</td>
<td>160</td>
</tr>
<tr>
<td>Biennial license renewal fee for dental therapists—not more</td>
<td>200</td>
</tr>
<tr>
<td>Examination fee for dental therapist applicants—not more</td>
<td>150</td>
</tr>
<tr>
<td>Subsequent examination fee for dental therapist applicants—not more</td>
<td>100</td>
</tr>
<tr>
<td>Reinstatement of a revoked license—not more than</td>
<td>2,000</td>
</tr>
<tr>
<td>Processing fee for failure to notify of change of address—not more</td>
<td>100</td>
</tr>
<tr>
<td>Registration fee to operate a mobile dental facility or portable dental operation—not more</td>
<td>500</td>
</tr>
<tr>
<td>Biennial registration renewal fee for mobile dental facility or portable dental operation—not more</td>
<td>350</td>
</tr>
<tr>
<td>Sedation permit—not more than</td>
<td>200</td>
</tr>
</tbody>
</table>

(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. 12. On and after July 1, 2019, 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. 13. On and after July 1, 2019, 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 months, or by both such fine and
imprisonment, in the discretion of the court.

Sec. 14. On and after July 1, 2019, 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 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. 15. On and after July 1, 2019, K.S.A. 2016 Supp. 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 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 health care provider under K.S.A. 75-6102, and amendments thereto;
(F) a dental hygienist who is providing dental hygiene services as a charitable health care 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. 16. On and after July 1, 2019, K.S.A. 2016 Supp. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

(1) "Health care provider" means: (A) Those persons and entities defined as a health care 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) "Health care provider group" means:
(A) A state or local association of health care 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 health care providers formed pursuant to state
or federal law and authorized to evaluate medical and health care 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. 75-3307b, 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 health care provider;

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

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

(I) an insurance company, health maintenance organization or administrator of a health benefits plan which 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 health care services rendered by health care 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 health care 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 health care or to act upon matters relating to the discipline of any individual provider of health care;

(E) reduce morbidity or mortality;

(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of health care;

(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 health care providers;

(K) evaluate the quantity, quality and timeliness of health care 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 health care providers in a facility rendering health care.

(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 health care provider group and authorized to perform peer review; or

(B) a health care provider monitoring the delivery of health care 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 health care provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to practice of the health care 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 which 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 which 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, which may otherwise be provided by law, of the commissioner of insurance, the state board of healing arts or other health care 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 health care provider; or to terminate the liability of the fund for all claims against a specific health care provider for damages for death or personal injury pursuant to subsection (i) of 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 health care 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 health care 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. 17. On and after July 1, 2019, K.S.A. 2016 Supp. 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 health care provider who is the subject of a report under this act.

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

(c) "Health care provider" means: (1) Those persons and entities defined as a health care 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 which 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. 75-3307b, 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 health care provider which: (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.

(g) "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.

(h) "Secretary" means the secretary of health and environment.

Sec. 18. On and after July 1, 2019, K.S.A. 2016 Supp. 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 health care 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. 19. On and after July 1, 2019, K.S.A. 2016 Supp. 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 health care educational program for radiologic technology and under the supervision of a qualified instructor;
(c) health care 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 K.S.A. 65-2001 et seq., or K.S.A. 65-2801 et seq., and amendments
thereto. 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. 20. On and after July 1, 2019, K.S.A. 74-1404 is hereby
amended to read as follows: 74-1404. (a) In order to accomplish the
purpose and to provide for the enforcement of this act, there is hereby
created the Kansas dental board. The board shall be vested with authority
to carry out the purposes and enforce the provisions of this act. The board
shall consist of the following: (1) Six licensed and qualified resident
dentists; (2) two licensed and qualified resident dental therapists; (3) two
licensed and qualified resident dental hygienists; and—(3) (4) one
representative of the general public. At least 30 days before the expiration
of any term, other than that of the member appointed from the general
public or a member who is a dental hygienist or a dental therapist, the
Kansas dental association or its successor shall submit to the governor a
list of three names of persons of recognized ability who have the
qualifications prescribed for the dentist board members. At least 30 days
before the initial appointment and expiration of the term of a dental
therapist member of the board, the Kansas dental hygienists' association
shall submit to the governor a list of three names of persons of recognized
ability who have the qualifications prescribed for the dental therapist
members. At least 30 days before the expiration of the term of a dental
hygienist member of the board, the Kansas dental hygiene
association shall submit to the governor a list of three names of persons of
recognized ability who have the qualifications prescribed for the dental
hygienist member members. For the four new members to be appointed
under this act, such names shall be submitted within 10 days after the
effective date of this act. The governor shall consider such list of persons
in making the appointment to the board.

(b) The members shall be appointed by the governor in the manner
hereinafter prescribed for terms of four years and until their successors are
appointed and qualified. Of the six licensed dentists on the board, one shall
be appointed from each congressional district and two shall be appointed
from the state at large. On and after the effective date of this act, no person
shall be appointed for more than two consecutive four-year terms. No
person in any way connected with a dental supply or dental laboratory
business shall be eligible for appointment to the board. No person shall be
eligible for appointment to the board who has been convicted of a
violation of any of the provisions of this or any other prior dental practice
practices act or who has been convicted of a felony. A dentist who is an officer of the Kansas dental association shall not be eligible for appointment to the Kansas dental board. A dental hygienist or a dental therapist who is an officer of the Kansas dental hygienists’ association shall not be eligible for appointment to the Kansas dental board. No dentist, dental therapist or dental hygienist shall be appointed to the board who has not been engaged in the active practice of dentistry, dental therapy or dental hygiene in the state of Kansas for at least five years next preceding appointment. Whenever a vacancy occurs it shall be filled by appointment for the remainder of the unexpired term in the same manner as an original appointment is made. Upon expiration of terms of office of members, successors shall be appointed for terms of four years in the same manner as original appointments.

(e) Upon the effective date of this act, in order to expand the membership to the prescribed six dentists and two dental hygienists, the governor shall appoint three additional dentists and one additional hygienist to the board in the manner described in this section. Of the three new dental members, one shall serve until April 30, 2000, one shall serve until April 30, 2001 and one shall serve until April 30, 2002, as designated by the governor. Thereafter, all terms shall be four-year terms beginning May 1 of the appointment year and expiring April 30 four years later. When the terms of the existing dentist members which expire May 1, 2000, and May 1, 2001 conclude, then successors shall be appointed for four-year terms beginning May 1 and expiring April 30 four years later. The additional dental hygienist appointed upon the effective date of this act shall serve until April 30, 2000, and thereafter the successor shall serve a four-year term beginning May 1 and expiring April 30 four years later. Upon the expiration of terms of office of members, successors shall be appointed in the same manner as original appointments for terms of four years.

Sec. 21. On and after July 1, 2019, K.S.A. 2016 Supp. 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. 22. On and after July 1, 2019, 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. 23. On and after July 1, 2019, K.S.A. 2016 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, health care 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, "health care employees" means employees of the university of Kansas medical center who provide health care 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 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. 2016 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. 2016 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. 24. On and after July 1, 2019, K.S.A. 2016 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 marshal's 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;

(G) an employee of an indigent healthcare clinic;

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

(I) 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;

(J) 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. 2016 Supp.
75-1518, and amendments thereto, in connection with authorized training
or upon activation for an emergency response; and

(K) 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.

(2) "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).

(e) "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 which 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, which renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated 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 3, 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 which 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" shall have the meaning ascribed to such term under 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 any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b, and amendments thereto.


Sec. 26. This act shall take effect and be in force from and after its publication in the statute book.