

SENATE BILL No. 312

By Committee on Public Health and Welfare

1-23

1 AN ACT concerning the Kansas dental board; relating to the practice of
2 dental therapy; licensure of dental therapists; amending K.S.A. 65-
3 1421, 65-1441, 65-1449, 65-1460, 65-1462 and 74-1406 and K.S.A.
4 2017 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469,
5 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102
6 and repealing the existing sections.
7

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

9 New Section 1. (a) No person shall practice as a dental therapist in
10 this state until such person has passed an examination by the Kansas dental
11 board under such rules and regulations as the board may adopt. The fee for
12 such examination shall be fixed by the board pursuant to K.S.A. 65-1447,
13 and amendments thereto. A license fee shall be paid to the board in the
14 amount fixed by the board pursuant to K.S.A. 65-1447, and amendments
15 thereto.

16 (b) The board shall authorize a person to practice as a dental therapist
17 if such person is qualified under this section, works under the direct or
18 general supervision of a Kansas licensed dentist in accordance with section
19 2, and amendments thereto, is licensed by the board and practices in
20 accordance with this section and rules and regulations adopted by the
21 board. Any supervising dentist of a dental therapist shall: (1) Enter into
22 agreements to supervise no more than three dental therapists; and (2) be
23 employed by an indigent health care clinic or enrolled as a medicaid
24 provider.

25 (c) To be qualified to practice under this section, such person shall be
26 a licensed dental hygienist and shall meet the following requirements:

27 (1) (A) The person shall be a graduate of a dental therapist education
28 program approved by the board that requires the study of dental therapy,
29 that the board determines has standards of education not less than that
30 required for accreditation by the commission on dental accreditation of the
31 American dental association or its equivalent or, prior to such accreditation
32 process for dental therapy programs, is approved by a licensing entity of
33 another state or federal jurisdiction and that requires no less than 500
34 hours of clinical training; and

35 (B) if the person's dental therapist training program did not include
36 training on any individual competency listed in section 2(c), and

1 amendments thereto, the person shall provide documentation to the board's
2 satisfaction that such person has successfully completed additional training
3 on that competency;

4 (2) the person shall pass a comprehensive, competency-based clinical
5 examination that is approved by the board and administered independently
6 of an institution that provides dental therapist education; and

7 (3) the person shall obtain a policy of professional liability insurance
8 and show proof of such insurance as required by rules and regulations.

9 (d) Any person practicing as a dental therapist in violation of the
10 provisions of sections 1 through 3, and amendments thereto, shall be guilty
11 of a misdemeanor, and the board may revoke or suspend such person's
12 license.

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

15 (f) This section shall take effect from and after July 1, 2020.

16 New Sec. 2. (a) The Kansas dental board may suspend or revoke the
17 license of any dentist who shall direct any dental therapist operating under
18 such dentist's supervision to perform any operation other than that
19 permitted under the provisions of article 14 of chapter 65 of the Kansas
20 Statutes Annotated, and amendments thereto, and may suspend or revoke
21 the license of any dental therapist found guilty of performing any
22 operation other than those permitted under the provisions of article 14 of
23 chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No
24 license of any dentist or dental therapist shall be suspended or revoked in
25 any administrative proceeding without first complying with the notice and
26 hearing requirements of the Kansas administrative procedure act.

27 (b) Except as otherwise provided in this section, the practice of dental
28 therapy shall be performed under the direct or general supervision of a
29 licensed dentist. As used in sections 1 through 3, and amendments thereto:
30 (1) "Direct supervision" means that the dentist in the dental office
31 personally diagnoses the condition to be treated, personally authorizes the
32 procedure and, before dismissal of the patient, evaluates the dental
33 therapist's performance; and (2) "general supervision" means the
34 supervision of tasks or procedures without the presence of the dentist in
35 the office or on the premises at the time the tasks or procedures are being
36 performed, so long as those tasks and procedures are within the scope of
37 practice for a dental therapist.

38 (c) A licensed dental therapist may perform the following services
39 under general supervision:

40 (1) Identification of oral and systemic conditions requiring evaluation
41 or treatment, or both, by dentists, physicians or other healthcare providers,
42 and management of referrals;

43 (2) comprehensive charting of the oral cavity;

- 1 (3) oral health instruction and disease prevention education, including
- 2 nutritional counseling and dietary analysis;
- 3 (4) exposure of radiographic images;
- 4 (5) dental prophylaxis, including sub-gingival scaling or polishing
- 5 procedures, or both;
- 6 (6) application of topical preventive or prophylactic agents;
- 7 (7) pulp vitality testing;
- 8 (8) application of desensitizing medication or resin;
- 9 (9) fabrication of athletic mouthguards;
- 10 (10) placement of a temporary filling, including glass ionomer and
- 11 other palliative materials;
- 12 (11) fabrication of soft occlusal guards;
- 13 (12) tissue conditioning and soft relines;
- 14 (13) changing of periodontal dressings;
- 15 (14) tooth reimplantation and stabilization;
- 16 (15) administration of local anesthetic, if the dental therapist has
- 17 completed a course on local anesthesia as required by sections 1 through 3,
- 18 and amendments thereto;
- 19 (16) administration of nitrous oxide, if the dental therapist has
- 20 completed a course on nitrous oxide as required by sections 1 through 3,
- 21 and amendments thereto;
- 22 (17) dispensing and administering by the oral or topical route, or
- 23 both, non-narcotic analgesics, anti-inflammatory and antibiotic
- 24 medications as prescribed by a licensed health care provider, as defined in
- 25 K.S.A. 40-3401, and amendments thereto;
- 26 (18) the formulation of a dental therapy care plan limited to the
- 27 procedures in this section;
- 28 (19) emergency palliative treatment of dental pain limited to the
- 29 procedures in this section;
- 30 (20) the placement and removal of space maintainers;
- 31 (21) fabrication and placement of single-tooth temporary crowns;
- 32 (22) suture removal;
- 33 (23) brush biopsies;
- 34 (24) minor adjustments and repairs on removable prostheses;
- 35 (25) re-cementing of permanent crowns; and
- 36 (26) prevention, identification and management of dental and medical
- 37 emergencies.
- 38 (d) A licensed dental therapist may perform the following services
- 39 under direct supervision:
- 40 (1) Extraction of erupted primary teeth that are non-ankylosed and
- 41 that have a majority resorption of all root structures;
- 42 (2) preparation and placement of direct restoration fabricated or made
- 43 directly inside the mouth in primary and permanent teeth;

- 1 (3) preparation and placement of preformed crowns on primary teeth;
2 (4) indirect pulp capping on permanent teeth; and
3 (5) indirect pulp capping on primary teeth.

4 (e) Any dental therapist is authorized to supervise any dental
5 hygienist or unlicensed person.

6 (f) Any dental therapist shall maintain current basic cardiac life
7 support certification from the American heart association, or an equivalent
8 certification approved by the Kansas dental board.

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

11 (h) This section shall take effect from and after July 1, 2020.

12 New Sec. 3. (a) The Kansas dental board shall revoke or suspend the
13 license of any licensed dental therapist who is found guilty of using or
14 attempting to use in any manner whatsoever any prophylactic lists, call
15 lists, records, reprints or copies of same, or information gathered
16 therefrom, of the names of patients whom the dental therapist might have
17 served in the office of a prior employer, unless such names appear upon
18 the bona fide call or prophylactic list of the dental therapist's present
19 employer and were caused to so appear through the legitimate practice of
20 dentistry as provided for in sections 1 and 2, and amendments thereto.

21 (b) The board shall suspend or revoke the license of any licensed
22 dentist who is found guilty of aiding or abetting or encouraging a dental
23 therapist employed by such dentist to make use of a so-called prophylactic
24 call list, or calling by telephone or by use of written letters transmitted
25 through the mails to solicit patronage from patients served in the office of
26 any dentist formerly employing such dental therapist.

27 (c) No order of suspension or revocation provided in this section shall
28 be made or entered except after notice and opportunity for hearing in
29 accordance with the provisions of the Kansas administrative procedure act.
30 Any final order of suspension or revocation of a license shall be
31 reviewable in accordance with the Kansas judicial review act.

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

34 (e) This section shall take effect from and after July 1, 2020.

35 New Sec. 4. Prior to July 1, 2020, the Kansas dental board shall adopt
36 rules and regulations as may be necessary to administer the provisions of
37 sections 1 through 3, and amendments thereto, regarding the licensure of
38 dental therapists. Prior to July 1, 2020, the board shall have such rules and
39 regulations: Proposed; submitted to the secretary of administration and to
40 the attorney general for approval as required by K.S.A. 77-420, and
41 amendments thereto; and notice of the proposed rules and regulations
42 given and a hearing held thereon in the manner provided by K.S.A. 77-
43 421, and amendments thereto.

1 New Sec. 5. The department of health and environment and the
 2 Kansas dental board shall submit a joint report to the legislature on or
 3 before the first day of the 2030 regular session of the legislature that
 4 details the effects that enactment of sections 1 through 3, and amendments
 5 thereto, have on access to dental care in rural Kansas, including, but not
 6 limited to: The number and geographical distribution of practicing dental
 7 therapists; the number of dentists supervising dental therapists; the number
 8 of participating medicaid providers; the treated and untreated tooth decay
 9 rates of medicaid beneficiaries; urgent need rates; and federally designated
 10 dental health professional shortage areas.

11 Sec. 6. On and after July 1, 2020, K.S.A. 65-1421 is hereby amended
 12 to read as follows: 65-1421. It shall be unlawful for any person to practice
 13 dentistry, *dental therapy* or dental hygiene in the state of Kansas, except:

14 (a) Those who are now duly licensed dentists, pursuant to law;

15 (b) *those who are now duly licensed dental therapists, pursuant to*
 16 *law;*

17 (c) those who are now duly licensed dental hygienists, pursuant to
 18 law; *and*

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

21 Sec. 7. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1424 is
 22 hereby amended to read as follows: 65-1424. (a) As used in this act:

23 (1) "Proprietor" means any person who employs dentists, *dental*
 24 *therapists* or dental hygienists in the operation of a dental office.

25 (2) "Dental franchisor" means any person or entity, pursuant to a
 26 written agreement, who provides a licensed dentist any dental practice
 27 management consulting services, ~~which may include~~ *including* marketing
 28 or advertising services, signage or branding consulting, or places in
 29 possession of a licensed dentist such dental material or equipment as may
 30 be necessary for the management of a dental office on the basis of a lease
 31 or any other agreement for compensation. A person or entity is not a dental
 32 franchisor if the agreement with the dentist:

33 (A) Permits the person or entity to interfere with the professional
 34 judgment of the dentist; or

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

38 (3) "Unlicensed proprietor" means any person or entity not authorized
 39 to own or operate a dental practice that enters into an agreement with a
 40 dentist, *dental therapist* or dental hygienist related to the practice of
 41 dentistry, *dental therapy* or dental hygiene ~~which that~~:

42 (A) Permits the person or entity to interfere with the professional
 43 judgment of the dentist; or

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

4 A licensee of dentistry who enters into any arrangement with an
5 unlicensed proprietor may have such license limited, suspended or revoked
6 by the board.

7 (b) The estate or agent for a deceased or substantially disabled dentist
8 may employ dentists, for a period of not more than 18 months following
9 the date of death or substantial disability of the dentist, to provide service
10 to patients until the practice can be sold or closed. Upon application
11 showing good cause, including, but not limited to, evidence of a good faith
12 effort to sell or close the dental practice, the Kansas dental board may
13 extend the time in six-month increments for a period of not more than one
14 additional year for which the practice can be sold or closed. The Kansas
15 dental board may adopt rules and regulations as necessary to carry out the
16 provisions of this section.

17 Sec. 8. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1431 is
18 hereby amended to read as follows: 65-1431. (a) Each license to practice
19 as a dentist, *dental therapist* or dental hygienist issued by the board, shall
20 expire on December 1 of the year specified by the board for the expiration
21 of the license and shall be renewed on a biennial basis. Each application
22 for renewal shall be made on a form prescribed and furnished by the
23 board. Every licensed dentist, *dental therapist* or dental hygienist shall pay
24 to the board a renewal fee fixed by the board as provided in K.S.A. 65-
25 1447, and amendments thereto.

26 (b) To provide for a staggered system of biennial renewal of licenses,
27 the board may renew licenses for less than two years.

28 (c) On or before December 1 of the year in which the licensee's
29 license expires, the licensee shall transmit to the board a renewal
30 application, upon a form prescribed by the board, ~~which that~~ shall include
31 such licensee's signature, post office address, the number of the license of
32 such licensee, whether such licensee has been engaged during the
33 preceding licensure period in active and continuous practice whether
34 within or without this state, and such other information as may be required
35 by the board, together with the biennial licensure fee for a *dentist, dental*
36 *therapist or* dental hygienist ~~which that~~ is fixed by the board pursuant to
37 K.S.A. 65-1447, and amendments thereto.

38 (d) (1) The board shall require every licensee to submit with the
39 renewal application evidence of satisfactory completion of a program of
40 continuing education required by the board. The board by duly adopted
41 rules and regulations shall establish the requirements for such program of
42 continuing education as soon as possible after the effective date of this act.

43 (2) A dentist who is a charitable healthcare provider in Kansas who

1 has signed an agreement to provide gratuitous services pursuant to K.S.A.
2 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of
3 continuing education credit by the performance of two hours of gratuitous
4 services to medically indigent persons up to a maximum of six continuing
5 education credits per licensure period.

6 (e) Upon fixing the biennial license renewal fee, the board shall
7 immediately notify all licensees of the amount of the fee for the ensuing
8 licensure period. Upon receipt of such fee and upon receipt of evidence
9 that the licensee has satisfactorily completed a program of continuing
10 education required by the board, the licensee shall be issued a renewal
11 license authorizing the licensee to continue to practice in this state for a
12 period of no more than two years.

13 (f) (1) Any license granted under authority of this act shall
14 automatically be canceled if the holder thereof fails to apply for and obtain
15 renewal prior to March 1 of the year following the December in which a
16 renewal application is due.

17 (2) Any licensee whose license is required to be renewed for the next
18 biennial period may obtain renewal, prior to February 1, by submitting to
19 the board the required renewal application, payment of the biennial
20 renewal fee and proof that such licensee has satisfactorily completed a
21 program of continuing education required by the board. Any licensee
22 whose license is required to be renewed for the next biennial period may
23 obtain renewal, between February 1 and March 1, by submitting to
24 the board the required renewal application, payment of the biennial renewal
25 fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and
26 regulations by the board and proof that such licensee has satisfactorily
27 completed a program of continuing education required by the board. The
28 penalty fee in effect immediately prior to the effective date of this act shall
29 continue in effect until rules and regulations establishing a penalty fee
30 under this section become effective.

31 (g) Upon failure of any licensee to pay the applicable renewal fee or
32 to present proof of satisfactory completion of the required program of
33 continuing education by February 1 of the year following the December in
34 which a renewal application is due, the board shall notify such licensee, in
35 writing, by mailing notice to such licensee's last registered address. Failure
36 to mail or receive such notice shall not affect the cancellation of the
37 license of such licensee.

38 (h) The board may waive the payment of biennial fees and the
39 continuing education requirements for the renewal of licenses without the
40 payment of any fee for a person who has held a Kansas license to practice
41 dentistry, *dental therapy* or dental hygiene if such licensee has retired from
42 such practice or has become temporarily or permanently disabled and such
43 licensee files with the board a certificate stating either of the following:

1 (1) A retiring licensee shall certify to the board that the licensee is not
2 engaged, except as provided in K.S.A. 65-1466, and amendments thereto,
3 in the provision of any dental service, the performance of any dental
4 operation or procedure or the delivery of any *dental therapy or* dental
5 hygiene service as defined by the statutes of the state of Kansas; or

6 (2) a disabled licensee shall certify to the board that such licensee is
7 no longer engaged in the provision of dental services, the performance of
8 any *dental therapy or* dental operation or the provision of any dental
9 hygiene services as defined by the statutes of the state of Kansas by reason
10 of any physical disability, whether permanent or temporary, and shall
11 describe the nature of such disability.

12 (i) The waiver of fees under subsection (h) shall continue so long as
13 the retirement or physical disability exists. Except as provided in K.S.A.
14 65-1466, and amendments thereto, in the event the licensee returns to the
15 practice for which such person is licensed, the requirement for payment of
16 fees and continuing education requirements shall be reimposed
17 commencing with and continuing after the date the licensee returns to such
18 active practice. Except as provided in K.S.A. 65-1466, and amendments
19 thereto, the performance of any dental service, including consulting
20 service, or the performance of any *dental therapy or* dental hygiene
21 service, including consulting service, shall be deemed the resumption of
22 such service, requiring payment of license fees.

23 (j) The Kansas dental board may adopt such rules and regulations
24 requiring the examination and providing means for examination of those
25 persons returning to active practice after a period of retirement or
26 disability as the board shall deem necessary and appropriate for the
27 protection of the people of the state of Kansas except that for an applicant
28 to practice *dental therapy or* dental hygiene who is returning to active
29 practice after a period of retirement or disability, the board shall authorize
30 as an alternative to the requirement for an examination that the applicant
31 successfully complete a refresher course as defined by the board in an
32 approved dental hygiene school *or dental therapy program*.

33 Sec. 9. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1434 is
34 hereby amended to read as follows: 65-1434. (a) The board, without
35 examination, may issue a license as a dentist, *dental therapist* or dental
36 hygienist to an applicant holding a license in another state upon
37 compliance with the requirements of professional qualification and
38 experience set forth in subsection (b). The board shall prepare and adopt a
39 form of application to be submitted by an applicant for a license to be
40 issued under this section. On the receipt of any such application, the board
41 shall conduct such review, verification or other investigation of the
42 applicant and the professional qualifications, background, experience and
43 practice of the applicant as the board deems necessary to assure full

1 compliance with the requirements of this section. Any license so issued
2 may be revoked by the board upon evidence that an applicant has obtained
3 a license under this section through misrepresentation or omission of a
4 material fact in the application or other information submitted to the board.

5 (b) Each applicant for licensure under this section must evidence the
6 qualifications and meet the following requirements:

7 (1) Each applicant for licensure as a dentist under this section must
8 meet the requirements set forth in K.S.A. 65-1426, and amendments
9 thereto. *Each applicant for licensure as a dental therapist must meet all*
10 *applicable requirements set forth in section 1, and amendments thereto.*
11 Each applicant for licensure as a dental hygienist must meet any applicable
12 requirements set forth in K.S.A. 65-1455, and amendments thereto.

13 (2) Each applicant shall show evidence of having successfully
14 completed both a national board examination or an equivalent examination
15 accepted by the state in which the applicant has been previously licensed,
16 and a clinical examination, administered by any state or clinical dental
17 testing agency, of equivalent merit to the clinical examination accepted by
18 the board at the time such applicant completed such examinations.

19 (3) Each applicant for licensure as a dentist under this section shall
20 have held a license to practice dentistry in one or more other states of the
21 United States for the five-year period immediately preceding the date of
22 application and shall have engaged in the active practice of dentistry for at
23 least five years prior to the date of application. *Each applicant for*
24 *licensure as a dental therapist under this section shall have held a license*
25 *to practice dental therapy in another state of the United States for a three-*
26 *year period immediately preceding the date of application and shall have*
27 *engaged in the active practice of dental therapy for at least three years*
28 *prior to the date of application.* Each applicant for licensure as a dental
29 hygienist under this section shall have held a license to practice dental
30 hygiene in another state of the United States for the three-year period
31 immediately preceding the date of application and shall have engaged in
32 the active practice of dental hygiene for at least three years prior to the
33 date of application. Successive and continuous periods of active practice in
34 other states will comply with the active practice requirements of this
35 paragraph-~~(3)~~. For the purpose of determining the period of practice,
36 periods of military service will be considered to the extent approved by the
37 Kansas dental board. Service as a full-time faculty member in a school of
38 dentistry will be considered the practice of dentistry to the extent service
39 involved full-time instruction in dentistry including clinical dentistry.
40 Service as a faculty member in a school of dental hygiene will be
41 considered the practice of dental hygiene to the extent such service
42 involved instruction in dental hygiene including clinical dental hygiene. To
43 be considered for the purposes of this statute, any such school of dentistry,

1 *dental therapy* or dental hygiene must be approved by the Kansas dental
2 board within the meaning of K.S.A. 65-1426, and amendments thereto.

3 (4) Each such applicant shall show evidence that the applicant has
4 fully complied with all continuing education requirements imposed by the
5 state or states in which the applicant has been licensed and has practiced
6 during the ~~five years~~ *applicable time period* immediately preceding the
7 date of the application. In the event the state or states in which the
8 applicant has been licensed and practiced has no such requirement, the
9 applicant shall provide such information concerning continuing education
10 received by the applicant during the ~~five-year~~ *applicable time period*
11 preceding application as may be required by the board. All applicants must
12 have completed continuing education sufficient to comply with that
13 continuing education required of Kansas licensees during the ~~twenty-four~~
14 24-month period prior to the date of the application for licensure unless the
15 Kansas dental board determines, for good cause shown, that the
16 requirement will work an undue hardship upon the applicant and the
17 requirement is not necessary for the protection of the people of Kansas
18 based upon the training and experience of the applicant.

19 (5) The applicant shall provide such other information concerning the
20 applicant and the dental education, qualification, experience and
21 professional conduct of the applicant as the board in its discretion deems
22 necessary to its determination to issue a license.

23 (6) Each applicant shall provide a certificate of the executive director
24 of the board or other agency governing licensure of dentists, *dental*
25 *therapists* or dental hygienists of the state in which the applicant has been
26 licensed and has practiced during the required period preceding the date of
27 the application. Such certificate shall state that: (A) The applicant is
28 licensed to practice dentistry, *dental therapy* or dental hygiene in the state;
29 (B) the license of the applicant has never been suspended or revoked; (C)
30 the applicant has never been the subject of any proceeding for suspension,
31 revocation or other disciplinary action initiated by the board of licensure of
32 any such state during the period the applicant has held a license to practice
33 dentistry, *dental therapy* or dental hygiene in such state; and (D) no
34 complaint has been filed against the applicant of such substance as, in the
35 judgment of the board of licensure of such state, has required the initiation
36 of proceedings against the applicant. In the event the applicant has
37 practiced dentistry, *dental therapy* or dental hygiene in more than one
38 other state in the United States, the applicant shall file a similar certificate
39 with respect to such period or periods during which the applicant has
40 practiced in each such state.

41 (c) The Kansas dental board may direct an applicant to appear before
42 the board at a date, time and place to be determined by the Kansas dental
43 board to answer questions and provide such information concerning the

1 qualifications, background, experience and practice of the applicant as the
2 Kansas dental board may deem necessary.

3 (d) The term "applicant" as used in this section shall apply to ~~both~~
4 applicants for licensure as a dentist, *applicants for licensure as a dental*
5 *therapist* and applicants for licensure as a dental hygienist unless the
6 context otherwise indicates.

7 Sec. 10. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1436 is
8 hereby amended to read as follows: 65-1436. (a) The Kansas dental board
9 may refuse to issue the license under the dental practices act, or may take
10 any of the actions with respect to any dental, *dental therapy* or dental
11 hygiene license as set forth in subsection (b), whenever it is established,
12 after notice and opportunity for hearing in accordance with the provisions
13 of the Kansas administrative procedure act, that any applicant for a dental,
14 *dental therapy* or dental hygiene license or any licensed dentist, *dental*
15 *therapist* or dental hygienist practicing in the state of Kansas has:

16 (1) Committed fraud, deceit or misrepresentation in obtaining any
17 license, money or other thing of value;

18 (2) habitually used intoxicants or drugs ~~which~~ *that* have rendered
19 such person unfit for the practice of dentistry, *dental therapy* or dental
20 hygiene;

21 (3) been determined by the board to be professionally incompetent;

22 (4) committed gross, wanton or willful negligence in the practice of
23 dentistry, *dental therapy* or dental hygiene;

24 (5) employed, allowed or permitted any unlicensed person or persons
25 to perform any work in the licensee's office ~~which~~ *that* constitutes the
26 practice of dentistry, *dental therapy* or dental hygiene under the provisions
27 of the dental practices act;

28 (6) willfully violated the laws of this state relating to the practice of
29 dentistry, *dental therapy* or dental hygiene or the rules and regulations of
30 the secretary of health and environment or of the board regarding
31 sanitation;

32 (7) engaged in the division of fees, or agreed to split or divide the fee
33 received for dental service with any person for bringing or referring a
34 patient without the knowledge of the patient or the patient's legal
35 representative, except:

36 (A) The division of fees between dentists practicing in a partnership
37 and sharing professional fees;

38 (B) the division of fees between one licensed dentist employing
39 another; or

40 (C) the division of fees between a licensed dentist and a dental
41 franchisor;

42 (8) committed complicity in association with or allowed the use of
43 the licensed dentist's name in conjunction with any person who is engaged

1 in the illegal practice of dentistry;

2 (9) been convicted of a felony or a misdemeanor involving moral
3 turpitude in any jurisdiction and the licensee fails to show that the licensee
4 has been sufficiently rehabilitated to warrant the public trust;

5 (10) prescribed, dispensed, administered or distributed a prescription
6 drug or substance, including a controlled substance, in an excessive,
7 improper or inappropriate manner or quantity outside the scope of practice
8 of dentistry or in a manner that impairs the health and safety of an
9 individual;

10 (11) prescribed, purchased, administered, sold or given away
11 prescription drugs, including a controlled substance, for other than legal
12 and legitimate purposes;

13 (12) violated or been convicted of any federal or state law regulating
14 possession, distribution or use of any controlled substance;

15 (13) failed to pay license fees;

16 (14) used the name "clinic," "institute" or other title that may suggest
17 a public or semipublic activity except that the name "clinic" may be used
18 as authorized in K.S.A. 65-1435, and amendments thereto;

19 (15) committed, after becoming a licensee, any conduct ~~which~~ *that* is
20 detrimental to the public health, safety or welfare as defined by rules and
21 regulations of the board;

22 (16) engaged in a misleading, deceptive, untrue or fraudulent
23 misrepresentation in the practice of dentistry or on any document
24 connected with the practice of dentistry by knowingly submitting any
25 misleading, deceptive, untrue or fraudulent misrepresentation on a claim
26 form, bill or statement, including the systematic waiver of patient co-
27 payment or co-insurance;

28 (17) failed to keep adequate records;

29 (18) the licensee has had a license to practice dentistry revoked,
30 suspended or limited, has been censured or has had other disciplinary
31 action taken, has had an application for license denied, or voluntarily
32 surrendered the license after formal proceedings have been commenced by
33 the proper licensing authority or another state, territory or the District of
34 Columbia or other country, a certified copy of the record of the action of
35 the other jurisdiction being conclusive evidence thereof;

36 (19) failed to furnish the board, or its investigators or representatives
37 any information legally requested by the board; or

38 (20) assisted suicide in violation of K.S.A. 21-3406, prior to its
39 repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, as
40 established by any of the following:

41 (A) A copy of the record of criminal conviction or plea of guilty for a
42 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017
43 Supp. 21-5407, and amendments thereto;

1 (B) a copy of the record of a judgment of contempt of court for
2 violating an injunction issued under K.S.A. 60-4404, and amendments
3 thereto; or

4 (C) a copy of the record of a judgment assessing damages under
5 K.S.A. 60-4405, and amendments thereto.

6 (b) Whenever it is established, after notice and opportunity for
7 hearing in accordance with the provisions of the Kansas administrative
8 procedure act, that a licensee is in any of the circumstances or has
9 committed any of the acts described in subsection (a), the Kansas dental
10 board may take one or any combination of the following actions with
11 respect to the license of the licensee:

12 (1) Revoke the license;

13 (2) suspend the license for such period of time as may be determined
14 by the board;

15 (3) restrict the right of the licensee to practice by imposing limitations
16 upon dental, *dental therapy* or dental hygiene procedures ~~which that~~ may
17 be performed, categories of dental disease ~~which that~~ may be treated or
18 types of patients ~~which that~~ may be treated by the dentist, *dental therapist*
19 or dental hygienist. Such restrictions shall continue for such period of time
20 as may be determined by the board, and the board may require the licensee
21 to provide additional evidence at hearing before lifting such restrictions; or

22 (4) grant a period of probation during which the imposition of one or
23 more of the actions described in subsections (b)(1) through (b)(3) will be
24 stayed subject to such conditions as may be imposed by the board
25 including a requirement that the dentist, *dental therapist* or dental
26 hygienist refrain from any course of conduct ~~which that~~ may result in
27 further violation of the dental ~~practice~~ *practices* act or the dentist or dental
28 hygienist complete additional or remedial instruction. The violation of any
29 provision of the dental ~~practice~~ *practices* act or failure to meet any
30 condition imposed by the board as set forth in the order of the board will
31 result in immediate termination of the period of probation and imposition
32 of such other action as has been taken by the board.

33 (c) As used in this section, "professionally incompetent" means:

34 (1) One or more instances involving failure to adhere to the
35 applicable standard of dental, *dental therapy* or dental hygienist care to a
36 degree ~~which that~~ constitutes gross negligence, as determined by the
37 board;

38 (2) repeated instances involving failure to adhere to the applicable
39 standard of dental, *dental therapy* or dental hygienist care to a degree
40 ~~which that~~ constitutes ordinary negligence, as determined by the board; or

41 (3) a pattern of dental, *dental therapy* or dental hygienist practice or
42 other behavior ~~which that~~ demonstrates a manifest incapacity or
43 incompetence to practice dentistry.

1 (d) In addition to or in lieu of one or more of the actions described in
 2 subsections (b)(1) through (b)(4) or in ~~subsection (e)~~ of K.S.A. 65-
 3 1444(c), and amendments thereto, the board may assess a fine not in
 4 excess of \$10,000 against a licensee. All fines collected pursuant to this
 5 subsection shall be remitted to the state treasurer in accordance with the
 6 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
 7 each such remittance, the state treasurer shall deposit the entire amount in
 8 the state treasury and of the amount so remitted, an amount equal to the
 9 board's actual costs related to fine assessment and enforcement under this
 10 subsection, as certified by the president of the board to the state treasurer,
 11 shall be credited to the dental board fee fund and the balance shall be
 12 credited to the state general fund.

13 (e) The board, upon its own motion or upon the request of any
 14 licensee who is a party to a licensure action, may require a physical or
 15 mental examination, or both, of such licensee either prior to a hearing to be
 16 held as a part of a licensure action or prior to the termination of any period
 17 of suspension or the termination of any restrictions imposed upon the
 18 licensee as provided in subsection (b).

19 Sec. 11. On and after July 1, 2020, K.S.A. 65-1441 is hereby
 20 amended to read as follows: 65-1441. Whoever sells or offers to sell a
 21 diploma conferring a dental degree, or a license granted pursuant to this
 22 act, or procures such diploma or license with intent that it be used as
 23 evidence of the right to practice dentistry, *dental therapy* or dental
 24 hygiene, as defined by law, by a person other than the one upon whom it
 25 was conferred, or to whom such license certificate or renewal certificate
 26 was granted, or with fraudulent intent alters such diploma or license
 27 certificate or renewal certificate, or uses or attempts to use it when it is so
 28 altered, shall be deemed guilty of a misdemeanor. The board may refuse to
 29 grant a license to practice dentistry, *dental therapy* or dental hygiene to
 30 any person found guilty of making a false statement, or cheating or of
 31 fraud or deception either in applying for a license or in taking any of the
 32 examinations provided for under the dental practices act.

33 Sec. 12. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1447 is
 34 hereby amended to read as follows: 65-1447. (a) On or before October 1 of
 35 each year, the Kansas dental board shall determine the amount of funds
 36 ~~which that~~ will be required during the ensuing fiscal year to properly
 37 administer the laws ~~which that~~ the board is directed to enforce and
 38 administer and shall fix fees in accordance with this section in such
 39 reasonable sums as may be necessary for such purposes, within the
 40 limitations prescribed by subsection (b).

41 (b) The board shall collect fees provided for in this act as follows:
 42 Examination fee for dental applicants—not more than..... \$200
 43 Subsequent examination fee for dental applicants—not more

1	than.....	100
2	Examination fee for specialty qualifications—not more	
3	than.....	200
4	Credentials/qualifications fee—not more than.....	300
5	Duplicate certificate fee—not more than.....	25
6	Certificate fee, including certificate for credentials/qualifications,	
7	for dentists, <i>dental therapists</i> and dental hygienists—not	
8	more than.....	25
9	Biennial license renewal fee for dentists—not more than.....	325
10	Examination fee for dental hygienist applicants—not more	
11	than.....	100
12	Subsequent examination fee for dental hygienist applicants—not	
13	more than.....	100
14	Biennial license renewal fee for dental hygienists—not	
15	more than.....	160
16	<i>Biennial license renewal fee for dental therapists—not more than.....</i>	<i>200</i>
17	<i>Examination fee for dental therapist applicants—not more than.....</i>	<i>150</i>
18	<i>Subsequent examination fee for dental therapist applicants—not</i>	
19	<i>more than.....</i>	<i>100</i>
20	Reinstatement of a revoked license—not more than.....	2,000
21	Processing fee for failure to notify of change of address—not	
22	more than.....	100
23	Registration fee to operate a mobile dental facility or portable	
24	dental operation—not more than.....	500
25	Biennial registration renewal fee for mobile dental facility or	
26	portable dental operation—not more than.....	350
27	Sedation permit—not more than.....	200

28 (c) The amounts of fees in effect on the day preceding the effective
 29 date of this act and the act of which this section is amendatory shall remain
 30 in effect until fixed in different amounts by the board under this section.
 31 The board may adopt rules and regulations for the proration of fees for a
 32 license issued for a period of time less than the biennial licensure period.

33 Sec. 13. On and after July 1, 2020, K.S.A. 65-1449 is hereby
 34 amended to read as follows: 65-1449. (a) Except as provided by subsection
 35 (b), no action to revoke or suspend a license shall be taken until the
 36 licensee has been furnished a statement in writing of the charges against
 37 the licensee, together with a notice of the time and place of the hearing.
 38 The statement of charges and notice shall be served upon the licensee in
 39 accordance with the provisions of the Kansas administrative procedure act.

40 (b) If the board determines that there is probable cause to revoke or
 41 suspend the license of a dentist, *dental therapist* or dental hygienist for any
 42 reason that exists pursuant to K.S.A. 65-1436, and amendments thereto,
 43 and if the licensee's continued practice would constitute an imminent

1 danger to public health and safety, the board may initiate administrative
2 proceedings for an emergency adjudication under the provisions of the
3 Kansas administrative procedure act.

4 In no case shall a temporary suspension or temporary limitation of a
5 license under this section be in effect for more than 90 days. At the end of
6 such period of time, the licensee shall be reinstated to full licensure unless
7 the board has revoked or suspended the license of the licensee after notice
8 and hearing, provided in accordance with the provisions of the Kansas
9 administrative procedure act.

10 Sec. 14. On and after July 1, 2020, K.S.A. 65-1460 is hereby
11 amended to read as follows: 65-1460. Any person who shall practice
12 dentistry, *dental therapy* or dental hygiene in this state within the meaning
13 of this act without having first obtained a license from the board, or who
14 violates any of the provisions of this act, the penalty for which is not
15 herein specifically provided, shall be deemed guilty of a misdemeanor.
16 Anyone convicted of a misdemeanor under this act shall be punished by a
17 fine of not more than ~~one thousand dollars~~ \$1,000, or by imprisonment in
18 the county jail for not more than twelve months, or by both such fine and
19 imprisonment, in the discretion of the court.

20 Sec. 15. On and after July 1, 2020, K.S.A. 65-1462 is hereby
21 amended to read as follows: 65-1462. (a) No person reporting to the
22 Kansas dental board under oath and in good faith any information such
23 person may have relating to alleged incidents of malpractice or the
24 qualifications, fitness or character of a person licensed to practice dentistry
25 shall be subject to a civil action for damages as a result of reporting such
26 information.

27 (b) Any state, regional or local association of licensed dentists, *dental*
28 *therapists* or licensed dental hygienists, and the individual members of any
29 committee thereof, ~~which~~ *that* in good faith investigates or communicates
30 information pertaining to the alleged incidents of malpractice or the
31 qualifications, fitness or character of any licensee to the Kansas dental
32 board or to any committee or agent thereof, shall be immune from liability
33 in any civil action, that is based upon such investigation or transmittal of
34 information if the investigation and communication was made in good
35 faith and did not represent as true any matter not reasonably believed to be
36 true.

37 Sec. 16. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1469 is
38 hereby amended to read as follows: 65-1469. As used in this section:

39 (a) "Mobile dental facility or portable dental operation" means either
40 of the following:

41 (1) Any self-contained facility in which dentistry will be practiced,
42 ~~which~~ *that* may be moved, towed or transported from one location to
43 another.

1 (2) Any nonfacility in which dental equipment, utilized in the practice
2 of dentistry, is transported to and utilized on a temporary basis at an out-
3 of-office location, including, but not limited to: (A) Other dentists' offices;
4 (B) patients' homes; (C) schools; (D) nursing homes; or (E) other
5 institutions.

6 (b) (1) No person shall operate a mobile dental facility or portable
7 dental operation in this state unless registered in accordance with this
8 section.

9 (2) In order to operate a mobile dental facility or portable dental
10 operation, the operator shall be a person or entity that is authorized to own
11 a dental practice under Kansas law and possess a current registration
12 issued by the board.

13 (3) To become registered, the operator shall:

14 (A) Complete an application in the form and manner required by the
15 board; and

16 (B) pay a registration fee in the amount established by the board
17 pursuant to K.S.A. 65-1447, and amendments thereto.

18 (c) (1) The registration under this section shall be renewed on March
19 1 of even-numbered years in the form and manner provided by the board
20 by rules and regulations.

21 (2) The registrant shall pay a registration renewal fee in the amount
22 fixed by the board under K.S.A. 65-1447, and amendments thereto.

23 (d) The board shall adopt rules and regulations as necessary to carry
24 out the provisions of this act. The rules and regulations shall include, but
25 not be limited to, requirements relating to the official address and
26 telephone number of the mobile dental facility or portable dental
27 operation, the proper maintenance of dental records, procedures for
28 emergency follow-up care for patients, appropriate communications
29 facilities, appropriate authorizations for treatment by dental patients,
30 follow-up treatment and services, personnel and address changes, notice to
31 be provided on cessation of operation and such other matters as the board
32 deems necessary to protect the public health and welfare.

33 (e) The board may refuse to issue a registration under this section or
34 may revoke or suspend a registration upon a finding by the board that an
35 applicant or person registered under this section has failed to comply with
36 any provision of the section or any rules and regulations adopted pursuant
37 to this section. No order refusing to issue a registration or order of
38 suspension or revocation shall be made or entered except after notice and
39 opportunity for hearing in accordance with the provisions of the Kansas
40 administrative procedure act. Any final order of suspension or revocation
41 of a license shall be reviewable in accordance with the Kansas judicial
42 review act.

43 (f) (1) This section applies to each operator of a mobile dental facility

1 or portable dental operation that provides dental services except those
2 specifically exempted by ~~subsection~~ *paragraph* (2).

3 (2) This section shall not apply to:

4 (A) Dentists providing dental services for federal, state and local
5 governmental agencies;

6 (B) dentists licensed to practice in Kansas providing emergency
7 treatment for their patients of record;

8 (C) dentists who are not employed by or independently contracting
9 with a mobile dental facility or portable dental operation who provide
10 nonemergency treatment for their patients of record outside the dentist's
11 physically stationary office fewer than 30 days per calendar year;

12 (D) dental hygienists who are providing dental hygiene services as
13 authorized by the Kansas dental act and the board's rules and regulations;

14 (E) a dentist *or dental therapist* who is providing dental services as a
15 charitable health care provider under K.S.A. 75-6102, and amendments
16 thereto;

17 (F) a dental hygienist who is providing dental hygiene services as a
18 charitable health care provider under K.S.A. 75-6102, and amendments
19 thereto; and

20 (G) a not-for-profit organization providing dental services.

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

23 Sec. 17. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4915 is
24 hereby amended to read as follows: 65-4915. (a) As used in this section:

25 (1) "Health care provider" means: (A) Those persons and entities
26 defined as a health care provider under K.S.A. 40-3401, and amendments
27 thereto; and (B) a dentist licensed by the Kansas dental board, *a dental*
28 *therapist licensed by the Kansas dental board*, a dental hygienist licensed
29 by the Kansas dental board, a professional nurse licensed by the board of
30 nursing, a practical nurse licensed by the board of nursing, a mental health
31 technician licensed by the board of nursing, a physical therapist licensed
32 by the state board of healing arts, a physical therapist assistant certified by
33 the state board of healing arts, an occupational therapist licensed by the
34 state board of healing arts, an occupational therapy assistant licensed by
35 the state board of healing arts, a respiratory therapist licensed by the state
36 board of healing arts, a physician assistant licensed by the state board of
37 healing arts and attendants and ambulance services certified by the
38 emergency medical services board.

39 (2) "Health care provider group" means:

40 (A) A state or local association of health care providers or one or
41 more committees thereof;

42 (B) the board of governors created under K.S.A. 40-3403, and
43 amendments thereto;

- 1 (C) an organization of health care providers formed pursuant to state
2 or federal law and authorized to evaluate medical and health care services;
- 3 (D) a review committee operating pursuant to K.S.A. 65-2840c, and
4 amendments thereto;
- 5 (E) an organized medical staff of a licensed medical care facility as
6 defined by K.S.A. 65-425, and amendments thereto, an organized medical
7 staff of a private psychiatric hospital licensed under K.S.A. ~~75-3307b-~~
8 *2017 Supp. 39-2001 et seq.*, and amendments thereto, or an organized
9 medical staff of a state psychiatric hospital or state institution for people
10 with intellectual disability, as follows: Larned state hospital, Osawatomie
11 state hospital, Rainbow mental health facility, Kansas neurological
12 institute and Parsons state hospital and training center;
- 13 (F) a health care provider;
- 14 (G) a professional society of health care providers or one or more
15 committees thereof;
- 16 (H) a Kansas corporation, whose stockholders or members are health
17 care providers or an association of health care providers, ~~which~~
18 ~~corporation~~ that evaluates medical and health care services;
- 19 (I) an insurance company, health maintenance organization or
20 administrator of a health benefits plan ~~which~~ that engages in any of the
21 functions defined as peer review under this section; or
- 22 (J) the university of Kansas medical center.
- 23 (3) "Peer review" means any of the following functions:
- 24 (A) Evaluate and improve the quality of health care services rendered
25 by health care providers;
- 26 (B) determine that health services rendered were professionally
27 indicated or were performed in compliance with the applicable standard of
28 care;
- 29 (C) determine that the cost of health care rendered was considered
30 reasonable by the providers of professional health services in this area;
- 31 (D) evaluate the qualifications, competence and performance of the
32 providers of health care or to act upon matters relating to the discipline of
33 any individual provider of health care;
- 34 (E) reduce morbidity or mortality;
- 35 (F) establish and enforce guidelines designed to keep within
36 reasonable bounds the cost of health care;
- 37 (G) conduct of research;
- 38 (H) determine if a hospital's facilities are being properly utilized;
- 39 (I) supervise, discipline, admit, determine privileges or control
40 members of a hospital's medical staff;
- 41 (J) review the professional qualifications or activities of health care
42 providers;
- 43 (K) evaluate the quantity, quality and timeliness of health care

1 services rendered to patients in the facility;

2 (L) evaluate, review or improve methods, procedures or treatments
3 being utilized by the medical care facility or by health care providers in a
4 facility rendering health care.

5 (4) "Peer review officer or committee" means:

6 (A) An individual employed, designated or appointed by, or a
7 committee of or employed, designated or appointed by, a health care
8 provider group and authorized to perform peer review; or

9 (B) a health care provider monitoring the delivery of health care at
10 correctional institutions under the jurisdiction of the secretary of
11 corrections.

12 (b) Except as provided by K.S.A. 60-437, and amendments thereto,
13 and by subsections (c) and (d), the reports, statements, memoranda,
14 proceedings, findings and other records submitted to or generated by peer
15 review committees or officers shall be privileged and shall not be subject
16 to discovery, subpoena or other means of legal compulsion for their release
17 to any person or entity or be admissible in evidence in any judicial or
18 administrative proceeding. Information contained in such records shall not
19 be discoverable or admissible at trial in the form of testimony by an
20 individual who participated in the peer review process. The peer review
21 officer or committee creating or initially receiving the record is the holder
22 of the privilege established by this section. This privilege may be claimed
23 by the legal entity creating the peer review committee or officer, or by the
24 commissioner of insurance for any records or proceedings of the board of
25 governors.

26 (c) Subsection (b) shall not apply to proceedings in which a health
27 care provider contests the revocation, denial, restriction or termination of
28 staff privileges or the license, registration, certification or other
29 authorization to practice of the health care provider. A licensing agency in
30 conducting a disciplinary proceeding in which admission of any peer
31 review committee report, record or testimony is proposed shall hold the
32 hearing in closed session when any such report, record or testimony is
33 disclosed. Unless otherwise provided by law, a licensing agency
34 conducting a disciplinary proceeding may close only that portion of the
35 hearing in which disclosure of a report or record privileged under this
36 section is proposed. In closing a portion of a hearing as provided by this
37 section, the presiding officer may exclude any person from the hearing
38 location except the licensee, the licensee's attorney, the agency's attorney,
39 the witness, the court reporter and appropriate staff support for either
40 counsel. The licensing agency shall make the portions of the agency record
41 in which such report or record is disclosed subject to a protective order
42 prohibiting further disclosure of such report or record. Such report or
43 record shall not be subject to discovery, subpoena or other means of legal

1 compulsion for their release to any person or entity. No person in
2 attendance at a closed portion of a disciplinary proceeding shall at a
3 subsequent civil, criminal or administrative hearing, be required to testify
4 regarding the existence or content of a report or record privileged under
5 this section ~~which~~ *that* was disclosed in a closed portion of a hearing, nor
6 shall such testimony be admitted into evidence in any subsequent civil,
7 criminal or administrative hearing. A licensing agency conducting a
8 disciplinary proceeding may review peer review committee records,
9 testimony or reports but must prove its findings with independently
10 obtained testimony or records ~~which~~ *that* shall be presented as part of the
11 disciplinary proceeding in open meeting of the licensing agency. Offering
12 such testimony or records in an open public hearing shall not be deemed a
13 waiver of the peer review privilege relating to any peer review committee
14 testimony, records or report.

15 (d) Nothing in this section shall limit the authority, which may
16 otherwise be provided by law, of the commissioner of insurance, the state
17 board of healing arts or other health care provider licensing or disciplinary
18 boards of this state to require a peer review committee or officer to report
19 to it any disciplinary action or recommendation of such committee or
20 officer; to transfer to it records of such committee's or officer's
21 proceedings or actions to restrict or revoke the license, registration,
22 certification or other authorization to practice of a health care provider; or
23 to terminate the liability of the fund for all claims against a specific health
24 care provider for damages for death or personal injury pursuant to
25 ~~subsection (i) of~~ K.S.A. 40-3403(i), and amendments thereto. Reports and
26 records so furnished shall not be subject to discovery, subpoena or other
27 means of legal compulsion for their release to any person or entity and
28 shall not be admissible in evidence in any judicial or administrative
29 proceeding other than a disciplinary proceeding by the state board of
30 healing arts or other health care provider licensing or disciplinary boards
31 of this state.

32 (e) A peer review committee or officer may report to and discuss its
33 activities, information and findings to other peer review committees or
34 officers or to a board of directors or an administrative officer of a health
35 care provider without waiver of the privilege provided by subsection (b)
36 and the records of all such committees or officers relating to such report
37 shall be privileged as provided by subsection (b).

38 (f) Nothing in this section shall be construed to prevent an insured
39 from obtaining information pertaining to payment of benefits under a
40 contract with an insurance company, a health maintenance organization or
41 an administrator of a health benefits plan.

42 Sec. 18. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4921 is
43 hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921

1 through 65-4930, and amendments thereto:

2 (a) "Appropriate licensing agency" means the agency that issued the
3 license to the individual or health care provider who is the subject of a
4 report under this act.

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

6 (c) "Health care provider" means: (1) Those persons and entities
7 defined as a health care provider under K.S.A. 40-3401, and amendments
8 thereto; and (2) a dentist licensed by the Kansas dental board, *a dental*
9 *therapist licensed by the Kansas dental board*, a dental hygienist licensed
10 by the Kansas dental board, a professional nurse licensed by the board of
11 nursing, a practical nurse licensed by the board of nursing, a mental health
12 technician licensed by the board of nursing, a physical therapist licensed
13 by the state board of healing arts, a physical therapist assistant certified by
14 the state board of healing arts, an occupational therapist licensed by the
15 state board of healing arts, an occupational therapy assistant licensed by
16 the state board of healing arts and a respiratory therapist licensed by the
17 state board of healing arts.

18 (d) "License," "licensee" and "licensing" include comparable terms
19 ~~which~~ *that* relate to regulation similar to licensure, such as registration.

20 (e) "Medical care facility" means: (1) A medical care facility licensed
21 under K.S.A. 65-425 et seq., and amendments thereto; (2) a private
22 psychiatric hospital licensed under K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001*
23 *et seq.*, and amendments thereto; and (3) state psychiatric hospitals and
24 state institutions for people with intellectual disability, as follows: Larned
25 state hospital, Osawatomie state hospital, Rainbow mental health facility,
26 Kansas neurological institute and Parsons state hospital and training
27 center.

28 (f) "Reportable incident" means an act by a health care provider
29 ~~which~~ *that*: (1) Is or may be below the applicable standard of care and has
30 a reasonable probability of causing injury to a patient; or (2) may be
31 grounds for disciplinary action by the appropriate licensing agency.

32 (g) "Risk manager" means the individual designated by a medical
33 care facility to administer its internal risk management program and to
34 receive reports of reportable incidents within the facility.

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

36 Sec. 19. On and after July 1, 2020, K.S.A. 2017 Supp. 65-5912 is
37 hereby amended to read as follows: 65-5912. (a) Nothing in this act shall
38 be construed to require any insurer or other entity regulated under chapter
39 40 of the Kansas Statutes Annotated, *and amendments thereto*, or any
40 other law of this state to provide coverage for or indemnify for the services
41 provided by a person licensed under this act.

42 (b) So long as the following persons do not hold themselves out to the
43 public to be dietitians or licensed dietitians or use these titles in

1 combination with other titles or use the abbreviation L.D., or any
2 combination thereof, nothing in this act shall be construed to apply:

3 (1) To any person licensed to practice the healing arts, a licensed
4 dentist, *a licensed dental therapist*, a licensed dental hygienist, a licensed
5 professional nurse, a licensed practical nurse, a licensed psychologist, a
6 licensed masters level psychologist, a licensed pharmacist or an employee
7 thereof, a physician assistant, a licensed professional counselor;

8 (2) to any unlicensed employee of a licensed adult care home or a
9 licensed medical care facility as long as such person is working under the
10 general direction of a licensee in the healing arts, nursing or a dietetic
11 services supervisor as defined in regulations adopted by the secretary of
12 health and environment or a consultant licensed under this act;

13 (3) to any dietetic technician or dietetic assistant;

14 (4) to any student enrolled in an approved academic program in
15 dietetics, home economics, nutrition, education or other like curriculum,
16 while engaged in such academic program;

17 (5) to prevent any person, including persons employed in health food
18 stores, from furnishing nutrition information as to the use of food, food
19 materials or dietary supplements, nor to prevent in any way the free
20 dissemination of information or of literature as long as no individual
21 engaged in such practices holds oneself out as being licensed under this
22 act;

23 (6) to prohibit any individual from marketing or distributing food
24 products, including dietary supplements, or to prevent any such person
25 from providing information to customers regarding the use of such
26 products;

27 (7) to prevent any employee of the state or a political subdivision who
28 is employed in nutrition-related programs from engaging in activities
29 included within the definition of dietetics practice as a part of such
30 person's employment;

31 (8) to any person who performs the activities and services of a
32 licensed dietitian or nutrition educator as an employee of the state or a
33 political subdivision, an elementary or secondary school, an educational
34 institution, a licensed institution, or a not-for-profit organization;

35 (9) to any person serving in the armed forces, the public health
36 service, the veterans administration or as an employee of the federal
37 government;

38 (10) to any person who has a degree in home economics insofar as
39 the activities of such person are within the scope of such person's
40 education and training;

41 (11) to any person who counsels or provides weight-control services
42 as a part of a franchised or recognized weight-control program or a
43 weight-control program that operates under the general direction of a

1 person licensed to practice the healing arts, nursing or a person licensed
2 under this act;

3 (12) to any person who is acting as a representative of a trade
4 association and who engages in one or more activities included within the
5 practice of dietetics as a representative of such association;

6 (13) to a licensed physical therapist who makes a dietetic or
7 nutritional assessment or gives dietetic or nutritional advice in the normal
8 practice of such person's profession or as otherwise authorized by law;

9 (14) to a dietitian licensed, registered or otherwise authorized to
10 practice dietetics in another state who is providing consultation in this
11 state;

12 (15) to any person conducting a teaching clinical demonstration
13 ~~which~~ *that* is carried out in an educational institution or an affiliated
14 clinical facility or health care agency;

15 (16) to any person conducting classes or disseminating information
16 relating to nonmedical nutrition; or

17 (17) to any person permitted to practice under K.S.A. 65-2872a, and
18 amendments thereto.

19 (c) Nothing in this act shall be construed to interfere with the
20 religious practices or observances of a bona fide religious organization,
21 nor to prevent any person from caring for the sick in accordance with
22 tenets and practices of any church or religious denomination—~~which~~ *that*
23 teaches reliance upon spiritual means through prayer for healing.

24 Sec. 20. On and after July 1, 2020, K.S.A. 2017 Supp. 65-7304 is
25 hereby amended to read as follows: 65-7304. The following shall be
26 exempt from the requirement of a license pursuant to this act:

27 (a) A licensed practitioner;

28 (b) a person issued a postgraduate permit by the board or students
29 while in actual attendance in an accredited health care educational
30 program for radiologic technology and under the supervision of a qualified
31 instructor;

32 (c) health care providers in the United States armed forces, public
33 health services, federal facilities and other military service when acting in
34 the line of duty in this state;

35 (d) persons rendering assistance in the case of an emergency;

36 (e) a licensed dental hygienist, *a licensed dental therapist* or an
37 unlicensed person working under the supervision of a licensed dentist who
38 has been trained by a licensed dentist on the proper use of dental
39 radiographic equipment for the purpose of providing medical imaging for
40 dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and
41 amendments thereto; and

42 (f) a licensed physician assistant, a licensed nurse or an unlicensed
43 person performing radiologic technology procedures who is: (1) Working

1 under the supervision of a licensed practitioner or a person designated by a
2 hospital licensed pursuant to K.S.A. 65-425 et seq., and amendments
3 thereto; and (2) who has been trained on the proper use of equipment for
4 the purpose of performing radiologic technology procedures consistent
5 with K.S.A. 65-2001 et seq.; or K.S.A. 65-2801 et seq., and amendments
6 thereto. The board shall adopt rules and regulations to assure that persons
7 exempted from licensure under this subsection receive continuing
8 education consistent with their practice authorized herein.

9 ~~(g) This section shall take effect on and after July 1, 2005.~~

10 Sec. 21. On and after July 1, 2020, K.S.A. 2017 Supp. 74-1405 is
11 hereby amended to read as follows: 74-1405. (a) The board at its first
12 meeting day of each year shall elect from its members a president, vice-
13 president and secretary. The board shall have a common seal. The board
14 shall hold two regular meetings each year at times to be fixed by the board,
15 and special meetings at such other times as may be necessary.

16 (b) Members of the Kansas dental board attending meetings of such
17 board, or attending a subcommittee meeting thereof authorized by such
18 board, or conducting examinations for dental, *dental therapist* or dental
19 hygienists licenses or conducting inspections of dental laboratories
20 required by K.S.A. 65-1438, and amendments thereto, shall be paid
21 compensation, subsistence allowances, mileage and other expenses as
22 provided in K.S.A. 75-3223, and amendments thereto. Members of the
23 board conducting examinations for dental, *dental therapist* or dental
24 hygienists licenses may receive amounts for compensation, subsistence
25 allowances, mileage or other expenses from a nonstate agency for
26 conducting such examinations but no member receiving any such amounts
27 shall be paid any compensation, subsistence allowances, mileage or other
28 expenses under this section for conducting such examinations.

29 (c) The official office of the board shall be in Topeka. Meetings shall
30 be held in Topeka or at such other places as the board shall determine to be
31 most appropriate. Service of process may be had upon the board by
32 delivery of process to the secretary of state who shall mail the same by
33 registered or certified mail to the executive director of the board.

34 (d) The board may appoint an executive director who shall be in the
35 unclassified service of the Kansas civil service act. The executive director
36 shall receive an annual salary fixed by the board and approved by the
37 governor. The executive director shall be the legal custodian of all
38 property, money, minutes, records, and proceedings and seal of the board.

39 (e) The board in its discretion may affiliate as an active member with
40 the national association of dental examiners and any organization of one or
41 more state boards for the purpose of conducting a standard examination of
42 candidates for licensure as dentists, *dental therapists* or dental hygienists
43 and pay regular dues to such association or organization, and may send

1 members of the board to the meetings of the national association and the
2 meetings of any organization of state boards of dental examiners organized
3 for the purpose of conducting a standard examination of candidates for
4 licensure as dentists, *dental therapists* and dental hygienists.

5 (f) The executive director shall remit all moneys received by or for
6 such executive director from fees, charges or penalties to the state treasurer
7 in accordance with the provisions of K.S.A. 75-4215, and amendments
8 thereto. Upon receipt of each such remittance, the state treasurer shall
9 deposit the entire amount in the state treasury. Ten percent of each such
10 deposit shall be credited to the state general fund and the balance shall be
11 credited to the dental board fee fund. All expenditures from such fund shall
12 be made in accordance with appropriation acts upon warrants of the
13 director of accounts and reports issued pursuant to vouchers approved by
14 the president of the board or by a person or persons designated by the
15 president.

16 Sec. 22. On and after July 1, 2020, K.S.A. 74-1406 is hereby
17 amended to read as follows: 74-1406. The board shall exercise, subject to
18 the provisions of this act, the following powers and duties:

19 (a) Adopt such rules for its governance as it may deem proper.

20 (b) Adopt rules and regulations for qualification and licensing of
21 *dental therapists and dental hygienists*.

22 (c) Adopt rules and regulations regarding sanitation.

23 (d) Conduct examinations to ascertain the qualification and fitness of
24 applicants for licenses as dentists or certificates as specialists in dentistry.

25 (e) Pass upon the qualifications of applicants for reciprocal licenses.

26 (f) Prescribe rules and regulations for examination of candidates.

27 (g) Formulate rules and regulations by which dental schools and
28 colleges shall be approved.

29 (h) Grant licenses, issue license certificates as specialists in dentistry
30 and issue renewal licenses and certificates as specialists in dentistry in
31 conformity with this act to such applicants and dentists as have been found
32 qualified.

33 (i) Conduct hearings or proceedings to revoke or suspend and to
34 revoke or suspend a license, certificate or renewal license or certificate
35 granted under the authority of this act or previous acts.

36 (j) Employ such persons as it may deem necessary to assist in
37 carrying out the duties of the board in the administration and enforcement
38 of this act, and to provide offices, furniture, fixtures, supplies, printing or
39 secretarial service, and may expend such funds as may be deemed
40 necessary therefor, and may appoint an attorney to advise and assist in the
41 carrying out and enforcing of the provisions of this act.

42 (k) Investigate violations of the act that may come to the knowledge
43 of the board, and institute or cause to be instituted before the board or in a

1 proper court appropriate proceedings in connection therewith.

2 (l) Adopt rules and regulations to carry out and make effective the
3 provisions of this act and modify or repeal such rules and regulations
4 whenever in the discretion of the board it is deemed necessary.

5 Sec. 23. On and after July 1, 2020, K.S.A. 2017 Supp. 75-2935 is
6 hereby amended to read as follows: 75-2935. The civil service of the state
7 of Kansas is hereby divided into the unclassified and the classified
8 services.

9 (1) The unclassified service comprises positions held by state officers
10 or employees who are:

11 (a) Chosen by election or appointment to fill an elective office;

12 (b) members of boards and commissions, heads of departments
13 required by law to be appointed by the governor or by other elective
14 officers, and the executive or administrative heads of offices, departments,
15 divisions and institutions specifically established by law;

16 (c) except as otherwise provided under this section, one personal
17 secretary to each elective officer of this state, and in addition thereto, 10
18 deputies, clerks or employees designated by such elective officer;

19 (d) all employees in the office of the governor;

20 (e) officers and employees of the senate and house of representatives
21 of the legislature and of the legislative coordinating council and all officers
22 and employees of the office of revisor of statutes, of the legislative
23 research department, of the division of legislative administrative services,
24 of the division of post audit and the legislative counsel;

25 (f) chancellor, president, deans, administrative officers, student health
26 service physicians, pharmacists, teaching and research personnel, health
27 care employees and student employees in the institutions under the state
28 board of regents, the executive officer of the board of regents and the
29 executive officer's employees other than clerical employees, and, at the
30 discretion of the state board of regents, directors or administrative officers
31 of departments and divisions of the institution and county extension
32 agents, except that this ~~subsection (1)(f)~~ *paragraph* shall not be construed
33 to include the custodial, clerical or maintenance employees, or any
34 employees performing duties in connection with the business operations of
35 any such institution, except administrative officers and directors; as used
36 in this ~~subsection (1)(f)~~ *paragraph*, "health care employees" means
37 employees of the university of Kansas medical center who provide health
38 care services at the university of Kansas medical center and who are
39 medical technicians or technologists or respiratory therapists, who are
40 licensed professional nurses or licensed practical nurses, or who are in job
41 classes ~~which~~ *that* are designated for this purpose by the chancellor of the
42 university of Kansas upon a finding by the chancellor that such
43 designation is required for the university of Kansas medical center to

1 recruit or retain personnel for positions in the designated job classes; and
2 employees of any institution under the state board of regents who are
3 medical technologists;

4 (g) operations, maintenance and security personnel employed to
5 implement agreements entered into by the adjutant general and the federal
6 national guard bureau, and officers and enlisted persons in the national
7 guard and the naval militia;

8 (h) persons engaged in public work for the state but employed by
9 contractors when the performance of such contract is authorized by the
10 legislature or other competent authority;

11 (i) persons temporarily employed or designated by the legislature or
12 by a legislative committee or commission or other competent authority to
13 make or conduct a special inquiry, investigation, examination or
14 installation;

15 (j) officers and employees in the office of the attorney general and
16 special counsel to state departments appointed by the attorney general,
17 except that officers and employees of the division of the Kansas bureau of
18 investigation shall be in the classified or unclassified service as provided
19 in K.S.A. 75-711, and amendments thereto;

20 (k) all employees of courts;

21 (l) client, patient and inmate help in any state facility or institution;

22 (m) all attorneys for boards, commissions and departments;

23 (n) the secretary and assistant secretary of the Kansas state historical
24 society;

25 (o) physician specialists, dentists, *dental therapists*, dental hygienists,
26 pharmacists, medical technologists and long term care workers employed
27 by the Kansas department for aging and disability services;

28 (p) physician specialists, dentists and medical technologists employed
29 by any board, commission or department or by any institution under the
30 jurisdiction thereof;

31 (q) student employees enrolled in public institutions of higher
32 learning;

33 (r) administrative officers, directors and teaching personnel of the
34 state board of education and the state department of education and of any
35 institution under the supervision and control of the state board of
36 education, except that this ~~subsection (1)(r)~~ *paragraph* shall not be
37 construed to include the custodial, clerical or maintenance employees, or
38 any employees performing duties in connection with the business
39 operations of any such institution, except administrative officers and
40 directors;

41 (s) all officers and employees in the office of the secretary of state;

42 (t) one personal secretary and one special assistant to the following:
43 The secretary of administration, the secretary for aging and disability

1 services, the secretary of agriculture, the secretary of commerce, the
2 secretary of corrections, the secretary of health and environment, the
3 superintendent of the Kansas highway patrol, the secretary of labor, the
4 secretary of revenue, the secretary for children and families, the secretary
5 of transportation, the secretary of wildlife, parks and tourism and the
6 commissioner of juvenile justice;

7 (u) one personal secretary and one special assistant to the chancellor
8 and presidents of institutions under the state board of regents;

9 (v) one personal secretary and one special assistant to the executive
10 vice chancellor of the university of Kansas medical center;

11 (w) one public information officer and one chief attorney for the
12 following: The department of administration, the Kansas department for
13 aging and disability services, the department of agriculture, the department
14 of commerce, the department of corrections, the department of health and
15 environment, the department of labor, the department of revenue, the
16 Kansas department for children and families, the department of
17 transportation, the Kansas department of wildlife, parks and tourism and
18 the commissioner of juvenile justice;

19 (x) if designated by the appointing authority, persons in newly hired
20 positions, including any employee who is rehired into such position and
21 any current state employee who voluntarily transfers into, or is voluntarily
22 promoted or demoted into such position, on and after July 1, 2015, in any
23 state agency;

24 (y) one executive director, one general counsel and one director of
25 public affairs and consumer protection in the office of the state corporation
26 commission;

27 (z) specifically designated by law as being in the unclassified service;

28 (aa) any position that is classified as a position in the information
29 resource manager job class series, that is the chief position responsible for
30 all information resources management for a state agency, and that becomes
31 vacant on or after the effective date of this act. Nothing in this section shall
32 affect the classified status of any employee in the classified service who is
33 employed on the date immediately preceding the effective date of this act
34 in any position that is a classified position in the information resource
35 manager job class series and the unclassified status as prescribed by this
36 subsection shall apply only to a person appointed to any such position on
37 or after the effective date of this act that is the chief position responsible
38 for all information resources management for a state agency;

39 (bb) positions at state institutions of higher education that have been
40 converted to unclassified positions pursuant to K.S.A. 2017 Supp. 76-
41 715a, and amendments thereto; and

42 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
43 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-

1 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
2 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
3 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
4 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
5 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
6 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
7 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
8 12a16, 76-3202 and 82a-1205 and K.S.A. 2017 Supp. 39-1911, and
9 amendments thereto, any vacant position within the classified service may
10 be converted by the appointing authority to an unclassified position.

11 (2) The classified service comprises all positions now existing or
12 hereafter created ~~which~~ *that* are not included in the unclassified service.
13 Appointments in the classified service shall be made according to merit
14 and fitness from eligible pools ~~which~~ *that* so far as practicable shall be
15 competitive. No person shall be appointed, promoted, reduced or
16 discharged as an officer, clerk, employee or laborer in the classified
17 service in any manner or by any means other than those prescribed in the
18 Kansas civil service act and the rules adopted in accordance therewith.

19 (3) For positions involving unskilled, or semiskilled duties, the
20 secretary of administration, as provided by law, shall establish rules and
21 regulations concerning certifications, appointments, layoffs and
22 reemployment ~~which~~ *that* may be different from the rules and regulations
23 established concerning these processes for other positions in the classified
24 service.

25 (4) Officers authorized by law to make appointments to positions in
26 the unclassified service, and appointing officers of departments or
27 institutions whose employees are exempt from the provisions of the
28 Kansas civil service act because of the constitutional status of such
29 departments or institutions shall be permitted to make appointments from
30 appropriate pools of eligibles maintained by the division of personnel
31 services.

32 (5) On and after the effective date of this act, any state agency that
33 has positions in the classified service within the Kansas civil service act to
34 satisfy any requirement of maintaining personnel standards on a merit
35 basis pursuant to federal law or the rules and regulations promulgated
36 thereunder by the federal government or any agency thereof, shall adopt a
37 binding statement of agency policy pursuant to K.S.A. 77-415, and
38 amendments thereto, to satisfy such requirements if the appointing
39 authority has made any such position unclassified.

40 Sec. 24. On and after July 1, 2020, K.S.A. 2017 Supp. 75-6102 is
41 hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101
42 through 75-6118, and amendments thereto, unless the context clearly
43 requires otherwise:

1 (a) "State" means the state of Kansas and any department or branch of
2 state government, or any agency, authority, institution or other
3 instrumentality thereof.

4 (b) "Municipality" means any county, township, city, school district
5 or other political or taxing subdivision of the state, or any agency,
6 authority, institution or other instrumentality thereof.

7 (c) "Governmental entity" means state or municipality.

8 (d) (1) "Employee" means: (A) Any officer, employee, servant or
9 member of a board, commission, committee, division, department, branch
10 or council of a governmental entity, including elected or appointed
11 officials and persons acting on behalf or in service of a governmental
12 entity in any official capacity, whether with or without compensation and a
13 charitable healthcare provider;

14 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
15 8818, and amendments thereto, regardless of whether the services of such
16 steward or racing judge are rendered pursuant to contract as an
17 independent contractor;

18 (C) employees of the United States marshal's service engaged in the
19 transportation of inmates on behalf of the secretary of corrections;

20 (D) a person who is an employee of a nonprofit independent
21 contractor, other than a municipality, under contract to provide educational
22 or vocational training to inmates in the custody of the secretary of
23 corrections and who is engaged in providing such service in an institution
24 under the control of the secretary of corrections provided that such
25 employee does not otherwise have coverage for such acts and omissions
26 within the scope of their employment through a liability insurance contract
27 of such independent contractor;

28 (E) a person who is an employee or volunteer of a nonprofit program,
29 other than a municipality, who has contracted with the commissioner of
30 juvenile justice or with another nonprofit program that has contracted with
31 the secretary of corrections to provide a juvenile justice program for
32 juvenile offenders in a judicial district provided that such employee or
33 volunteer does not otherwise have coverage for such acts and omissions
34 within the scope of their employment or volunteer activities through a
35 liability insurance contract of such nonprofit program;

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

38 (G) an employee of an indigent healthcare clinic;

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

42 (I) any member of a regional medical emergency response team,
43 created under the provisions of K.S.A. 48-928, and amendments thereto, in

1 connection with authorized training or upon activation for an emergency
2 response;

3 (J) any member of a regional search and rescue team or regional
4 hazardous materials response team contracting with the state fire marshal
5 pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2017 Supp.
6 75-1518, and amendments thereto, in connection with authorized training
7 or upon activation for an emergency response; and

8 (K) medical students enrolled at the university of Kansas medical
9 center who are in clinical training, on or after July 1, 2008, at the
10 university of Kansas medical center or at another healthcare institution.

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

13 (B) any independent contractor under contract with a governmental
14 entity except those contractors specifically listed in subsection (d)(1).

15 (e) "Charitable healthcare provider" means a person licensed by the
16 state board of healing arts as an exempt licensee or a federally active
17 licensee, a person issued a limited permit by the state board of healing arts,
18 a physician assistant licensed by the state board of healing arts, a mental
19 health practitioner licensed by the behavioral sciences regulatory board, an
20 ultrasound technologist currently registered in any area of sonography
21 credentialed through the American registry of radiology technologists, the
22 American registry for diagnostic medical sonography or cardiovascular
23 credentialing international and working under the supervision of a person
24 licensed to practice medicine and surgery, or a healthcare provider as the
25 term "healthcare provider" is defined under K.S.A. 65-4921, and
26 amendments thereto, who has entered into an agreement with:

27 (1) The secretary of health and environment under K.S.A. 75-6120,
28 and amendments thereto, who, pursuant to such agreement, gratuitously
29 renders professional services to a person who has provided information
30 ~~which~~ *that* would reasonably lead the healthcare provider to make the
31 good faith assumption that such person meets the definition of medically
32 indigent person as defined by this section or to a person receiving medical
33 assistance from the programs operated by the department of health and
34 environment, and who is considered an employee of the state of Kansas
35 under K.S.A. 75-6120, and amendments thereto;

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

39 (3) a local health department or indigent healthcare clinic, ~~which~~ *that*
40 renders professional services to medically indigent persons or persons
41 receiving medical assistance from the programs operated by the
42 department of health and environment gratuitously or for a fee paid by the
43 local health department or indigent healthcare clinic to such provider and

1 who is considered an employee of the state of Kansas under K.S.A. 75-
2 6120, and amendments thereto. Professional services rendered by a
3 provider under this paragraph shall be considered gratuitous
4 notwithstanding fees based on income eligibility guidelines charged by a
5 local health department or indigent healthcare clinic and notwithstanding
6 any fee paid by the local health department or indigent healthcare clinic to
7 a provider in accordance with this paragraph; or

8 (4) the secretary of health and environment to provide dentistry
9 services defined by K.S.A. 65-1422 et seq., and amendments thereto,
10 *dental therapy services defined by section 2, and amendments thereto*, or
11 dental hygienist services defined by K.S.A. 65-1456, and amendments
12 thereto, that are targeted, but are not limited to, medically indigent
13 persons, and are provided on a gratuitous basis: (A) At a location
14 sponsored by a not-for-profit organization that is not the dentist or dental
15 hygienist office location; (B) at the office location of a dentist or dental
16 hygienist provided the care be delivered as part of a program organized by
17 a not-for-profit organization and approved by the secretary of health and
18 environment; or (C) as part of a charitable program organized by the
19 dentist that has been approved by the secretary of health and environment
20 upon a showing that the dentist seeks to treat medically indigent patients
21 on a gratuitous basis, except that such dentistry services and dental
22 hygienist services shall not include "oral and maxillofacial surgery" as
23 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result
24 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7.

25 (f) "Medically indigent person" means a person who lacks resources
26 to pay for medically necessary healthcare services and who meets the
27 eligibility criteria for qualification as a medically indigent person
28 established by the secretary of health and environment under K.S.A. 75-
29 6120, and amendments thereto.

30 (g) "Indigent healthcare clinic" means an outpatient medical care
31 clinic operated on a not-for-profit basis ~~which~~ that has a contractual
32 agreement in effect with the secretary of health and environment to
33 provide healthcare services to medically indigent persons.

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

36 (i) "Fire control, fire rescue or emergency medical services
37 equipment" means any vehicle, firefighting tool, protective clothing,
38 breathing apparatus and any other supplies, tools or equipment used in
39 firefighting or fire rescue or in the provision of emergency medical
40 services.

41 (j) "Community mental health center" means any community mental
42 health center organized pursuant to K.S.A. 19-4001 through 19-4015, and
43 amendments thereto, or a mental health clinic organized pursuant to

1 K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in
2 accordance with K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001 et seq.*, and
3 amendments thereto.

4 Sec. 25. On and after July 1, 2020, K.S.A. 65-1421, 65-1441, 65-
5 1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-
6 1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912,
7 65-7304, 74-1405, 75-2935 and 75-6102 are hereby repealed.

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