SENATE BILL No. 312

By Committee on Public Health and Welfare

1-23


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

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

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

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

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

(B) if the person's dental therapist training program did not include
training on any individual competency listed in section 2(e) 2(d) or (e), and amendments thereto, the person shall provide documentation to the board's satisfaction that such person has successfully completed additional training on that competency;

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

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

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

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

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

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

(b) Except as otherwise provided in this section, the practice of dental therapy shall be performed under the direct or general supervision of a licensed dentist. As used in sections 1 through 3, and amendments thereto:

(1) "Direct supervision" means that the dentist in the dental office the supervision of tasks and procedures with the presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed where the dentist personally diagnoses the condition to be treated, personally authorizes the procedure and, before dismissal of the patient, evaluates the dental therapist's performance; and (2) "general supervision" means the supervision of tasks or procedures without the presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed, so long as those tasks and procedures are within the scope of practice for a dental therapist.

(c) Subject to prohibitions, limitations and conditions imposed by rules and regulations adopted by the Kansas dental board, a licensed dental therapist may perform dental hygiene tasks and procedures that
may be performed by a licensed dental hygienist under K.S.A. 65-1456, and amendments thereto, except that restrictions imposed by K.S.A. 65-1456, and amendment thereto, that limit the locations or premises where a licensed dental hygienist may perform extended care permit III dental hygiene tasks and procedures shall not apply to a licensed dental therapist.

(d) A licensed dental therapist may perform the following services under general supervision:

1. Identification of oral and systemic conditions requiring evaluation or treatment, or both, by dentists, physicians or other healthcare providers, and management of referrals;
2. Comprehensive charting of the oral cavity;
3. Oral health instruction and disease prevention education—
4. Oral health-related nutritional counseling and dietary analysis instruction;
5. Exposure of radiographic images;
6. Dental prophylaxis, including sub-gingival scaling or polishing procedures, or both;
7. Application of topical preventive or prophylactic agents;
8. Pulp vitality testing;
9. Application of desensitizing medication or resin;
10. Fabrication of athletic mouthguards;
11. Placement of a temporary filling, including glass ionomer and other palliative materials;
12. Fabrication of soft occlusal guards;
13. Tissue conditioning and soft reline;
14. Changing of periodontal dressings;
15. Tooth reimplantation and stabilization;
16. Administration of local anesthetic, if the dental therapist has completed a course on local anesthesia as required by sections 1 through 3, and amendments thereto;
17. Administration of nitrous oxide, if the dental therapist has completed a course on nitrous oxide as required by sections 1 through 3, and amendments thereto;
18. Dispensing and administering by the oral or topical route, or both, non-narcotic analgesics, anti-inflammatory and antibiotic medications as prescribed by a licensed health care provider, as defined in K.S.A. 40-3401, and amendments thereto;
19. The formulation of a dental therapy care plan limited to the procedures in this section;
20. Emergency palliative treatment of dental pain limited to the procedures in this section;
21. The placement and removal of space maintainers;
(21) fabrication and placement of single-tooth temporary crowns;
(22) suture removal;
(23) brush biopsies;
(24) minor adjustments and repairs on removable prostheses;
(25) re-cementing of permanent crowns; and
(26) prevention, identification and management of dental and medical emergencies.

(d) A licensed dental therapist may perform the following services under direct supervision:
(1) Extraction of erupted primary teeth that are non-ankylosed and that have a majority resorption of all root structures;
(2) preparation and placement of direct restoration fabricated or made directly inside the mouth in primary and permanent teeth;
(3) preparation and placement of preformed crowns on primary teeth;
(4) indirect pulp capping on permanent teeth; and
(5) indirect pulp capping on primary teeth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include including marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease
or any other agreement for compensation. A person or entity is not a dental
franchisor if the agreement with the dentist:
(A) Permits the person or entity to interfere with the professional
judgment of the dentist; or
(B) contains terms that would constitute a violation of the dental
practices act, rules and regulations adopted by the board, any orders and
directives issued by the board or any other applicable law.
(3) "Unlicensed proprietor" means any person or entity not authorized
to own or operate a dental practice that enters into an agreement with a
dentist, dental therapist or dental hygienist related to the practice of
dentistry, dental therapy or dental hygiene which:
(A) Permits the person or entity to interfere with the professional
judgment of the dentist; or
(B) contains terms that would constitute a violation of the dental
practices act, rules and regulations adopted by the board, any orders and
directives issued by the board or any other applicable law.
A licensee of dentistry who enters into any arrangement with an
unlicensed proprietor may have such license limited, suspended or revoked
by the board.
(b) The estate or agent for a deceased or substantially disabled dentist
may employ dentists, for a period of not more than 18 months following
the date of death or substantial disability of the dentist, to provide service
to patients until the practice can be sold or closed. Upon application
showing good cause, including, but not limited to, evidence of a good faith
effort to sell or close the dental practice, the Kansas dental board may
extend the time in six-month increments for a period of not more than one
additional year for which the practice can be sold or closed. The Kansas
dental board may adopt rules and regulations as necessary to carry out the
provisions of this section.
Sec. 8. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1431 is
hereby amended to read as follows: 65-1431. (a) Each license to practice
as a dentist, dental therapist or dental hygienist issued by the board, shall
expire on December 1 of the year specified by the board for the expiration
of the license and shall be renewed on a biennial basis. Each application
for renewal shall be made on a form prescribed and furnished by the
board. Every licensed dentist, dental therapist or dental hygienist shall pay
to the board a renewal fee fixed by the board as provided in K.S.A. 65-
1447, and amendments thereto.
(b) To provide for a staggered system of biennial renewal of licenses,
the board may renew licenses for less than two years.
(c) On or before December 1 of the year in which the licensee's license expires, the licensee shall transmit to the board a renewal application, upon a form prescribed by the board, which that shall include
such licensee's signature, post office address, the number of the license of such licensee, whether such licensee has been engaged during the preceding licensure period in active and continuous practice whether within or without this state, and such other information as may be required by the board, together with the biennial licensure fee for a dentist, dental therapist or dental hygienist which that is fixed by the board pursuant to K.S.A. 65-1447, and amendments thereto.

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

(2) A dentist who is a charitable healthcare provider in Kansas who has signed an agreement to provide gratuitous services pursuant to K.S.A. 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of continuing education credit by the performance of two hours of gratuitous services to medically indigent persons up to a maximum of six continuing education credits per licensure period.

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

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

(2) Any licensee whose license is required to be renewed for the next biennial period may obtain renewal, prior to February 1, by submitting to the board the required renewal application, payment of the biennial renewal fee and proof that such licensee has satisfactorily completed a program of continuing education required by the board. Any licensee whose license is required to be renewed for the next biennial period may obtain renewal, between February 1 and March 1, by submitting to the board the required renewal application, payment of the biennial renewal fee, payment of a penalty fee of not to exceed $500 as fixed by rules and regulations by the board and proof that such licensee has satisfactorily completed a program of continuing education required by the board. The penalty fee in effect immediately prior to the effective date of this act shall continue in effect until rules and regulations establishing a penalty fee under this section become effective.
(g) Upon failure of any licensee to pay the applicable renewal fee or to present proof of satisfactory completion of the required program of continuing education by February 1 of the year following the December in which a renewal application is due, the board shall notify such licensee, in writing, by mailing notice to such licensee's last registered address. Failure to mail or receive such notice shall not affect the cancellation of the license of such licensee.

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

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

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

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

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

Sec. 9. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1434 is hereby amended to read as follows: 65-1434. (a) The board, without examination, may issue a license as a dentist, dental therapist or dental hygienist to an applicant holding a license in another state upon compliance with the requirements of professional qualification and experience set forth in subsection (b). The board shall prepare and adopt a form of application to be submitted by an applicant for a license to be issued under this section. On the receipt of any such application, the board shall conduct such review, verification or other investigation of the applicant and the professional qualifications, background, experience and practice of the applicant as the board deems necessary to assure full compliance with the requirements of this section. Any license so issued may be revoked by the board upon evidence that an applicant has obtained a license under this section through misrepresentation or omission of a material fact in the application or other information submitted to the board.

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

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

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

(3) Each applicant for licensure as a dentist under this section shall have held a license to practice dentistry in one or more other states of the United States for the five-year period immediately preceding the date of application and shall have engaged in the active practice of dentistry for at least five years prior to the date of application. Each applicant for licensure as a dental therapist under this section shall have held a license to practice dental therapy in another state of the United States for a three-year period immediately preceding the date of application and shall have engaged in the active practice of dental therapy for at least three years prior to the date of application. Each applicant for licensure as a dental hygienist under this section shall have held a license to practice dental hygiene in another state of the United States for the three-year period
immediately preceding the date of application and shall have engaged in
the active practice of dental hygiene for at least three years prior to the
date of application. Successive and continuous periods of active practice in
other states will comply with the active practice requirements of this
paragraph (3). For the purpose of determining the period of practice,
periods of military service will be considered to the extent approved by the
Kansas dental board. Service as a full-time faculty member in a school of
dentistry will be considered the practice of dentistry to the extent service
involved full-time instruction in dentistry including clinical dentistry.
Service as a faculty member in a school of dental hygiene will be
considered the practice of dental hygiene to the extent such service
involved instruction in dental hygiene including clinical dental hygiene. To
be considered for the purposes of this statute, any such school of dentistry,
dental therapy or dental hygiene must be approved by the Kansas dental
board within the meaning of K.S.A. 65-1426, and amendments thereto.

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

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

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

(c) The Kansas dental board may direct an applicant to appear before the board at a date, time and place to be determined by the Kansas dental board to answer questions and provide such information concerning the qualifications, background, experience and practice of the applicant as the Kansas dental board may deem necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) failed to pay license fees;

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

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

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

(17) failed to keep adequate records;

(18) the licensee has had a license to practice dentistry revoked, suspended or limited, has been censured or has had other disciplinary
action taken, has had an application for license denied, or voluntarily
surrendered the license after formal proceedings have been commenced by
the proper licensing authority or another state, territory or the District of
Columbia or other country, a certified copy of the record of the action of
the other jurisdiction being conclusive evidence thereof;
(19) failed to furnish the board, or its investigators or representatives
any information legally requested by the board; or
(20) assisted suicide in violation of K.S.A. 21-3406, prior to its
repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, as
established by any of the following:
(A) A copy of the record of criminal conviction or plea of guilty for a
felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017
Supp. 21-5407, and amendments thereto;
(B) a copy of the record of a judgment of contempt of court for
violating an injunction issued under K.S.A. 60-4404, and amendments
thereto; or
(C) a copy of the record of a judgment assessing damages under
K.S.A. 60-4405, and amendments thereto.
(b) Whenever it is established, after notice and opportunity for
hearing in accordance with the provisions of the Kansas administrative
procedure act, that a licensee is in any of the circumstances or has
committed any of the acts described in subsection (a), the Kansas dental
board may take one or any combination of the following actions with
respect to the license of the licensee:
(1) Revoke the license;
(2) suspend the license for such period of time as may be determined
by the board;
(3) restrict the right of the licensee to practice by imposing limitations
upon dental, dental therapy or dental hygiene procedures— which that may
be performed, categories of dental disease— which that may be treated or
types of patients— which that may be treated by the dentist, dental therapist
or dental hygienist. Such restrictions shall continue for such period of time
as may be determined by the board, and the board may require the licensee
to provide additional evidence at hearing before lifting such restrictions; or
(4) grant a period of probation during which the imposition of one or
more of the actions described in subsections (b)(1) through (b)(3) will be
stayed subject to such conditions as may be imposed by the board
including a requirement that the dentist, dental therapist or dental
hygienist refrain from any course of conduct— which that may result in
further violation of the dental practice practices act or the dentist or dental
hygienist complete additional or remedial instruction. The violation of any
provision of the dental practice practices act or failure to meet any
condition imposed by the board as set forth in the order of the board will
result in immediate termination of the period of probation and imposition
of such other action as has been taken by the board.

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

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

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

(3) a pattern of dental, dental therapy or dental hygienist practice or
other behavior—which that demonstrates a manifest incapacity or
incompetence to practice dentistry.

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

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

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

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

(b) The board shall collect fees provided for in this act as follows:
Examination fee for dental applicants—not more than......................... $200
Subsequent examination fee for dental applicants—not more
than........................................................................................................ 100
Examination fee for specialty qualifications—not more
than........................................................................................................ 200
Credentials/qualifications fee—not more than................................. 300
Duplicate certificate fee—not more than........................................ 25
Certificate fee, including certificate for credentials/qualifications,
for dentists, dental therapists and dental hygienists—not
more than........................................................................................................ 25
Biennial license renewal fee for dentists—not more than................. 325
Examination fee for dental hygienist applicants—not more
than........................................................................................................ 100
Subsequent examination fee for dental hygienist applicants—not
more than........................................................................................................ 100
Biennial license renewal fee for dental hygienists—not
more than........................................................................................................ 160
Biennial license renewal fee for dental therapists—not more than........ 200
Examination fee for dental therapist applicants—not more than........ 150
Subsequent examination fee for dental therapist applicants—not
more than........................................................................................................ 100
Reinstatement of a revoked license—not more than....................... 2,000
Processing fee for failure to notify of change of address—not
more than........................................................................................................ 100
Registration fee to operate a mobile dental facility or portable
dental operation—not more than................................................................. 500
Biennial registration renewal fee for mobile dental facility or
portable dental operation—not more than............................................... 350
Sedation permit—not more than................................................................. 200

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

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

(b) If the board determines that there is probable cause to revoke or suspend the license of a dentist, dental therapist or dental hygienist for any reason that exists pursuant to K.S.A. 65-1436, and amendments thereto, and if the licensee's continued practice would constitute an imminent danger to public health and safety, the board may initiate administrative proceedings for an emergency adjudication under the provisions of the Kansas administrative procedure act.

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

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

Sec. 15. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license of any dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than those permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No license of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with
the notice and hearing requirements of the Kansas administrative
procedure act.

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

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

(d) Except as otherwise provided in this section, the practice of
dental hygiene shall be performed under the direct or general
supervision of a licensed dentist at the office of such licensed dentist.
The board shall designate by rules and regulations the procedures which
may be performed by a dental hygienist under direct supervision
and the procedures which may be performed under general
supervision of a licensed dentist. As used in this section: (1) "Direct
supervision" means that the dentist is in the dental office, the supervision
of tasks and procedures with the presence of the dentist in the office or on
the premises at the time the tasks or procedures are being performed
where the dentist personally diagnoses the condition to be treated,
personally authorizes the procedure and, before dismissal of the patient,
evaluates the dental hygienist's performance; and (2) "general
supervision" means a Kansas licensed dentist may delegate verbally or
by written authorization the performance of a service, task or procedure
to a licensed dental hygienist under the supervision and responsibility of
the dentist, if the dental hygienist is licensed to perform the function;
and the supervising dentist examines the patient at the time the dental
hygiene procedure is performed, or during the 12 calendar months
preceding the performance of the procedure, except that the licensed
hygienist shall not be permitted to diagnose a dental disease or ailment,
 prescribe any treatment or a regimen thereof, prescribe, order or
dispense medication or perform any procedure which is irreversible
or which involves the intentional cutting of the soft or hard tissue by
any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under part paragraph (2) of this subsection.

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

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

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

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

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

(f) The practice of dental hygiene may be performed, with consent of the parent or legal guardian:

On children participating in residential and nonresidential centers for therapeutic services;

on all children in families—whether that are receiving family preservation services;

on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes;

on children being served by runaway youth programs and homeless shelters;

on children—birth up to to five years old and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient thereof; and on other persons as may be defined by the board; so long as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) The expanded practice of dental hygiene may be performed,
with consent of the parent or legal guardian: On children participating
in residential and nonresidential centers for therapeutic services; on all
children in families which are receiving family preservation
services; on all children in the custody of the secretary for children and
families or the commissioner of juvenile justice authority and in an out-
of-home placement residing in foster care homes; on children being
served by runaway youth programs and homeless shelters; and on
children—birth up to five years old and children in public and nonpublic
schools in kindergarten or grades one through grade 12, regardless of
the time of year and children participating in youth organizations, so
long as such children who are dentally underserved are targeted; at any
state correctional institution, local health department or indigent health
care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and
at any federally qualified health center, federally qualified health center
look-alike or a community health center that receives funding from
section 330 of the health center consolidation act, on a person, inmate, client or patient; on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit, or state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community-based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

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

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

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

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; (F) identification and removal of decay using hand instrumentation and placing a temporary filling, including glass ionomer and other palliative materials; (G) adjustment of dentures, placing soft reline in dentures, checking partial dentures for sore spots and placing permanent identification labeling in dentures; (H) smoothing of a sharp tooth with a slow speed dental handpiece; (I) use of local anesthetic, including topical, infiltration and block anesthesia, when appropriate to assist with procedures where medical services are available in a nursing home, health clinic or any other settings if the dental hygienist has completed a course on local anesthesia and nitrous oxide as required in this act; (J) extraction of deciduous teeth that are partially exfoliated with class 4
mobility; and (K) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Any self-contained facility in which dentistry will be practiced, which may be moved, towed or transported from one location to another.

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

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

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

(3) To become registered, the operator shall:

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

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

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

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

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

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

(f) (1) This section applies to each operator of a mobile dental facility or portable dental operation that provides dental services except those specifically exempted by subsection paragraph (2).

(2) This section shall not apply to:

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

(B) dentists licensed to practice in Kansas providing emergency
treatment for their patients of record;
(C) dentists who are not employed by or independently contracting
with a mobile dental facility or portable dental operation who provide
nonemergency treatment for their patients of record outside the dentist's
physically stationary office fewer than 30 days per calendar year;
(D) dental hygienists who are providing dental hygiene services as
authorized by the Kansas dental act and the board's rules and regulations;
(E) a dentist or dental therapist who is providing dental services as a
charitable health care provider under K.S.A. 75-6102, and amendments
thereto;
(F) a dental hygienist who is providing dental hygiene services as a
charitable health care provider under K.S.A. 75-6102, and amendments
thereto; and
(G) a not-for-profit organization providing dental services.

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

Sec. 17. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4915 is
hereby amended to read as follows: 65-4915. (a) As used in this section:
(1) "Health care provider" means: (A) Those persons and entities
defined as a health care provider under K.S.A. 40-3401, and amendments
thereto; and (B) a dentist licensed by the Kansas dental board, a dental
therapist licensed by the Kansas dental board, a dental hygienist licensed
by the Kansas dental board, a professional nurse licensed by the board of
nursing, a practical nurse licensed by the board of nursing, a mental health
technician licensed by the board of nursing, a physical therapist licensed
by the state board of healing arts, a physical therapist assistant certified by
the state board of healing arts, an occupational therapist licensed by the
state board of healing arts, an occupational therapy assistant licensed by
the state board of healing arts, a respiratory therapist licensed by the state
board of healing arts, a physician assistant licensed by the state board of
healing arts and attendants and ambulance services certified by the
emergency medical services board.
(2) "Health care provider group" means:
(A) A state or local association of health care providers or one or
more committees thereof;
(B) the board of governors created under K.S.A. 40-3403, and
amendments thereto;
(C) an organization of health care providers formed pursuant to state
or federal law and authorized to evaluate medical and health care services;
(D) a review committee operating pursuant to K.S.A. 65-2840c, and
amendments thereto;
(E) an organized medical staff of a licensed medical care facility as
defined by K.S.A. 65-425, and amendments thereto, an organized medical
staff of a private psychiatric hospital licensed under K.S.A. 75-3307b, 2017 Supp. 39-2001 et seq., and amendments thereto, or an organized medical staff of a state psychiatric hospital or state institution for people with intellectual disability, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center;

(F) a health care provider;

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

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

(I) an insurance company, health maintenance organization or administrator of a health benefits plan that engages in any of the functions defined as peer review under this section; or

(J) the university of Kansas medical center.

"Peer review" means any of the following functions:

(A) Evaluate and improve the quality of health care services rendered by health care providers;

(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;

(C) determine that the cost of health care rendered was considered reasonable by the providers of professional health services in this area;

(D) evaluate the qualifications, competence and performance of the providers of health care or to act upon matters relating to the discipline of any individual provider of health care;

(E) reduce morbidity or mortality;

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

(G) conduct of research;

(H) determine if a hospital's facilities are being properly utilized;

(I) supervise, discipline, admit, determine privileges or control members of a hospital's medical staff;

(J) review the professional qualifications or activities of health care providers;

(K) evaluate the quantity, quality and timeliness of health care services rendered to patients in the facility;

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

"Peer review officer or committee" means:

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

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

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

(c) Subsection (b) shall not apply to proceedings in which a health
care provider contests the revocation, denial, restriction or termination of
staff privileges or the license, registration, certification or other
authorization to practice of the health care provider. A licensing agency in
conducting a disciplinary proceeding in which admission of any peer
review committee report, record or testimony is proposed shall hold the
hearing in closed session when any such report, record or testimony is
disclosed. Unless otherwise provided by law, a licensing agency
conducting a disciplinary proceeding may close only that portion of the
hearing in which disclosure of a report or record privileged under this
section is proposed. In closing a portion of a hearing as provided by this
section, the presiding officer may exclude any person from the hearing
location except the licensee, the licensee's attorney, the agency's attorney,
the witness, the court reporter and appropriate staff support for either
counsel. The licensing agency shall make the portions of the agency record
in which such report or record is disclosed subject to a protective order
prohibiting further disclosure of such report or record. Such report or
record shall not be subject to discovery, subpoena or other means of legal
compulsion for their release to any person or entity. No person in
attendance at a closed portion of a disciplinary proceeding shall at a
subsequent civil, criminal or administrative hearing, be required to testify
regarding the existence or content of a report or record privileged under
this section which that was disclosed in a closed portion of a hearing, nor
shall such testimony be admitted into evidence in any subsequent civil,
criminal or administrative hearing. A licensing agency conducting a
disciplinary proceeding may review peer review committee records,
testimony or reports but must prove its findings with independently
obtained testimony or records which shall be presented as part of the
disciplinary proceeding in open meeting of the licensing agency. Offering
such testimony or records in an open public hearing shall not be deemed a
waiver of the peer review privilege relating to any peer review committee
testimony, records or report.

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

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

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

Sec. 18. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4921 is
hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921
through 65-4930, and amendments thereto:

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

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

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

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

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

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

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

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

Sec. 20. On and after July 1, 2020, K.S.A. 2017 Supp. 65-5912 is hereby amended to read as follows: 65-5912. (a) Nothing in this act shall be construed to require any insurer or other entity regulated under chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any other law of this state to provide coverage for or indemnify for the services provided by a person licensed under this act.

(b) So long as the following persons do not hold themselves out to the public to be dietitians or licensed dietitians or use these titles in combination with other titles or use the abbreviation L.D., or any combination thereof, nothing in this act shall be construed to apply:

(1) To any person licensed to practice the healing arts, a licensed dentist, a licensed dental therapist, a licensed dental hygienist, a licensed professional nurse, a licensed practical nurse, a licensed psychologist, a licensed masters level psychologist, a licensed pharmacist or an employee
thereof, a physician assistant, a licensed professional counselor;
(2) to any unlicensed employee of a licensed adult care home or a
licensed medical care facility as long as such person is working under the
general direction of a licensee in the healing arts, nursing or a dietetic
services supervisor as defined in regulations adopted by the secretary of
health and environment or a consultant licensed under this act;
(3) to any dietetic technician or dietetic assistant;
(4) to any student enrolled in an approved academic program in
dietetics, home economics, nutrition, education or other like curriculum,
while engaged in such academic program;
(5) to prevent any person, including persons employed in health food
stores, from furnishing nutrition information as to the use of food, food
materials or dietary supplements, nor to prevent in any way the free
dissemination of information or of literature as long as no individual
engaged in such practices holds oneself out as being licensed under this
act;
(6) to prohibit any individual from marketing or distributing food
products, including dietary supplements, or to prevent any such person
from providing information to customers regarding the use of such
products;
(7) to prevent any employee of the state or a political subdivision who
is employed in nutrition-related programs from engaging in activities
included within the definition of dietetics practice as a part of such
person's employment;
(8) to any person who performs the activities and services of a
licensed dietitian or nutrition educator as an employee of the state or a
political subdivision, an elementary or secondary school, an educational
institution, a licensed institution, or a not-for-profit organization;
(9) to any person serving in the armed forces, the public health
service, the veterans administration or as an employee of the federal
government;
(10) to any person who has a degree in home economics insofar as
the activities of such person are within the scope of such person's
education and training;
(11) to any person who counsels or provides weight-control services
as a part of a franchised or recognized weight-control program or a
weight-control program that operates under the general direction of a
person licensed to practice the healing arts, nursing or a person licensed
under this act;
(12) to any person who is acting as a representative of a trade
association and who engages in one or more activities included within the
practice of dietetics as a representative of such association;
(13) to a licensed physical therapist who makes a dietetic or
nutritional assessment or gives dietetic or nutritional advice in the normal practice of such person's profession or as otherwise authorized by law;

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

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

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

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

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

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

(a) A licensed practitioner;

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

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

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

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

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

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

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

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

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

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

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

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

Sec.—22. 23. On and after July 1, 2020, K.S.A. 74-1406 is hereby amended to read as follows: 74-1406. The board shall exercise, subject to the provisions of this act, the following powers and duties:

(a) Adopt such rules for its governance as it may deem proper.
(b) Adopt rules and regulations for qualification and licensing of dental therapists and dental hygienists.
(c) Adopt rules and regulations regarding sanitation.
(d) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists or certificates as specialists in dentistry.
(e) Pass upon the qualifications of applicants for reciprocal licenses.
(f) Prescribe rules and regulations for examination of candidates.
(g) Formulate rules and regulations by which dental schools and colleges shall be approved.
(h) Grant licenses, issue license certificates as specialists in dentistry and issue renewal licenses and certificates as specialists in dentistry in conformity with this act to such applicants and dentists as have been found qualified.
(i) Conduct hearings or proceedings to revoke or suspend and to revoke or suspend a license, certificate or renewal license or certificate granted under the authority of this act or previous acts.
(j) Employ such persons as it may deem necessary to assist in carrying out the duties of the board in the administration and enforcement of this act, and to provide offices, furniture, fixtures, supplies, printing or secretarial service, and may expend such funds as may be deemed necessary therefor, and may appoint an attorney to advise and assist in the carrying out and enforcing of the provisions of this act.
(k) Investigate violations of the act that may come to the knowledge of the board, and institute or cause to be instituted before the board or in a proper court appropriate proceedings in connection therewith.
(l) Adopt rules and regulations to carry out and make effective the provisions of this act and modify or repeal such rules and regulations whenever in the discretion of the board it is deemed necessary.

Sec.—23. 24. On and after July 1, 2020, K.S.A. 2017 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state
of Kansas is hereby divided into the unclassified and the classified services.

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

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

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

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

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

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

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

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

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

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

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

(k) all employees of courts;

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

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

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

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

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

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

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

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

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;
(u) one personal secretary and one special assistant to the chancellor
and presidents of institutions under the state board of regents;
(v) one personal secretary and one special assistant to the executive
vice chancellor of the university of Kansas medical center;
(w) one public information officer and one chief attorney for the
following: The department of administration, the Kansas department for
aging and disability services, the department of agriculture, the department
of commerce, the department of corrections, the department of health and
environment, the department of labor, the department of revenue, the
Kansas department for children and families, the department of
transportation, the Kansas department of wildlife, parks and tourism and
the commissioner of juvenile justice;
(x) if designated by the appointing authority, persons in newly hired
positions, including any employee who is rehired into such position and
any current state employee who voluntarily transfers into, or is voluntarily
promoted or demoted into such position, on and after July 1, 2015, in any
state agency;
(y) one executive director, one general counsel and one director of
public affairs and consumer protection in the office of the state corporation
commission;
(z) specifically designated by law as being in the unclassified service;
(aa) any position that is classified as a position in the information
resource manager job class series, that is the chief position responsible for
all information resources management for a state agency, and that becomes
vacant on or after the effective date of this act. Nothing in this section shall
affect the classified status of any employee in the classified service who is
employed on the date immediately preceding the effective date of this act
in any position that is a classified position in the information resource
manager job class series and the unclassified status as prescribed by this
subsection shall apply only to a person appointed to any such position on
or after the effective date of this act that is the chief position responsible
for all information resources management for a state agency;
(bb) positions at state institutions of higher education that have been
converted to unclassified positions pursuant to K.S.A. 2017 Supp. 76-
715a, and amendments thereto; and
(cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
amendments thereto, any vacant position within the classified service may be converted by the appointing authority to an unclassified position.

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

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

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

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

Sec. 24. 25. On and after July 1, 2020, K.S.A. 2017 Supp. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

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

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

"Employee" means:

(A) Any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable healthcare provider;

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

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

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

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

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

(G) an employee of an indigent healthcare clinic;

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

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

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

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

(2) "Employee" does not include: (A) An individual or entity for actions within the scope of K.S.A. 60-3614, and amendments thereto; or (B) any independent contractor under contract with a governmental entity except those contractors specifically listed in subsection (d)(1).

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

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

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

(3) a local health department or indigent healthcare clinic which that renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of health and environment gratuitously or for a fee paid by the local health department or indigent healthcare clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto. Professional services rendered by a provider under this paragraph shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent healthcare clinic and notwithstanding any fee paid by the local health department or indigent healthcare clinic to
a provider in accordance with this paragraph; or

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

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

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

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

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

(j) "Community mental health center" means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 19-3307b, 2017 Supp. 39-2001 et seq., and amendments thereto.

65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 are hereby repealed.

Sec. 26. 27. This act shall take effect and be in force from and after its publication in the statute book.