

**SENATE BILL No. 192**

By Committee on Ways and Means

2-11

1 AN ACT concerning the Kansas dental board; relating to licensure of  
2 registered dental practitioners; amending K.S.A. 65-1421, 65-1424, 65-  
3 1441, 65-1449, 65-1460, 65-1462, 74-1404, 74-1405 and 74-1406 and  
4 K.S.A. 2010 Supp. 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-  
5 4915, 65-4921, 65-5912, 65-7304, 75-2935 and 75-6102 and repealing  
6 the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

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

16 (b) The board shall authorize a person to practice as a registered  
17 dental practitioner if such person is qualified under this section, works  
18 under the general supervision of a Kansas-licensed dentist pursuant to a  
19 written supervising agreement, is licensed by the board, and practices in  
20 compliance with this section and rules and regulations adopted by the  
21 board.

22 A supervising agreement entered into with a registered dental  
23 practitioner must include specific written protocols detailing the scope of  
24 practice the supervising dentist authorizes for the registered dental  
25 practitioner to perform, and that outlines a course of action when the  
26 registered dental practitioner encounters a patient who requires treatment  
27 that exceeds the authorized scope of practice of the registered dental  
28 practitioner. The supervising dentist must ensure that a dentist is  
29 available, in person or through distance technology, to the registered  
30 dental practitioner for timely consultation if needed and must either  
31 provide or arrange with another dentist or specialist to provide the  
32 necessary treatment to any patient who requires more treatment than the  
33 registered dental practitioner is authorized to provide.

34 Nothing in this act will prohibit a registered dental practitioner from  
35 working under the direct supervision of a Kansas licensed dentist.

36 (c) To be qualified to practice under this section, such person shall:

1 (1) Be a licensed dental hygienist who is also a graduate of a  
2 registered dental practitioner education program of not more than 18  
3 months that is provided by an accredited post secondary institution  
4 comprised of a curriculum approved by the state board of regents;

5 (2) pass a comprehensive, competency-based clinical examination  
6 that is approved by the board and administered independently of an  
7 institution providing registered dental practitioner education;

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

10 (4) obtain a policy of professional liability insurance and show proof  
11 of such insurance as required by rules and regulations.

12 (d) Registered dental practitioners shall practice in federally-  
13 designated professional workforce shortage areas, designated as such  
14 under 42 U.S.C. § 254c, indigent health care clinics, nursing homes, head  
15 start, federal and state correctional institutions or in private practice  
16 where at least 20% of total patient revenues are derived from medicaid.  
17 Registered dental practitioners may also practice in those settings  
18 provided in K.S.A. 65-1456, and amendments thereto, for dental  
19 hygienists, dental hygienists with an extended care permit I and dental  
20 hygienists with an extended care permit II, in addition to those settings  
21 contained in this act. Registered dental practitioners may practice in any  
22 other areas or sites where the board determines registered dental  
23 practitioners will improve access.

24 (e) Any person practicing as a registered dental practitioner in  
25 violation of the provisions of this act shall be guilty of a misdemeanor,  
26 and the board may revoke or suspend such person's license therefor.

27 (f) This section shall take effect on and after July 1, 2013.

28 New Sec. 2. (a) The Kansas dental board may suspend or revoke the  
29 license of any dentist who shall direct any registered dental practitioner  
30 operating under such dentist's supervision to perform any operation other  
31 than that permitted under the provisions of article 14 of chapter 65 of the  
32 Kansas Statutes Annotated, and amendments thereto, and may suspend or  
33 revoke the license of any registered dental practitioner found guilty of  
34 performing any operation other than those permitted under the provisions  
35 of article 14 of chapter 65 of the Kansas Statutes Annotated, and  
36 amendments thereto. No license of any dentist or registered dental  
37 practitioner shall be suspended or revoked in any administrative  
38 proceedings without first complying with the notice and hearing  
39 requirements of the Kansas administrative procedure act.

40 (b) Except as otherwise provided in this section, the practice of  
41 dental therapy shall be performed under the direct or general supervision  
42 of a licensed dentist. As used in this section: (1) "Direct supervision"  
43 means that the dentist in the dental office, personally diagnoses the

1 condition to be treated, personally authorizes the procedure and before  
2 dismissal of the patient evaluates the performance; and (2) "general  
3 supervision" means the supervision of tasks or procedures without the  
4 presence of the dentist in the office or on the premises at the time the  
5 tasks or procedures are being performed, and pursuant to a written  
6 supervising agreement, so long as those tasks and procedures are within  
7 the scope of practice for a registered dental practitioner.

8 (c) A licensed registered dental practitioner may perform dental  
9 services as authorized under this section including the following services  
10 under general supervision unless restricted or prohibited in the  
11 supervising agreement:

12 (1) Oral health instruction and disease prevention education,  
13 including nutritional counseling and dietary analysis;

14 (2) preliminary charting of the oral cavity;

15 (3) making radiographs;

16 (4) dental prophylaxis (mechanical polishing);

17 (5) application of topical preventative or prophylactic agents,  
18 including fluoride varnishes and pit and fissure sealants;

19 (6) pulp vitality testing;

20 (7) application of desensitizing medication or resin;

21 (8) fabrication of athletic mouthguards;

22 (9) placement of temporary restorations;

23 (10) fabrication of soft occlusal guards;

24 (11) tissue conditioning and soft reline;

25 (12) atraumatic restorative therapy;

26 (13) dressing changes;

27 (14) tooth reimplantation and stabilization;

28 (15) administration of local anesthetic;

29 (16) administration of nitrous oxide;

30 (17) diagnosis of oral disease;

31 (18) the formulation of an individualized treatment plan;

32 (19) extractions of primary teeth;

33 (20) nonsurgical extractions of periodontally diseased permanent  
34 teeth with tooth mobility of +3 or +4. The registered dental practitioner  
35 shall not extract a tooth for any patient if the tooth is unerupted,  
36 impacted, fractured, or needs to be sectioned for removal;

37 (21) emergency palliative treatment of dental pain;

38 (22) the placement and removal of space maintainers;

39 (23) cavity preparation;

40 (24) restoration of primary and permanent teeth;

41 (25) placement of temporary crowns;

42 (26) preparation and placement of preformed crowns;

43 (27) pulpotomies on primary teeth;

1 (28) indirect and direct pulp capping on primary and permanent  
2 teeth;

3 (29) suture removal;

4 (30) brush biopsies;

5 (31) simple repairs and adjustments for patients with removable  
6 prosthetic appliances;

7 (32) recementing of permanent crowns;

8 (33) prevent potential orthodontic problems by early identification  
9 and appropriate referral; and

10 (34) prevent, identify, and manage dental and medical emergencies  
11 and maintain current basic life support certification.

12 (d) Any registered dental practitioner may practice dental hygiene  
13 and dental services as may be performed by a dental hygienist and a  
14 dental assistant under the provisions of K.S.A. 65-1423 and 65-1456, and  
15 amendments thereto. Any registered dental practitioner shall be also duly  
16 registered as a dental hygienist by the board.

17 (e) This section shall take effect on and after July 1, 2013.

18 New Sec. 3. (a) The board shall revoke or suspend the license of any  
19 licensed registered dental practitioner who is found guilty of using or  
20 attempting to use in any manner whatsoever any prophylactic lists, call  
21 lists, records, reprints or copies of same, or information gathered  
22 therefrom, of the names or patients whom the registered dental  
23 practitioner might have served in the office of a prior employer, unless  
24 such names appear upon the bona fide call or prophylactic list of the  
25 registered dental practitioner's present employer and were caused to so  
26 appear through the legitimate practice of dentistry as provided for in this  
27 act.

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

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

40 (d) This section shall take effect on and after July 1, 2013.

41 Sec. 4. The board shall adopt rules and regulations as may be  
42 necessary to administer the provisions of this act regarding the licensure  
43 of registered dental practitioners on or before July 1, 2013. The board

1 shall have such rules and regulation published in the Kansas register on  
2 or before July 1, 2012.

3 Sec. 5. K.S.A. 65-1421 is hereby amended to read as follows: 65-  
4 1421. It shall be unlawful for any person to practice dentistry, *dental*  
5 *therapy* or dental hygiene in the state of Kansas, except:

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

7 (b) *those who are now duly registered dental practitioners, pursuant*  
8 *to law;*

9 ~~(b)~~(c) those who are now duly licensed dental hygienists, pursuant to  
10 law;

11 ~~(e)~~(d) those who may hereafter be duly licensed as dentists,  
12 *registered dental practitioners* or dental hygienists, pursuant to the  
13 provisions of this act.

14 Sec. 6. K.S.A. 65-1424 is hereby amended to read as follows: 65-  
15 1424. The term "proprietor" as used in this act includes any person who:

16 (a) Employs dentists, *registered dental practitioners* or dental  
17 hygienists in the operation of a dental office; or

18 (b) places in possession of a dentist, *registered dental practitioner* or  
19 dental ~~hygienists~~hygienist or other agent such dental material or  
20 equipment as may be necessary for the management of a dental office on  
21 the basis of a lease or any other agreement for compensation for the use  
22 of such material, equipment or offices; or

23 (c) retains the ownership or control of dental equipment or material  
24 or office and makes the same available in any manner for the use by  
25 dentists, *registered dental practitioners* or dental hygienists or other  
26 agents except that nothing in this subsection ~~(e)~~ shall apply to bona fide  
27 sales of dental equipment or material secured by a chattel mortgage or  
28 retain title agreement.

29 A licensee of dentistry who enters into any of the above described  
30 arrangements with an unlicensed proprietor may have such license  
31 suspended or revoked by the board.

32 The estate or agent for a deceased or substantially disabled dentist  
33 may employ dentists, for a period of not more than one year, to provide  
34 service to patients until the practice can be sold.

35 Sec. 7. K.S.A. 2010 Supp. 65-1431 is hereby amended to read as  
36 follows: 65-1431. (a) Each license to practice as a dentist, *registered*  
37 *dental practitioner* or dental hygienist issued by the board, shall expire on  
38 December 1 of the year specified by the board for the expiration of the  
39 license and shall be renewed on a biennial basis. Each application for  
40 renewal shall be made on a form prescribed and furnished by the board.  
41 Every licensed dentist, *registered dental practitioner* or dental hygienist  
42 shall pay to the board a renewal fee fixed by the board as provided in  
43 K.S.A. 65-1447, and amendments thereto.

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

3 (c) On or before December 1 of the year in which the licensee's  
4 license expires, the licensee shall transmit to the board a renewal  
5 application, upon a form prescribed by the board, which shall include  
6 such licensee's signature, post office address, the number of the license of  
7 such licensee, whether such licensee has been engaged during the  
8 preceding licensure period in active and continuous practice whether  
9 within or without this state, and such other information as may be  
10 required by the board, together with the biennial licensure fee for a  
11 *registered dental practitioners or dental hygienist* which is fixed by the  
12 board pursuant to K.S.A. 65-1447, and amendments thereto.

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

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

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

30 (2) Any licensee whose license is required to be renewed for the  
31 next biennial period may obtain renewal, prior to February 1, by  
32 submitting to the board the required renewal application, payment of the  
33 biennial renewal fee and proof that such licensee has satisfactorily  
34 completed a program of continuing education required by the board. Any  
35 licensee whose license is required to be renewed for the next biennial  
36 period may obtain renewal, between February 1 and March 1, by  
37 submitting to the board the required renewal application, payment of the  
38 biennial renewal fee, payment of a penalty fee of not to exceed \$500 as  
39 fixed by rules and regulations by the board and proof that such licensee  
40 has satisfactorily completed a program of continuing education required  
41 by the board. The penalty fee in effect immediately prior to the effective  
42 date of this act shall continue in effect until rules and regulations  
43 establishing a penalty fee under this section become effective.

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

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

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

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

26 (i) The waiver of fees under subsection (h) shall continue so long as  
27 the retirement or physical disability exists. Except as provided in K.S.A.  
28 65-1466, and amendments thereto, in the event the licensee returns to the  
29 practice for which such person is licensed, the requirement for payment  
30 of fees and continuing education requirements shall be reimposed  
31 commencing with and continuing after the date the licensee returns to  
32 such active practice. Except as provided in K.S.A. 65-1466, and  
33 amendments thereto, the performance of any dental service, including  
34 consulting service, or the performance of any dental hygiene service,  
35 including consulting service, shall be deemed the resumption of such  
36 service, requiring payment of license fees.

37 (j) The Kansas dental board may adopt such rules and regulations  
38 requiring the examination and providing means for examination of those  
39 persons returning to active practice after a period of retirement or  
40 disability as the board shall deem necessary and appropriate for the  
41 protection of the people of the state of Kansas except that for an applicant  
42 to practice *dental therapy* or dental hygiene who is returning to active  
43 practice after a period of retirement or disability, the board shall authorize

1 as an alternative to the requirement for an examination that the applicant  
2 successfully complete a refresher course as defined by the board in an  
3 approved dental hygiene school *or registered dental practitioner*  
4 *program*.

5 Sec. 8. K.S.A. 2010 Supp. 65-1434 is hereby amended to read as  
6 follows: 65-1434. (a) The board, without examination, may issue a  
7 license as a dentist, *registered dental practitioner* or dental hygienist to an  
8 applicant holding a license in another state upon compliance with the  
9 requirements of professional qualification and experience set forth in  
10 subsection (b). The board shall prepare and adopt a form of application to  
11 be submitted by an applicant for a license to be issued under this section.  
12 On the receipt of any such application, the board shall conduct such  
13 review, verification or other investigation of the applicant and the  
14 professional qualifications, background, experience and practice of the  
15 applicant as the board deems necessary to assure full compliance with the  
16 requirements of this section. Any license so issued may be revoked by the  
17 board upon evidence that an applicant has obtained a license under this  
18 section through misrepresentation or omission of a material fact in the  
19 application or other information submitted to the board.

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

22 (1) Each applicant for licensure as a dentist under this section must  
23 meet the requirements set forth in K.S.A. 65-1426, and amendments  
24 thereto. *Each applicant for licensure as a registered dental practitioner*  
25 *must meet any applicable requirements set forth in section 1, and*  
26 *amendments thereto*. Each applicant for licensure as a dental hygienist  
27 must meet any applicable requirements set forth in K.S.A. 65-1455, and  
28 amendments thereto.

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

36 (3) Each applicant for licensure as a dentist under this section shall  
37 have held a license to practice dentistry in one or more other states of the  
38 United States for the ~~five-year~~*three-year* period immediately preceding  
39 the date of application and shall have engaged in the active practice of  
40 dentistry for at least ~~five~~*three* years prior to the date of application. *Each*  
41 *applicant for licensure as a registered dental practitioner under this*  
42 *section shall have held a license to practice dental therapy in another*  
43 *state of the United States for the three-year period immediately preceding*



1 *the date of application and shall have engaged in the active practice of*  
2 *dental therapy for at least three years prior to the date of application.*

3 Each applicant for licensure as a dental hygienist under this section shall  
4 have held a license to practice dental hygiene in another state of the  
5 United States for the three-year period immediately preceding the date of  
6 application and shall have engaged in the active practice of dental  
7 hygiene for at least three years prior to the date of application. Successive  
8 and continuous periods of active practice in other states will comply with  
9 the active practice requirements of this paragraph (3). For the purpose of  
10 determining the period of practice, periods of military service will be  
11 considered to the extent approved by the Kansas dental board. Service as  
12 a full-time faculty member in a school of dentistry will be considered the  
13 practice of dentistry to the extent service involved full-time instruction in  
14 dentistry including clinical dentistry. Service as a faculty member in a  
15 school of dental hygiene will be considered the practice of dental hygiene  
16 to the extent such service involved instruction in dental hygiene including  
17 clinical dental hygiene. To be considered for the purposes of this statute,  
18 any such school of dentistry, *dental therapy* or dental hygiene must be  
19 approved by the Kansas dental board within the meaning of K.S.A. 65-  
20 1426, and amendments thereto.

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

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

41 (6) Each applicant shall provide a certificate of the executive  
42 director of the board or other agency governing licensure of dentists,  
43 *registered dental practitioners* or dental hygienists of the state in which

1 the applicant has been licensed and has practiced during the required  
2 period preceding the date of the application. Such certificate shall state  
3 that: (A) The applicant is licensed to practice dentistry, *dental therapy* or  
4 dental hygiene in the state; (B) the license of the applicant has never been  
5 suspended or revoked; (C) the applicant has never been the subject of any  
6 proceeding for suspension, revocation or other disciplinary action  
7 initiated by the board of licensure of any such state during the period the  
8 applicant has held a license to practice dentistry or dental hygiene in such  
9 state; and (D) no complaint has been filed against the applicant of such  
10 substance as, in the judgment of the board of licensure of such state, has  
11 required the initiation of proceedings against the applicant. In the event  
12 the applicant has practiced dentistry, *dental therapy* or dental hygiene in  
13 more than one other state in the United States, the applicant shall file a  
14 similar certificate with respect to such period or periods during which the  
15 applicant has practiced in each such state.

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

21 (d) The term "applicant" as used in this section shall apply to ~~both~~  
22 applicants for licensure as a dentist, *applicants for licensure as a*  
23 *registered dental practitioner* and applicants for licensure as a dental  
24 hygienist unless the context otherwise indicates.

25 Sec. 9. K.S.A. 2010 Supp. 65-1436 is hereby amended to read as  
26 follows: 65-1436. (a) The Kansas dental board may refuse to issue the  
27 license provided for in this act, or may take any of the actions with  
28 respect to any dental, *dental therapy* or dental hygiene license as set forth  
29 in subsection (b), whenever it is established, after notice and opportunity  
30 for hearing in accordance with the provisions of the Kansas  
31 administrative procedure act, that any applicant for a dental, *dental*  
32 *therapy* or dental hygiene license or any licensed dentist or dental  
33 hygienist practicing in the state of Kansas has:

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

36 (2) habitually used intoxicants or drugs which have rendered such  
37 person unfit for the practice of dentistry or dental hygiene;

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

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

41 (5) employed, allowed or permitted any unlicensed person or  
42 persons to perform any work in the licensee's office which constitutes the  
43 practice of dentistry, *dental therapy* or dental hygiene under the

- 1 provisions of this act;
- 2 (6) willfully violated the laws of this state relating to the practice of  
3 dentistry, *dental therapy* or dental hygiene or the rules and regulations of  
4 the secretary of health and environment or of the board regarding  
5 sanitation;
- 6 (7) engaged in the division of fees, or agreed to split or divide the  
7 fee received for dental service with any person for bringing or referring a  
8 patient without the knowledge of the patient or the patient's legal  
9 representative, except the division of fees between dentists practicing in a  
10 partnership and sharing professional fees, or in case of one licensed  
11 dentist employing another;
- 12 (8) committed complicity in association with or allowed the use of  
13 the licensed dentist's name in conjunction with any person who is  
14 engaged in the illegal practice of dentistry;
- 15 (9) been convicted of a felony or a misdemeanor involving moral  
16 turpitude in any jurisdiction and the licensee fails to show that the  
17 licensee has been sufficiently rehabilitated to warrant the public trust;
- 18 (10) prescribed, dispensed, administered or distributed a prescription  
19 drug or substance, including a controlled substance, in an excessive,  
20 improper or inappropriate manner or quantity outside the scope of  
21 practice of dentistry or in a manner that impairs the health and safety of  
22 an individual;
- 23 (11) prescribed, purchased, administered, sold or given away  
24 prescription drugs, including a controlled substance, for other than legal  
25 and legitimate purposes;
- 26 (12) violated or been convicted of any federal or state law regulating  
27 possession, distribution or use of any controlled substance;
- 28 (13) failed to pay license fees;
- 29 (14) used the name "clinic," "institute" or other title that may  
30 suggest a public or semipublic activity except that the name "clinic" may  
31 be used as authorized in K.S.A. 65-1435, and amendments thereto;
- 32 (15) committed, after becoming a licensee, any conduct which is  
33 detrimental to the public health, safety or welfare as defined by rules and  
34 regulations of the board;
- 35 (16) engaged in a misleading, deceptive, untrue or fraudulent  
36 misrepresentation in the practice of dentistry or on any document  
37 connected with the practice of dentistry by knowingly submitting any  
38 misleading, deceptive, untrue or fraudulent misrepresentation on a claim  
39 form, bill or statement, including the systematic waiver of patient co-  
40 payment or co-insurance;
- 41 (17) failed to keep adequate records;
- 42 (18) the licensee has had a license to practice dentistry revoked,  
43 suspended or limited, has been censured or has had other disciplinary

1 action taken, an application for license denied, or voluntarily surrendered  
2 the license after formal proceedings have been commenced by the proper  
3 licensing authority or another state, territory or the District of Columbia  
4 or other country, a certified copy of the record of the action of the other  
5 jurisdiction being conclusive evidence thereof;

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

8 (20) assisted suicide in violation of K.S.A. 21-3406, *prior to its*  
9 *repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas,*  
10 and amendments thereto, as established by any of the following:

11 (A) A copy of the record of criminal conviction or plea of guilty for  
12 a felony in violation of K.S.A. 21-3406, *prior to its repeal, or section 42*  
13 *of chapter 136 of the 2010 Session Laws of Kansas,* and amendments  
14 thereto.

15 (B) A copy of the record of a judgment of contempt of court for  
16 violating an injunction issued under K.S.A. 60-4404, and amendments  
17 thereto.

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

20 (b) Whenever it is established, after notice and opportunity for  
21 hearing in accordance with the provisions of the Kansas administrative  
22 procedure act, that a licensee is in any of the circumstances or has  
23 committed any of the acts described in subsection (a), the Kansas dental  
24 board may take one or any combination of the following actions with  
25 respect to the license of the licensee:

26 (1) Revoke the license.

27 (2) Suspend the license for such period of time as may be  
28 determined by the board.

29 (3) Restrict the right of the licensee to practice by imposing  
30 limitations upon dental, *dental therapy* or dental hygiene procedures  
31 which may be performed, categories of dental disease which may be  
32 treated or types of patients which may be treated by the dentist, *registered*  
33 *dental practitioner* or dental hygienist. Such restrictions shall continue for  
34 such period of time as may be determined by the board, and the board  
35 may require the licensee to provide additional evidence at hearing before  
36 lifting such restrictions.

37 (4) Grant a period of probation during which the imposition of one  
38 or more of the actions described in ~~subsections (b)(1) through (b)~~  
39 ~~(3) paragraphs (1) through (3)~~ will be stayed subject to such conditions as  
40 may be imposed by the board including a requirement that the dentist,  
41 *registered dental practitioner* or dental hygienist refrain from any course  
42 of conduct which may result in further violation of the dental practice act  
43 or the dentist, *registered dental practitioner* or dental hygienist complete

1 additional or remedial instruction. The violation of any provision of the  
2 dental practice act or failure to meet any condition imposed by the board  
3 as set forth in the order of the board will result in immediate termination  
4 of the period of probation and imposition of such other action as has been  
5 taken by the board.

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

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

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

13 (3) a pattern of dental, *dental therapy* or dental hygienist practice or  
14 other behavior which demonstrates a manifest incapacity or incompetence  
15 to practice dentistry.

16 (d) In addition to or in lieu of one or more of the actions described in  
17 subsections (b)(1) through (b)(4) or in subsection (c) of K.S.A. 65-1444,  
18 and amendments thereto, the board may assess a fine not in excess of  
19 \$10,000 against a licensee. All fines collected pursuant to this subsection  
20 shall be remitted to the state treasurer in accordance with the provisions  
21 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
22 remittance, the state treasurer shall deposit the entire amount in the state  
23 treasury and of the amount so remitted, an amount equal to the board's  
24 actual costs related to fine assessment and enforcement under this  
25 subsection, as certified by the president of the board to the state treasurer,  
26 shall be credited to the dental board fee fund and the balance shall be  
27 credited to the state general fund.

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

34 Sec. 10. K.S.A. 65-1441 is hereby amended to read as follows: 65-  
35 1441. Whoever sells or offers to sell a diploma conferring a dental  
36 degree, or a license granted pursuant to this act, or procures such diploma  
37 or license with intent that it be used as evidence of the right to practice  
38 dentistry, *dental therapy* or dental hygiene, as defined by law, by a person  
39 other than the one upon whom it was conferred, or to whom such license  
40 certificate or renewal certificate was granted, or with fraudulent intent  
41 alters such diploma or license certificate or renewal certificate, or uses or  
42 attempts to use it when it is so altered, shall be deemed guilty of a  
43 misdemeanor. The board may refuse to grant a license to practice

1 dentistry, *dental therapy* or dental hygiene to any person found guilty of  
2 making a false statement, or cheating or of fraud or deception either in  
3 applying for a license or in taking any of the examinations provided for  
4 under the dental practices act.

5 Sec. 11. K.S.A. 2010 Supp. 65-1447 is hereby amended to read as  
6 follows: 65-1447. (a) On or before October 1 of each year, the Kansas  
7 dental board shall determine the amount of funds which will be required  
8 during the ensuing fiscal year to properly administer the laws which the  
9 board is directed to enforce and administer and shall fix fees in  
10 accordance with this section in such reasonable sums as may be necessary  
11 for such purposes, within the limitations prescribed by subsection (b).

12 (b) The board shall collect fees provided for in this act as follows:

13 Examination fee for dental applicants—not more than...\$200  
14 Subsequent examination fee for dental applicants—not more  
15 than.....100  
16 Examination fee for specialty qualifications—not more than  
17 .....200  
18 Credentials/qualifications fee—not more than.....300  
19 Duplicate certificate fee—not more than.....25  
20 Certificate fee, including certificate for  
21 credentials/qualifications, for dentists, *registered dental*  
22 *practitioner* and dental hygienists—not more than.....25  
23 Biennial license renewal fee for dentists—not more than. 325  
24 Examination fee for dental hygienist applicants—not more  
25 than.....100  
26 Subsequent examination fee for dental hygienist applicants—  
27 not more than.....100  
28 Biennial license renewal fee for dental hygienists—not more  
29 than.....160  
30 *Biennial license renewal fee for registered dental practitioner--not more than.....200*  
31 *Examination fee for registered dental practitioner applicant--not more than.....150*  
32 *Subsequent examination fee for registered dental practioner applicant--not more than....100*  
33 Reinstatement of a revoked license—not more than.....2,000  
34 Processing fee for failure to notify of change of address—not  
35 more than.....100  
36 Registration fee to operate a mobile dental facility  
37 or portable dental operation—not more than.....500

38 Biennial registration renewal fee for mobile dental

1 facility or portable dental operation—not more than

2 350

3 Sedation permit—not more than.....200

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

10 Sec. 12. K.S.A. 65-1449 is hereby amended to read as follows: 65-  
11 1449. (a) Except as provided by subsection (b), no action to revoke or  
12 suspend a license shall be taken until the licensee has been furnished a  
13 statement in writing of the charges against the licensee, together with a  
14 notice of the time and place of the hearing. The statement of charges and  
15 notice shall be served upon the licensee in accordance with the provisions  
16 of the Kansas administrative procedure act.

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

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

30 Sec. 13. K.S.A. 65-1460 is hereby amended to read as follows: 65-  
31 1460. Any person who shall practice dentistry, *dental therapy* or dental  
32 hygiene in this state within the meaning of this act without having first  
33 obtained a license from the board, or who violates any of the provisions  
34 of this act, the penalty for which is not herein specifically provided, shall  
35 be deemed guilty of a misdemeanor. Anyone convicted of a misdemeanor  
36 under this act shall be punished by a fine of not more than ~~one thousand~~  
37 ~~dollars~~ \$1,000, or by imprisonment in the county jail for not more than  
38 twelve months, or by both such fine and imprisonment, in the discretion  
39 of the court.

40 Sec. 14. K.S.A. 65-1462 is hereby amended to read as follows: 65-

1 1462. (a) No person reporting to the Kansas dental board under oath and  
2 in good faith any information such person may have relating to alleged  
3 incidents of malpractice or the qualifications, fitness or character of a  
4 person licensed to practice dentistry shall be subject to a civil action for  
5 damages as a result of reporting such information.

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

16 Sec. 15. K.S.A. 2010 Supp. 65-1469 is hereby amended to read as  
17 follows: 65-1469. As used in this section:

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

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

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

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

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

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

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

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

39 (c) (1) The registration under this section shall be renewed on March  
40 1 of even-numbered years in the form and manner provided by the board  
41 by rules and regulations.

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



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

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

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

24 (2) This section shall not apply to:

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

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

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

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

35 (E) a dentist *or registered dental practitioner* who is providing  
36 dental services as a charitable health care provider under K.S.A. 75-6102,  
37 and amendments thereto;

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

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

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

1 Sec. 16. K.S.A. 2010 Supp. 65-4915 is hereby amended to read as  
2 follows: 65-4915. (a) As used in this section:

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

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

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

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

23 (C) an organization of health care providers formed pursuant to state  
24 or federal law and authorized to evaluate medical and health care  
25 services;

26 (D) a review committee operating pursuant to K.S.A. 65-2840c, and  
27 amendments thereto;

28 (E) an organized medical staff of a licensed medical care facility as  
29 defined by K.S.A. 65-425, and amendments thereto, an organized medical  
30 staff of a private psychiatric hospital licensed under K.S.A. 75-3307b,  
31 and amendments thereto, or an organized medical staff of a state  
32 psychiatric hospital or state institution for the mentally retarded, as  
33 follows: Larned state hospital, Osawatomie state hospital, Rainbow  
34 mental health facility, Kansas neurological institute and Parsons state  
35 hospital and training center;

36 (F) a health care provider;

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

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

42 (I) an insurance company, health maintenance organization or  
43 administrator of a health benefits plan which engages in any of the

1 functions defined as peer review under this section.

2 (3) "Peer review" means any of the following functions:

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

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

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

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

13 (E) reduce morbidity or mortality;

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

16 (G) conduct of research;

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

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

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

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

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

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

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

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

34 (b) Except as provided by K.S.A. 60-437, and amendments thereto,  
35 and by subsections (c) and (d), the reports, statements, memoranda,  
36 proceedings, findings and other records submitted to or generated by peer  
37 review committees or officers shall be privileged and shall not be subject  
38 to discovery, subpoena or other means of legal compulsion for their  
39 release to any person or entity or be admissible in evidence in any judicial  
40 or administrative proceeding. Information contained in such records shall  
41 not be discoverable or admissible at trial in the form of testimony by an  
42 individual who participated in the peer review process. The peer review  
43 officer or committee creating or initially receiving the record is the holder

1 of the privilege established by this section. This privilege may be claimed  
2 by the legal entity creating the peer review committee or officer, or by the  
3 commissioner of insurance for any records or proceedings of the board of  
4 governors.

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

37 (d) Nothing in this section shall limit the authority, which may  
38 otherwise be provided by law, of the commissioner of insurance, the state  
39 board of healing arts or other health care provider licensing or  
40 disciplinary boards of this state to require a peer review committee or  
41 officer to report to it any disciplinary action or recommendation of such  
42 committee or officer; to transfer to it records of such committee's or  
43 officer's proceedings or actions to restrict or revoke the license,

1 registration, certification or other authorization to practice of a health care  
2 provider; or to terminate the liability of the fund for all claims against a  
3 specific health care provider for damages for death or personal injury  
4 pursuant to subsection (i) of K.S.A. 40-3403, and amendments thereto.  
5 Reports and records so furnished shall not be subject to discovery,  
6 subpoena or other means of legal compulsion for their release to any  
7 person or entity and shall not be admissible in evidence in any judicial or  
8 administrative proceeding other than a disciplinary proceeding by the  
9 state board of healing arts or other health care provider licensing or  
10 disciplinary boards of this state.

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

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

21 Sec. 17. K.S.A. 2010 Supp. 65-4921 is hereby amended to read as  
22 follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and  
23 amendments thereto:

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

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

28 (c) "Health care provider" means: (1) Those persons and entities  
29 defined as a health care provider under K.S.A. 40-3401, and amendments  
30 thereto; and (2) a dentist licensed by the Kansas dental board, *a*  
31 *registered dental practitioner licensed by the Kansas dental board*, a  
32 dental hygienist licensed by the Kansas dental board, a professional nurse  
33 licensed by the board of nursing, a practical nurse licensed by the board  
34 of nursing, a mental health technician licensed by the board of nursing, a  
35 physical therapist licensed by the state board of healing arts, a physical  
36 therapist assistant certified by the state board of healing arts, an  
37 occupational therapist licensed by the state board of healing arts, an  
38 occupational therapy assistant licensed by the state board of healing arts  
39 and a respiratory therapist licensed by the state board of healing arts.

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

42 (e) "Medical care facility" means: (1) A medical care facility  
43 licensed under K.S.A. 65-425 et seq., and amendments thereto; (2) a

1 private psychiatric hospital licensed under K.S.A. 75-3307b, and  
2 amendments thereto; and (3) state psychiatric hospitals and state  
3 institutions for the mentally retarded, as follows: Larned state hospital,  
4 Osawatomie state hospital, Rainbow mental health facility, Kansas  
5 neurological institute and Parsons state hospital and training center.

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

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

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

14 Sec. 18. K.S.A. 2010 Supp. 65-5912 is hereby amended to read as  
15 follows: 65-5912. (a) Nothing in this act shall be construed to require any  
16 insurer or other entity regulated under chapter 40 of the Kansas Statutes  
17 Annotated or any other law of this state to provide coverage for or  
18 indemnify for the services provided by a person licensed under this act.

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

23 (1) To any person licensed to practice the healing arts, a licensed  
24 dentist, *a registered dental practitioner*, a licensed dental hygienist, a  
25 licensed professional nurse, a licensed practical nurse, a licensed  
26 psychologist, a licensed masters level psychologist, a licensed pharmacist  
27 or an employee thereof, a physician assistant, a licensed professional  
28 counselor;

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

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

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

38 (5) to prevent any person, including persons employed in health  
39 food stores, from furnishing nutrition information as to the use of food,  
40 food materials or dietary supplements, nor to prevent in any way the free  
41 dissemination of information or of literature as long as no individual  
42 engaged in such practices holds oneself out as being licensed under this  
43 act;

1 (6) to prohibit any individual from marketing or distributing food  
2 products, including dietary supplements, or to prevent any such person  
3 from providing information to customers regarding the use of such  
4 products;

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

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

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

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

19 (11) to any person who counsels or provides weight-control services  
20 as a part of a franchised or recognized weight-control program or a  
21 weight-control program that operates under the general direction of a  
22 person licensed to practice the healing arts, nursing or a person licensed  
23 under this act;

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

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

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

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

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

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

40 (c) Nothing in this act shall be construed to interfere with the  
41 religious practices or observances of a bona fide religious organization,  
42 nor to prevent any person from caring for the sick in accordance with  
43 tenets and practices of any church or religious denomination which

1 teaches reliance upon spiritual means through prayer for healing.

2 Sec. 19. K.S.A. 2010 Supp. 65-7304 is hereby amended to read as  
3 follows: 65-7304. The following shall be exempt from the requirement of  
4 a license pursuant to this act:

5 (a) ~~A licensed~~ *registered dental* practitioner;

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

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

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

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

20 (f) a licensed physician assistant, a licensed nurse or an unlicensed  
21 person performing radiologic technology procedures who is: (1) Working  
22 under the supervision of a licensed *registered dental* practitioner or a  
23 person designated by a hospital licensed pursuant to K.S.A. 65-425 et  
24 seq., and amendments thereto; and (2) who has been trained on the  
25 proper use of equipment for the purpose of performing radiologic  
26 technology procedures consistent with K.S.A. 65-2001; et seq.; or K.S.A.  
27 65-2801, et seq., and amendments thereto. The board shall adopt rules  
28 and regulations to assure that persons exempted from licensure under this  
29 subsection receive continuing education consistent with their practice  
30 authorized herein.

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

32 Sec. 20. K.S.A. 74-1404 is hereby amended to read as follows: 74-  
33 1404. (a) In order to accomplish the purpose and to provide for the  
34 enforcement of this act, there is hereby created the Kansas dental board.  
35 The board shall be vested with authority to carry out the purposes and  
36 enforce the provisions of this act. The board shall consist of the  
37 following: (1) Six licensed and qualified resident dentists; (2) *two*  
38 *resident registered dental practitioners*; (3) two licensed and qualified  
39 resident dental hygienists; and ~~(3)~~ (4) one representative of the general  
40 public. At least 30 days before the expiration of any term, other than that  
41 of the member appointed from the general public or a member who is a  
42 dental hygienist *or a registered dental practitioner*, the Kansas dental  
43 association or its successor shall submit to the governor a list of three



1 names of persons of recognized ability who have the qualifications  
2 prescribed for the dentist board members. *At least 30 days before the*  
3 *initial appointment and expiration of the term of the registered dental*  
4 *practitioner member of the board, the dental hygiene association shall*  
5 *submit to the governor a list of three names of persons of recognized*  
6 *ability who have the qualifications prescribed for the registered dental*  
7 *practitioner member.* At least 30 days before the expiration of the term of  
8 the dental hygienist member of the board, the Kansas dental hygiene  
9 association shall submit to the governor a list of three names of persons  
10 of recognized ability who have the qualifications prescribed for the dental  
11 hygienist member. For the four new members to be appointed under this  
12 act, such names shall be submitted within 10 days after the effective date  
13 of this act. The governor shall consider such list of persons in making the  
14 appointment to the board.

15 (b) The members shall be appointed by the governor in the manner  
16 hereinafter prescribed for terms of four years and until their successors  
17 are appointed and qualified. Of the six licensed dentists on the board, one  
18 shall be appointed from each congressional district and two shall be  
19 appointed from the state at large. On and after the effective date of this  
20 act, no person shall be appointed for more than two consecutive four-year  
21 terms. No person in any way connected with a dental supply or dental  
22 laboratory business shall be eligible for appointment to the board. No  
23 person shall be eligible for appointment to the board who has been  
24 convicted of a violation of any of the provisions of this or any other prior  
25 dental practice act or who has been convicted of a felony. A dentist who is  
26 an officer of the Kansas dental association shall not be eligible for  
27 appointment to the Kansas dental board. A dental hygienist who is an  
28 officer of the Kansas dental hygienists association shall not be eligible for  
29 appointment to the Kansas dental board. No dentist or dental hygienist  
30 shall be appointed to the board who has not been engaged in the active  
31 practice of dentistry or dental hygiene in the state of Kansas for at least  
32 ~~five~~three years next preceding appointment. Whenever a vacancy occurs  
33 it shall be filled by appointment for the remainder of the unexpired term  
34 in the same manner as an original appointment is made. *Upon the*  
35 *expiration of terms of office of members, successors shall be appointed in*  
36 *the same manner as original appointments for terms of four years.*

37 ~~(c) Upon the effective date of this act, in order to expand the~~  
38 ~~membership to the prescribed six dentists and two dental hygienists, the~~  
39 ~~governor shall appoint three additional dentists and one additional~~  
40 ~~hygienist to the board in the manner described in this section. Of the three~~  
41 ~~new dental members, one shall serve until April 30, 2000, one shall serve~~  
42 ~~until April 30, 2001 and one shall serve until April 30, 2002, as~~  
43 ~~designated by the governor. Thereafter, all terms shall be four-year terms~~

1 ~~beginning May 1 of the appointment year and expiring April 30 four~~  
2 ~~years later. When the terms of the existing dentist members which expire~~  
3 ~~May 1, 2000, and May 1, 2001 conclude, then successors shall be~~  
4 ~~appointed for four year terms beginning May 1 and expiring April 30 four~~  
5 ~~years later. The additional dental hygienist appointed upon the effective~~  
6 ~~date of this act shall serve until April 30, 2002, and thereafter the~~  
7 ~~successor shall serve a four-year term beginning May 1 and expiring~~  
8 ~~April 30 four years later. Upon the expiration of terms of office of~~  
9 ~~members, successors shall be appointed in the same manner as original~~  
10 ~~appointments for terms of four years. *Of the two new registered dental*~~  
11 ~~*practitioner members, one shall serve a two-year term beginning May 1,*~~  
12 ~~*2015, until April 30, 2017, and thereafter the successor shall serve a*~~  
13 ~~*four-year term. Another registered dental practitioner member shall*~~  
14 ~~*serve a four-year term beginning May 1, 2015, until April 30, 2019, and*~~  
15 ~~*thereafter the successor shall serve a four-year term.*~~

16 Sec. 21. K.S.A. 74-1405 is hereby amended to read as follows: 74-  
17 1405. (a) The board at its first meeting day of each year shall elect from  
18 its members a president, vice-president and secretary. The board shall  
19 have a common seal. The board shall hold two regular meetings each year  
20 at times to be fixed by the board, and special meetings at such other times  
21 as may be necessary.

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

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

41 (d) The board may appoint an executive director who shall be in the  
42 unclassified service of the Kansas civil service act. The executive director  
43 shall receive an annual salary fixed by the board and approved by the

1 governor. The executive director shall be the legal custodian of all  
2 property, money, minutes, records, and proceedings and seal of the board.

3 (e) The board in its discretion may affiliate as an active member  
4 with the national association of dental examiners and any organization of  
5 one or more state boards for the purpose of conducting a standard  
6 examination of candidates for licensure as dentists, *registered dental*  
7 *practitioners* or dental hygienists and pay regular dues to such association  
8 or organization, and may send members of the board to the meetings of  
9 the national association and the meetings of any organization of state  
10 boards of dental examiners organized for the purpose of conducting a  
11 standard examination of candidates for licensure as dentists, *registered*  
12 *dental practitioners* and dental hygienists.

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

24 Sec. 22. K.S.A. 74-1406 is hereby amended to read as follows: 74-  
25 1406. The board shall exercise, subject to the provisions of this act, the  
26 following powers and duties:

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

28 (b) Adopt rules and regulations for qualification and licensing of  
29 *registered dental practitioners and dental hygienists*.

30 (c) Adopt rules and regulations regarding sanitation.

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

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

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

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

38 (h) Grant licenses, issue license certificates as specialists in dentistry  
39 and issue renewal licenses and certificates as specialists in dentistry in  
40 conformity with this act to such applicants and dentists as have been  
41 found qualified.

42 (i) Conduct hearings or proceedings to revoke or suspend and to  
43 revoke or suspend a license, certificate or renewal license or certificate

1 granted under the authority of this act or previous acts.

2 (j) Employ such persons as it may deem necessary to assist in  
3 carrying out the duties of the board in the administration and enforcement  
4 of this act, and to provide offices, furniture, fixtures, supplies, printing or  
5 secretarial service, and may expend such funds as may be deemed  
6 necessary therefor, and may appoint an attorney to advise and assist in the  
7 carrying out and enforcing of the provisions of this act.

8 (k) Investigate violations of the act that may come to the knowledge  
9 of the board, and institute or cause to be instituted before the board or in a  
10 proper court appropriate proceedings in connection therewith.

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

14 Sec. 23. K.S.A. 2010 Supp. 75-2935 is hereby amended to read as  
15 follows: 75-2935. The civil service of the state of Kansas is hereby  
16 divided into the unclassified and the classified services:-

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

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

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

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

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

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

34 (f) chancellor, president, deans, administrative officers, student  
35 health service physicians, pharmacists, teaching and research personnel,  
36 health care employees and student employees in the institutions under the  
37 state board of regents, the executive officer of the board of regents and  
38 the executive officer's employees other than clerical employees, and, at  
39 the discretion of the state board of regents, directors or administrative  
40 officers of departments and divisions of the institution and county  
41 extension agents, except that this subsection ~~(1)(f) paragraph~~ shall not be  
42 construed to include the custodial, clerical or maintenance employees, or  
43 any employees performing duties in connection with the business

1 operations of any such institution, except administrative officers and  
2 directors; as used in this ~~subsection (1)(f)~~ *paragraph*, "health care  
3 employees" means employees of the university of Kansas medical center  
4 who provide health care services at the university of Kansas medical  
5 center and who are medical technicians or technologists or respiratory  
6 therapists, who are licensed professional nurses or licensed practical  
7 nurses, or who are in job classes which are designated for this purpose by  
8 the chancellor of the university of Kansas upon a finding by the  
9 chancellor that such designation is required for the university of Kansas  
10 medical center to recruit or retain personnel for positions in the  
11 designated job classes; and employees of any institution under the state  
12 board of regents who are medical technologists;

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

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

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

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

29 (k) all employees of courts;

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

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

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

34 (o) physician specialists, dentists, *registered dental practitioners*,  
35 dental hygienists, pharmacists, medical technologists and long term care  
36 workers employed by the department of social and rehabilitation services;

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

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

42 (r) administrative officers, directors and teaching personnel of the  
43 state board of education and the state department of education and of any

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

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

8 (t) one personal secretary and one special assistant to the following:

9 The secretary of administration, the secretary of aging, the secretary of  
10 agriculture, the secretary of commerce, the secretary of corrections, the  
11 secretary of health and environment, the superintendent of the Kansas  
12 highway patrol, the secretary of labor, the secretary of revenue, the  
13 secretary of social and rehabilitation services, the secretary of  
14 transportation, the secretary of wildlife and parks and the commissioner  
15 of juvenile justice;

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

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

20 (w) one public information officer and one chief attorney for the  
21 following: The department of administration, the department on aging,  
22 the department of agriculture, the department of commerce, the  
23 department of corrections, the department of health and environment, the  
24 department of labor, the department of revenue, the department of social  
25 and rehabilitation services, the department of transportation, the Kansas  
26 department of wildlife and parks and the commissioner of juvenile  
27 justice;

28 (x) civil service examination monitors;

29 (y) one executive director, one general counsel and one director of  
30 public affairs and consumer protection in the office of the state  
31 corporation commission;

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

34 (aa) all officers and employees of Kansas, Inc. and the Kansas  
35 technology enterprise corporation;

36 (bb) any position that is classified as a position in the information  
37 resource manager job class series, that is the chief position responsible  
38 for all information resources management for a state agency, and that  
39 becomes vacant on or after the effective date of this act. Nothing in this  
40 section shall affect the classified status of any employee in the classified  
41 service who is employed on the date immediately preceding the effective  
42 date of this act in any position that is a classified position in the  
43 information resource manager job class series and the unclassified status

1 as prescribed by this subsection shall apply only to a person appointed to  
2 any such position on or after the effective date of this act that is the chief  
3 position responsible for all information resources management for a state  
4 agency; and

5 (cc) positions at state institutions of higher education that have been  
6 converted to unclassified positions pursuant to K.S.A. 2010 Supp. 76-  
7 715a, and amendments thereto.

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

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

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

29 Sec. 24. K.S.A. 2010 Supp. 75-6102 is hereby amended to read as  
30 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and  
31 amendments thereto, unless the context clearly requires otherwise:

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

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

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

39 (d) (1) "Employee" means: (A) Any officer, employee, servant or  
40 member of a board, commission, committee, division, department, branch  
41 or council of a governmental entity, including elected or appointed  
42 officials and persons acting on behalf or in service of a governmental  
43 entity in any official capacity, whether with or without compensation, and

- 1 a charitable health care provider;
- 2 (B) any steward or racing judge appointed pursuant to K.S.A. 74-  
3 8818, and amendments thereto, regardless of whether the services of such  
4 steward or racing judge are rendered pursuant to contract as an  
5 independent contractor;
- 6 (C) employees of the United States marshal's service engaged in the  
7 transportation of inmates on behalf of the secretary of corrections;
- 8 (D) a person who is an employee of a nonprofit independent  
9 contractor, other than a municipality, under contract to provide  
10 educational or vocational training to inmates in the custody of the  
11 secretary of corrections and who is engaged in providing such service in  
12 an institution under the control of the secretary of corrections provided  
13 that such employee does not otherwise have coverage for such acts and  
14 omissions within the scope of their employment through a liability  
15 insurance contract of such independent contractor;
- 16 (E) a person who is an employee or volunteer of a nonprofit  
17 program, other than a municipality, who has contracted with the  
18 commissioner of juvenile justice or with another nonprofit program that  
19 has contracted with the commissioner of juvenile justice to provide a  
20 juvenile justice program for juvenile offenders in a judicial district  
21 provided that such employee or volunteer does not otherwise have  
22 coverage for such acts and omissions within the scope of their  
23 employment or volunteer activities through a liability insurance contract  
24 of such nonprofit program;
- 25 (F) a person who contracts with the Kansas guardianship program to  
26 provide services as a court-appointed guardian or conservator;
- 27 (G) an employee of an indigent health care clinic;
- 28 (H) former employees for acts and omissions within the scope of  
29 their employment during their former employment with the governmental  
30 entity;
- 31 (I) any member of a regional medical emergency response team,  
32 created under the provisions of K.S.A. 48-928, and amendments thereto,  
33 in connection with authorized training or upon activation for an  
34 emergency response; and
- 35 (J) medical students enrolled at the university of Kansas medical  
36 center who are in clinical training, on or after July 1, 2008, at the  
37 university of Kansas medical center or at another health care institution.
- 38 (2) "Employee" does not include: (A) An individual or entity for  
39 actions within the scope of K.S.A. 60-3614, and amendments thereto; or  
40 (B) any independent contractor under contract with a governmental  
41 entity except those contractors specifically listed in paragraph (1) of this  
42 subsection.
- 43 (e) "Charitable health care provider" means a person licensed by the



1 state board of healing arts as an exempt licensee or a federally active  
2 licensee, a person issued a limited permit by the state board of healing  
3 arts, a physician assistant licensed by the state board of healing arts, a  
4 mental health practitioner licensed by the behavioral sciences regulatory  
5 board or a health care provider as the term "health care provider" is  
6 defined under K.S.A. 65-4921, and amendments thereto, who has entered  
7 into an agreement with:

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

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

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

32 (4) the secretary of health and environment to provide dentistry  
33 services defined by K.S.A. 65-1422 et seq., and amendments thereto,  
34 *registered dental practitioner services defined by section 3, and*  
35 *amendments thereto*, or dental hygienist services defined by K.S.A. 65-  
36 1456, and amendments thereto, that are targeted, but are not limited to  
37 medically indigent persons, and are provided on a gratuitous basis at a  
38 location sponsored by a not-for-profit organization that is not the dentist  
39 or dental hygienist office location. Except that such dentistry services and  
40 dental hygienist services shall not include "oral and maxillofacial  
41 surgery" as defined by ~~Kansas administrative regulation~~ K.A.R. 71-2-2, or  
42 use sedation or general anesthesia that result in "deep sedation" or  
43 "general anesthesia" as defined by ~~Kansas administrative~~

1 ~~regulation~~ K.A.R. 71-5-1.

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

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

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

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

18 Sec. 25. K.S.A. 65-1421, 65-1424, 65-1441, 65-1449, 65-1460, 65-  
19 1462, 74-1404, 74-1405 and 74-1406 and K.S.A. 2010 Supp. 65-1431,  
20 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-  
21 7304, 75-2935 and 75-6102 are hereby repealed.

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

24