

SENATE BILL No. 132

By Committee on Public Health and Welfare

2-7

1 AN ACT concerning dental care; increasing availability and access to
2 dental care; enacting the Kansas comprehensive oral health initiative
3 act; establishing the Kansas dentistry bridging loan program;
4 amending K.S.A. 2010 Supp. 65-1456 and repealing the existing
5 section.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. Sections 1 through 8, and amendments thereto, shall
9 be known and may be cited as the Kansas comprehensive oral health
10 initiative act.

11 New Sec. 2. The Kansas health policy authority shall provide dental
12 coverage for persons who are otherwise covered by the Kansas medicaid
13 program.

14 New Sec. 3. (a) There is hereby established the Kansas dentistry
15 bridging loan program within the bureau of oral health of the division of
16 health of the department of health and environment. The Kansas dentistry
17 bridging loan program shall be administered by the bureau of oral health
18 in order to provide encouragement, opportunities and incentives for
19 persons who have successfully completed the degree of doctor of dental
20 surgery or doctor of dental medicine from a dental school approved by
21 the Kansas dental board and to locate their dental practice in rural Kansas
22 communities upon completion of such education.

23 (b) Subject to the provisions of appropriation acts, the secretary of
24 health and environment or an authorized designee may enter into
25 dentistry bridging loan agreements, in accordance with the provisions of
26 this section with anyone who has successfully completed the first year of
27 study of a degree of doctor of dental surgery or doctor of dental medicine
28 from a school of dentistry approved by the Kansas dental board.

29 (c) Subject to the provisions of appropriation acts, each person
30 entering into a dentistry bridging loan agreement under this section shall
31 receive \$10,000 annually while enrolled in a school of dentistry or dental
32 residency program in accordance with the practice commitment
33 agreement.

34 (d) Each dentistry bridging loan agreement shall require that the
35 person receiving the loan:

36 (1) Engage in the full-time practice of dentistry in any county in

1 Kansas other than Butler, Douglas, Johnson, Leavenworth, Reno, Riley,
2 Saline, Sedgwick, Shawnee or Wyandotte for a period of not less than the
3 length of the course of instruction for which the loan was awarded under
4 a practice commitment agreement; and

5 (2) commence such full-time practice of dentistry within 90 days
6 after completing a dental residency program or receiving a license to
7 practice dentistry in this state.

8 (e) Upon failure to satisfy the obligation to engage in the full-time
9 practice of dentistry in accordance with the provisions of the dental
10 bridging loan agreement and this section, the person receiving the loan
11 shall repay to the department of health and environment within 90 days of
12 such failure, the amount equal to the amount of money received by such
13 person from the department of health and environment, less credits
14 earned, under such agreement plus interest at the annual rate of 15% from
15 the date such money was received.

16 (f) An obligation to engage in the practice of dentistry in accordance
17 with the provisions of a dentistry bridging loan agreement and this
18 section shall be postponed during: (1) Any period of temporary medical
19 disability during which the person obligated is unable to practice dentistry
20 because of such medical disability; or (2) any other period of
21 postponement agreed to or determined in accordance with criteria agreed
22 to in the practice commitment agreement.

23 (g) An obligation to engage in the practice of dentistry in accordance
24 with the provisions of a dentistry bridging loan agreement and this
25 section shall be satisfied: (1) If the obligation to engage in the practice of
26 dentistry in accordance with such agreement has been completed; (2) if
27 the person obligated dies; or (3) if, because of permanent physical
28 disability, the person obligated is unable to practice dentistry.

29 (h) The department of health and environment may adopt rules and
30 regulations providing additional requirements or conditions for
31 participation in the Kansas dentistry bridging loan program as are
32 practicable and appropriate to accomplish the purposes of the program or
33 as may be required for the implementation or administration of the
34 program and, in any case, as are not inconsistent with the provisions of
35 this section or the provisions of appropriation acts.

36 (i) Any person who is qualified under subsection (b) shall enter into
37 a practice commitment agreement to commence the full-time practice of
38 dentistry in any county in Kansas other than Butler, Douglas, Johnson,
39 Leavenworth, Reno, Riley, Saline, Sedgwick, Shawnee or Wyandotte.
40 Any local government of the county where such person is located to
41 practice dentistry shall provide benefits to such person in an aggregate
42 monetary value equal to or greater than the aggregate amount of
43 payments to such person from the department of health and environment

1 under a dentistry bridging loan agreement under this section.

2 Sec. 4. K.S.A. 2010 Supp. 65-1456 is hereby amended to read as
3 follows: 65-1456. (a) The board may suspend or revoke the license of any
4 dentist who shall permit any dental hygienist operating under such
5 dentist's supervision to perform any operation other than that permitted
6 under the provisions of article 14 of chapter 65 of the Kansas Statutes
7 Annotated, ~~or acts amendatory thereof and amendments thereto~~, and may
8 suspend or revoke the license of any hygienist found guilty of performing
9 any operation other than those permitted under article 14 of chapter 65 of
10 the Kansas Statutes Annotated, ~~or acts amendatory thereof and~~
11 ~~amendments thereto~~. No license of any dentist or dental hygienist shall be
12 suspended or revoked in any administrative proceedings without first
13 complying with the notice and hearing requirements of the Kansas
14 administrative procedure act.

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

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

31 (d) Except as otherwise provided in this section, the practice of
32 dental hygiene shall be performed under the direct or general supervision
33 of a licensed dentist at the office of such licensed dentist. The board shall
34 designate by rules and regulations the procedures which may be
35 performed by a dental hygienist under direct supervision and the
36 procedures which may be performed under general supervision of a
37 licensed dentist. As used in this section: (1) "Direct supervision" means
38 that the dentist is in the dental office, personally diagnoses the condition
39 to be treated, personally authorizes the procedure and before dismissal of
40 the patient evaluates the performance; and (2) "general supervision"
41 means a Kansas licensed dentist may delegate verbally or by written
42 authorization the performance of a service, task or procedure to a licensed
43 dental hygienist under the supervision and responsibility of the dentist, if

1 the dental hygienist is licensed to perform the function, and the
2 supervising dentist examines the patient at the time the dental hygiene
3 procedure is performed, or during the 12 calendar months preceding the
4 performance of the procedure, except that the licensed hygienist shall not
5 be permitted to diagnose a dental disease or ailment, prescribe any
6 treatment or a regimen thereof, prescribe, order or dispense medication or
7 perform any procedure which is irreversible or which involves the
8 intentional cutting of the soft or hard tissue by any means. A dentist is not
9 required to be on the premises at the time a hygienist performs a function
10 delegated under part (2) of this subsection.

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

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

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

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

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

25 (f) The practice of dental hygiene may be performed with consent of
26 the parent or legal guardian, on children participating in residential and
27 nonresidential centers for therapeutic services, on all children in families
28 which are receiving family preservation services, on all children in the
29 custody of the secretary of social and rehabilitation services or the
30 commissioner of juvenile justice authority and in an out-of-home
31 placement residing in foster care homes, on children being served by
32 runaway youth programs and homeless shelters; and on children birth to
33 five and children in public and nonpublic schools kindergarten through
34 grade 12 regardless of the time of year and children participating in youth
35 organizations, so long as such children birth to five, in public or
36 nonpublic schools or participating in youth organizations also meet the
37 requirements of medicaid, healthwave, ~~or free or reduced lunch programs~~
38 or Indian health services *or have not been seen by a dentist during the*
39 *previous 12 months for dental exam*; at any state correctional institution,
40 local health department or indigent health care clinic, as defined in
41 K.S.A. 65-1466, and amendments thereto, and at any federally qualified
42 health center, federally qualified health center look-alike or a community
43 health center that receives funding from section 330 of the health center

1 consolidation act, on a person, inmate, client or patient thereof and on
2 other persons as may be defined by the board; so long as:

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

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

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

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

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

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

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

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

42 (1) The dental hygienist has received an "extended care permit II"
43 from the Kansas dental board specifying that the dental hygienist has: (A)

1 Performed ~~1,800~~ 1,600 hours of dental hygiene care or has been an
2 instructor at an accredited dental hygiene program for two academic years
3 within the past three years; and (B) completed six hours of training on the
4 care of special needs patients or other training as may be accepted by the
5 board;

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

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

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

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

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

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

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

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

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

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

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

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

35 (4) the tasks and procedures are limited to: (A) Removal of
36 extraneous deposits, stains and debris from the teeth and the rendering of
37 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
38 application of topical anesthetic if the dental hygienist has completed the
39 required course of instruction approved by the dental board; (C) the
40 application of fluoride; (D) dental hygiene instruction; (E) assessment of
41 the patient's apparent need for further evaluation by a dentist to diagnose
42 the presence of dental caries and other abnormalities; (F) identification
43 and removal of decay using hand instrumentation and placing a

1 temporary filling, including glass ionomer and other palliative materials;
2 (G) adjustment of dentures, placing soft relines in dentures, checking
3 partial dentures for sore spots and placing permanent identification
4 labeling in dentures; (H) smoothing of a sharp tooth with a slow speed
5 dental handpiece; (I) use of local anesthetic, including topical,
6 infiltration and block anesthesia, when appropriate to assist with
7 procedures where medical services are available in a nursing home,
8 health clinic, or any other settings. If the dental hygienist has completed
9 a course on local anesthesia and nitrous oxide as required in this act; (J)
10 extraction of deciduous teeth that are partially exfoliated with class 4
11 mobility; (K) prescription of fluoride, chlorhexidine, antibiotics and
12 antifungal as directed by a standing order from sponsoring dentist, and;
13 (L) other duties as may be delegated verbally or in writing by the
14 sponsoring dentist consistent with this act;

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

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

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

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

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

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

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

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

1 oxide which have been approved by the board.

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

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

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

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

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

18 New Sec. 5. The Kansas health policy authority shall appoint an
19 independent commission to study issues to as to barriers in medicaid that
20 may affect the dental participation, including rates of reimbursement,
21 terms in the provider agreement, prior authorizations, claims processing,
22 provider oversight, provider support, procedures allowed and patient case
23 management. The commission shall file a report on its findings and
24 conclusions on the issues with the Kansas health policy authority and the
25 senate public health and welfare committee and the house committee on
26 health and human services before January 15, 2012.

27 New Sec. 6. The Kansas health policy authority shall, subject to
28 appropriations, provide sufficient funding for administrative services to
29 support and maintain the level of services provided by the donated dental
30 services program during 2010 for the fiscal year 2012.

31 New Sec. 7. The Kansas health policy authority is authorized to
32 receive and expend, or supervise the expenditure of, any donation, gift,
33 grant or bequest to support the training and dental services provided for
34 in this act.

35 New Sec. 8. (a) Dental students who receive tuition subsidization by
36 the state pursuant to an agreement between the state board of regents and
37 the university of Missouri-Kansas City school of dentistry shall be
38 required to provide dental service in Kansas for a minimum of four years
39 after graduation.

40 (b) In addition, the state board of regents shall endeavor to add
41 additional seats at the university of Missouri-Kansas City school of
42 dentistry or other locations with the requirement that such students
43 provide services in underserved areas of Kansas for a minimum of four

1 years after graduation.

2 Sec. 9. K.S.A. 2010 Supp. 65-1456 is hereby repealed.

3 Sec. 10. This act shall take effect and be in force from and after its
4 publication in the statute book.

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