

**SENATE BILL No. 197**

By Committee on Ways and Means

2-13

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1 AN ACT concerning the Kansas dental board; relating to licensure of  
2 registered dental practitioners; amending K.S.A. 65-1421, 65-1441, 65-  
3 1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2012 Supp.  
4 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-  
5 4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing  
6 the existing sections; also repealing K.S.A. 2012 Supp. 75-6102c.

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 may  
12 adopt. The fee for such examination shall be fixed by the board pursuant to  
13 K.S.A. 65-1447, and amendments thereto. A license fee shall be paid to the  
14 board in the amount fixed by the board pursuant to K.S.A. 65-1447, and  
15 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. Any supervising dentist of a registered dental practitioner shall be  
22 either (1) employed by an indigent health care clinic or (2) enrolled as a  
23 medicaid provider.

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

36 Nothing in this act will prohibit a registered dental practitioner from

1 working under the direct supervision of a Kansas licensed dentist.

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

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

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

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

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

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

17 (e) This section shall take effect on and after July 1, 2015.

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

30 (b) Except as otherwise provided in this section, the practice of dental  
31 therapy shall be performed under the direct or general supervision of a  
32 licensed dentist. As used in this section: (1) "Direct supervision" means  
33 that the dentist in the dental office, personally diagnoses the condition to  
34 be treated, personally authorizes the procedure and before dismissal of the  
35 patient evaluates the performance; and (2) "general supervision" means the  
36 supervision of tasks or procedures without the presence of the dentist in  
37 the office or on the premises at the time the tasks or procedures are being  
38 performed, and pursuant to a written supervising agreement, so long as  
39 those tasks and procedures are within the scope of practice for a registered  
40 dental practitioner.

41 (c) A licensed registered dental practitioner may perform dental  
42 services as authorized under this section including the following services  
43 under general supervision unless restricted or prohibited in the supervising

1 agreement:

- 2 (1) Pulp vitality testing;
- 3 (2) application of desensitizing medication or resin;
- 4 (3) fabrication of athletic mouthguards;
- 5 (4) placement of temporary restorations;
- 6 (5) fabrication of soft occlusal guards;
- 7 (6) tissue conditioning and soft relines;
- 8 (7) atraumatic restorative therapy;
- 9 (8) dressing changes;
- 10 (9) tooth reimplantation and stabilization;
- 11 (10) administration of local anesthetic;
- 12 (11) administration of nitrous oxide;
- 13 (12) diagnosis of oral disease;
- 14 (13) the formulation of an individualized treatment plan;
- 15 (14) extractions of primary teeth;
- 16 (15) nonsurgical extractions of periodontally diseased permanent
- 17 teeth with tooth mobility of +3 or +4. The registered dental practitioner
- 18 shall not extract a tooth for any patient if the tooth is unerupted, impacted,
- 19 fractured, or needs to be sectioned for removal;
- 20 (16) emergency palliative treatment of dental pain;
- 21 (17) the placement and removal of space maintainers;
- 22 (18) cavity preparation;
- 23 (19) restoration of primary and permanent teeth;
- 24 (20) placement of temporary crowns;
- 25 (21) preparation and placement of preformed crowns;
- 26 (22) pulpotomies on primary teeth;
- 27 (23) indirect and direct pulp capping on primary and permanent teeth;
- 28 (24) suture removal;
- 29 (25) brush biopsies;
- 30 (26) simple repairs and adjustments for patients with removable
- 31 prosthetic appliances;
- 32 (27) recementing of permanent crowns;
- 33 (28) prevention of potential orthodontic problems by early
- 34 identification and appropriate referral; and
- 35 (29) prevention of, identification and management of dental and
- 36 medical emergencies.
- 37 (d) Any registered dental practitioner may practice dental hygiene
- 38 and dental services under general supervision as may be performed by a
- 39 dental hygienist and a dental assistant under the provisions of K.S.A. 65-
- 40 1423 and 65-1456, and amendments thereto. Any registered dental
- 41 practitioner shall also be duly registered as a dental hygienist by the board.
- 42 (e) Any registered dental practitioner is authorized to supervise any
- 43 dental hygienist or dental assistant unless restricted or prohibited in the

1 supervising agreement with the supervising dentist.

2 (f) Any registered dental practitioner shall maintain current basic life  
3 support certification.

4 (g) This section shall take effect on and after July 1, 2015.

5 New Sec. 3. (a) The board shall revoke or suspend the license of any  
6 licensed registered dental practitioner who is found guilty of using or  
7 attempting to use in any manner whatsoever any prophylactic lists, call  
8 lists, records, reprints or copies of same, or information gathered  
9 therefrom, of the names of patients whom the registered dental practitioner  
10 might have served in the office of a prior employer, unless such names  
11 appear upon the bona fide call or prophylactic list of the registered dental  
12 practitioner's present employer and were caused to so appear through the  
13 legitimate practice of dentistry as provided for in this act.

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

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

26 (d) This section shall take effect on and after July 1, 2015.

27 New Sec. 4. The board shall adopt rules and regulations as may be  
28 necessary to administer the provisions of this act regarding the licensure of  
29 registered dental practitioners on or before July 1, 2015. The board shall  
30 have such rules and regulations published in the Kansas register on or  
31 before July 1, 2014.

32 Sec. 5. K.S.A. 65-1421 is hereby amended to read as follows: 65-  
33 1421. It shall be unlawful for any person to practice dentistry, *dental*  
34 *therapy* or dental hygiene in the state of Kansas, except:

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

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

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

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

43 Sec. 6. K.S.A. 2012 Supp. 65-1424 is hereby amended to read as

1 follows: 65-1424. (a) As used in this act:

2 (1) "Proprietor" means any person who employs dentists, *registered*  
3 *dental practitioners* or dental hygienists in the operation of a dental office.

4 (2) "Dental franchisor" means any person or entity, pursuant to a  
5 written agreement, who provides a licensed dentist any dental practice  
6 management consulting services, which may include marketing or  
7 advertising services, signage or branding consulting, or places in  
8 possession of a licensed dentist such dental material or equipment as may  
9 be necessary for the management of a dental office on the basis of a lease  
10 or any other agreement for compensation. A person or entity is not a dental  
11 franchisor if the agreement with the dentist:

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

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

17 (3) "Unlicensed proprietor" means any person or entity not authorized  
18 to own or operate a dental practice that enters into an agreement with a  
19 dentist, *registered dental practitioner* or dental hygienist related to the  
20 practice of dentistry, *dental therapy* or dental hygiene which:

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

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

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

29 (b) The estate or agent for a deceased or substantially disabled dentist  
30 may employ dentists, for a period of not more than 18 months following  
31 the date of death or substantial disability of the dentist, to provide service  
32 to patients until the practice can be sold or closed. Upon application  
33 showing good cause, including, but not limited to, evidence of a good faith  
34 effort to sell or close the dental practice, the Kansas dental board may  
35 extend the time in six-month increments for a period of not more than one  
36 additional year for which the practice can be sold or closed. The Kansas  
37 dental board may adopt rules and regulations as necessary to carry out the  
38 provisions of this section.

39 Sec. 7. K.S.A. 2012 Supp. 65-1431 is hereby amended to read as  
40 follows: 65-1431. (a) Each license to practice as a dentist, *registered*  
41 *dental practitioner* or dental hygienist issued by the board, shall expire on  
42 December 1 of the year specified by the board for the expiration of the  
43 license and shall be renewed on a biennial basis. Each application for

1 renewal shall be made on a form prescribed and furnished by the board.  
2 Every licensed dentist, *registered dental practitioner* or dental hygienist  
3 shall pay to the board a renewal fee fixed by the board as provided in  
4 K.S.A. 65-1447, and amendments thereto.

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

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

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

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

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

33 (2) Any licensee whose license is required to be renewed for the next  
34 biennial period may obtain renewal, prior to February 1, by submitting to  
35 the board the required renewal application, payment of the biennial  
36 renewal fee and proof that such licensee has satisfactorily completed a  
37 program of continuing education required by the board. Any licensee  
38 whose license is required to be renewed for the next biennial period may  
39 obtain renewal, between February 1 and March 1, by submitting to the  
40 board the required renewal application, payment of the biennial renewal  
41 fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and  
42 regulations by the board and proof that such licensee has satisfactorily  
43 completed a program of continuing education required by the board. The

1 penalty fee in effect immediately prior to the effective date of this act shall  
2 continue in effect until rules and regulations establishing a penalty fee  
3 under this section become effective.

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

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

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

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

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

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

1 to practice *dental therapy or dental hygiene* who is returning to active  
2 practice after a period of retirement or disability, the board shall authorize  
3 as an alternative to the requirement for an examination that the applicant  
4 successfully complete a refresher course as defined by the board in an  
5 approved dental hygiene school *or registered dental practitioner program*.

6 Sec. 8. K.S.A. 2012 Supp. 65-1434 is hereby amended to read as  
7 follows: 65-1434. (a) The board, without examination, may issue a license  
8 as a dentist, *registered dental practitioner* or dental hygienist to an  
9 applicant holding a license in another state upon compliance with the  
10 requirements of professional qualification and experience set forth in  
11 subsection (b). The board shall prepare and adopt a form of application to  
12 be submitted by an applicant for a license to be issued under this section.  
13 On the receipt of any such application, the board shall conduct such  
14 review, verification or other investigation of the applicant and the  
15 professional qualifications, background, experience and practice of the  
16 applicant as the board deems necessary to assure full compliance with the  
17 requirements of this section. Any license so issued may be revoked by the  
18 board upon evidence that an applicant has obtained a license under this  
19 section through misrepresentation or omission of a material fact in the  
20 application or other information submitted to the board.

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

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

30 (2) Each applicant shall show evidence of having successfully  
31 completed both a national board examination or an equivalent examination  
32 accepted by the state in which the applicant has been previously licensed,  
33 and a clinical examination, administered by any state or clinical dental  
34 testing agency, of equivalent merit to the clinical examination accepted by  
35 the board at the time such applicant completed 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 United  
5 States for the three-year period immediately preceding the date of  
6 application and shall have engaged in the active practice of dental hygiene  
7 for at least three years prior to the date of application. Successive and  
8 continuous periods of active practice in other states will comply with the  
9 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 a  
12 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 provide  
27 such information concerning continuing education received by the  
28 applicant during the ~~five-year~~ *three-year* period preceding application as  
29 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 for  
35 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 the  
38 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 director  
42 of the board or other agency governing licensure of dentists, *registered*  
43 *dental practitioners* or dental hygienists of the state in which the applicant

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

16 (c) The Kansas dental board may direct an applicant to appear before  
17 the board at a date, time and place to be determined by the Kansas dental  
18 board to answer questions and provide such information concerning the  
19 qualifications, background, experience and practice of the applicant as the  
20 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. 2012 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 under the dental practices 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 administrative  
31 procedure act, that any applicant for a dental, *dental therapy* or dental  
32 hygiene license or any licensed dentist, *registered dental practitioner* or  
33 dental 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, *dental therapy* 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, *dental therapy* or dental hygiene;

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

1 dental practices 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 fee  
7 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:

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

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

14 (C) the division of fees between a licensed dentist and a proprietor as  
15 defined in K.S.A. 65-1424, and amendments thereto, dental franchisor;

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

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

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

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

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

32 (13) failed to pay license fees;

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

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

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

1 payment or co-insurance;

2 (17) failed to keep adequate records;

3 (18) the licensee has had a license to practice dentistry revoked,  
4 suspended or limited, has been censured or has had other disciplinary  
5 action taken, has had an application for license denied, or voluntarily  
6 surrendered the license after formal proceedings have been commenced by  
7 the proper licensing authority or another state, territory or the District of  
8 Columbia or other country, a certified copy of the record of the action of  
9 the other jurisdiction being conclusive evidence thereof;

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

12 (20) assisted suicide in violation of K.S.A. 21-3406, prior to its  
13 repeal, or K.S.A. 2012 Supp. 21-5407, and amendments thereto, as  
14 established by any of the following:

15 (A) A copy of the record of criminal conviction or plea of guilty for a  
16 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2012  
17 Supp. 21-5407, and amendments thereto;

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

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

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

29 (1) Revoke the license;

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

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

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

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

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

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

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

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

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

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

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

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

6 Sec. 11. K.S.A. 2012 Supp. 65-1447 is hereby amended to read as  
 7 follows: 65-1447. (a) On or before October 1 of each year, the Kansas  
 8 dental board shall determine the amount of funds which will be required  
 9 during the ensuing fiscal year to properly administer the laws which the  
 10 board is directed to enforce and administer and shall fix fees in accordance  
 11 with this section in such reasonable sums as may be necessary for such  
 12 purposes, within the limitations prescribed by subsection (b).

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

14 Examination fee for dental applicants — not more than.....	\$200
15 Subsequent examination fee for dental applicants — not more	
16 than.....	100
17 Examination fee for specialty qualifications — not more	
18 than.....	200
19 Credentials/qualifications fee — not more than.....	300
20 Duplicate certificate fee — not more than.....	25
21 Certificate fee, including certificate for credentials/qualifications,	
22 for dentists, <i>registered dental practitioners</i> and dental	
23 hygienists — not more than.....	25
24 Biennial license renewal fee for dentists—not more than.....	325
25 Examination fee for dental hygienist applicants — not more	
26 than.....	100
27 Subsequent examination fee for dental hygienist applicants — not	
28 more than.....	100
29 Biennial license renewal fee for dental hygienists — not	
30 more than.....	160
31 <i>Biennial license renewal fee for registered dental practitioner — not</i>	
32 <i>more than .....</i>	<i>200</i>
33 <i>Examination fee for registered dental practitioner applicant — not</i>	
34 <i>more than.....</i>	<i>150</i>
35 <i>Subsequent examination fee for registered dental practitioner</i>	
36 <i>applicant — not more than.....</i>	<i>100</i>
37 Reinstatement of a revoked license — not more than.....	2,000
38 Processing fee for failure to notify of change of address — not	
39 more than.....	100
40 Registration fee to operate a mobile dental facility or portable	
41 dental operation — not more than.....	500
42 Biennial registration renewal fee for mobile dental facility or	
43 portable dental operation — not more than.....	350

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

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

7 Sec. 12. K.S.A. 65-1449 is hereby amended to read as follows: 65-  
8 1449. (a) Except as provided by subsection (b), no action to revoke or  
9 suspend a license shall be taken until the licensee has been furnished a  
10 statement in writing of the charges against the licensee, together with a  
11 notice of the time and place of the hearing. The statement of charges and  
12 notice shall be served upon the licensee in accordance with the provisions  
13 of the Kansas administrative procedure act.

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

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

27 Sec. 13. K.S.A. 65-1460 is hereby amended to read as follows: 65-  
28 1460. Any person who shall practice dentistry, *dental therapy* or dental  
29 hygiene in this state within the meaning of this act without having first  
30 obtained a license from the board, or who violates any of the provisions of  
31 this act, the penalty for which is not herein specifically provided, shall be  
32 deemed guilty of a misdemeanor. Anyone convicted of a misdemeanor  
33 under this act shall be punished by a fine of not more than ~~one thousand~~  
34 ~~dollars~~ \$1,000, or by imprisonment in the county jail for not more than  
35 twelve months, or by both such fine and imprisonment, in the discretion of  
36 the court.

37 Sec. 14. K.S.A. 65-1462 is hereby amended to read as follows: 65-  
38 1462. (a) No person reporting to the Kansas dental board under oath and in  
39 good faith any information such person may have relating to alleged  
40 incidents of malpractice or the qualifications, fitness or character of a  
41 person licensed to practice dentistry shall be subject to a civil action for  
42 damages as a result of reporting such information.

43 (b) Any state, regional or local association of licensed dentists,

1 *licensed registered dental practitioners* or licensed dental hygienists, and  
2 the individual members of any committee thereof, which in good faith  
3 investigates or communicates information pertaining to the alleged  
4 incidents of malpractice or the qualifications, fitness or character of any  
5 licensee to the Kansas dental board or to any committee or agent thereof,  
6 shall be immune from liability in any civil action, that is based upon such  
7 investigation or transmittal of information if the investigation and  
8 communication was made in good faith and did not represent as true any  
9 matter not reasonably believed to be true.

10 Sec. 15. K.S.A. 2012 Supp. 65-1469 is hereby amended to read as  
11 follows: 65-1469. As used in this section:

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

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

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

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

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

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

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

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

33 (c) (1) The registration under this section shall be renewed on March  
34 1 of even-numbered years in the form and manner provided by the board  
35 by rules and regulations.

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

38 (d) The board shall adopt rules and regulations as necessary to carry  
39 out the provisions of this act. The rules and regulations shall include, but  
40 not be limited to, requirements relating to the official address and  
41 telephone number of the mobile dental facility or portable dental  
42 operation, the proper maintenance of dental records, procedures for  
43 emergency follow-up care for patients, appropriate communications



1 facilities, appropriate authorizations for treatment by dental patients,  
2 follow-up treatment and services, personnel and address changes, notice to  
3 be provided on cessation of operation and such other matters as the board  
4 deems necessary to protect the public health and welfare.

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

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

18 (2) This section shall not apply to:

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

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

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

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

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

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

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

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

38 Sec. 16. K.S.A. 2012 Supp. 65-4915 is hereby amended to read as  
39 follows: 65-4915. (a) As used in this section:

40 (1) "Health care provider" means: (A) Those persons and entities  
41 defined as a health care provider under K.S.A. 40-3401, and amendments  
42 thereto; and (B) a dentist licensed by the Kansas dental board, *a registered*  
43 *dental practitioner licensed by the Kansas dental board*, a dental hygienist

1 licensed by the Kansas dental board, a professional nurse licensed by the  
2 board of nursing, a practical nurse licensed by the board of nursing, a  
3 mental health technician licensed by the board of nursing, a physical  
4 therapist licensed by the state board of healing arts, a physical therapist  
5 assistant certified by the state board of healing arts, an occupational  
6 therapist licensed by the state board of healing arts, an occupational  
7 therapy assistant licensed by the state board of healing arts, a respiratory  
8 therapist licensed by the state board of healing arts, a physician assistant  
9 licensed by the state board of healing arts and attendants and ambulance  
10 services certified by the emergency medical services board.

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

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

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

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

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

20 (E) an organized medical staff of a licensed medical care facility as  
21 defined by K.S.A. 65-425, and amendments thereto, an organized medical  
22 staff of a private psychiatric hospital licensed under K.S.A. 75-3307b, and  
23 amendments thereto, or an organized medical staff of a state psychiatric  
24 hospital or state institution for people with intellectual disability, as  
25 follows: Larned state hospital, Osawatomie state hospital, Rainbow mental  
26 health facility, Kansas neurological institute and Parsons state hospital and  
27 training center;

28 (F) a health care provider;

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

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

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

37 (J) the university of Kansas medical center.

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

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

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

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

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

6 (E) reduce morbidity or mortality;

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

9 (G) conduct of research;

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

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

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

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

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

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

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

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

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

41 (c) Subsection (b) shall not apply to proceedings in which a health  
42 care provider contests the revocation, denial, restriction or termination of  
43 staff privileges or the license, registration, certification or other

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

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

1 proceeding other than a disciplinary proceeding by the state board of  
2 healing arts or other health care provider licensing or disciplinary boards  
3 of this state.

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

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

14 Sec. 17. K.S.A. 2012 Supp. 65-4921 is hereby amended to read as  
15 follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and  
16 amendments thereto:

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

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

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

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

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

42 (f) "Reportable incident" means an act by a health care provider  
43 which: (1) Is or may be below the applicable standard of care and has a

1 reasonable probability of causing injury to a patient; or (2) may be grounds  
2 for disciplinary action by the appropriate licensing agency.

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

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

7 Sec. 18. K.S.A. 2012 Supp. 65-5912 is hereby amended to read as  
8 follows: 65-5912. (a) Nothing in this act shall be construed to require any  
9 insurer or other entity regulated under chapter 40 of the Kansas Statutes  
10 Annotated, *and amendments thereto*, or any other law of this state to  
11 provide coverage for or indemnify for the services provided by a person  
12 licensed under this act.

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

17 (1) To any person licensed to practice the healing arts, a licensed  
18 dentist, *a registered dental practitioner*, a licensed dental hygienist, a  
19 licensed professional nurse, a licensed practical nurse, a licensed  
20 psychologist, a licensed masters level psychologist, a licensed pharmacist  
21 or an employee thereof, a physician assistant, a licensed professional  
22 counselor;

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

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

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

32 (5) to prevent any person, including persons employed in health food  
33 stores, from furnishing nutrition information as to the use of food, food  
34 materials or dietary supplements, nor to prevent in any way the free  
35 dissemination of information or of literature as long as no individual  
36 engaged in such practices holds oneself out as being licensed under this  
37 act;

38 (6) to prohibit any individual from marketing or distributing food  
39 products, including dietary supplements, or to prevent any such person  
40 from providing information to customers regarding the use of such  
41 products;

42 (7) to prevent any employee of the state or a political subdivision who  
43 is employed in nutrition-related programs from engaging in activities

1 included within the definition of dietetics practice as a part of such  
2 person's employment;

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

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

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

13 (11) to any person who counsels or provides weight-control services  
14 as a part of a franchised or recognized weight-control program or a  
15 weight-control program that operates under the general direction of a  
16 person licensed to practice the healing arts, nursing or a person licensed  
17 under this act;

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

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

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

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

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

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

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

39 Sec. 19. K.S.A. 2012 Supp. 65-7304 is hereby amended to read as  
40 follows: 65-7304. The following shall be exempt from the requirement of a  
41 license pursuant to this act:

42 (a) ~~A-licensed~~ *registered dental* practitioner;

43 (b) a person issued a postgraduate permit by the board or students

1 while in actual attendance in an accredited health care educational  
2 program for radiologic technology and under the supervision of a qualified  
3 instructor;

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

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

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

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

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

26 Sec. 20. K.S.A. 74-1404 is hereby amended to read as follows: 74-  
27 1404. (a) In order to accomplish the purpose and to provide for the  
28 enforcement of this act, there is hereby created the Kansas dental board.  
29 The board shall be vested with authority to carry out the purposes and  
30 enforce the provisions of this act. The board shall consist of the following:  
31 (1) Six licensed and qualified resident dentists; (2) *two resident registered*  
32 *dental practitioners*; (3) two licensed and qualified resident dental  
33 hygienists; and ~~(3)~~(4) one representative of the general public. At least 30  
34 days before the expiration of any term, other than that of the member  
35 appointed from the general public or a member who is a dental hygienist  
36 *or a registered dental practitioner*, the Kansas dental association or its  
37 successor shall submit to the governor a list of three names of persons of  
38 recognized ability who have the qualifications prescribed for the dentist  
39 board members. *At least 30 days before the initial appointment and*  
40 *expiration of the term of the registered dental practitioner member of the*  
41 *board, the dental hygiene association shall submit to the governor a list of*  
42 *three names of persons of recognized ability who have the qualifications*  
43 *prescribed for the registered dental practitioner member.* At least 30 days



1 before the expiration of the term of the dental hygienist member of the  
2 board, the Kansas dental hygiene association shall submit to the governor  
3 a list of three names of persons of recognized ability who have the  
4 qualifications prescribed for the dental hygienist member. For the four new  
5 members to be appointed under this act, such names shall be submitted  
6 within 10 days after the effective date of this act. The governor shall  
7 consider such list of persons in making the appointment to the board.

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

31 ~~Upon the effective date of this act, in order to expand the~~  
32 ~~membership to the prescribed six dentists and two dental hygienists, the~~  
33 ~~governor shall appoint three additional dentists and one additional~~  
34 ~~hygienist to the board in the manner described in this section. Of the three~~  
35 ~~new dental members, one shall serve until April 30, 2000, one shall serve~~  
36 ~~until April 30, 2001 and one shall serve until April 30, 2002, as designated~~  
37 ~~by the governor. Thereafter, all terms shall be four-year terms beginning~~  
38 ~~May 1 of the appointment year and expiring April 30 four years later.~~  
39 ~~When the terms of the existing dentist members which expire May 1,~~  
40 ~~2000, and May 1, 2001 conclude, then successors shall be appointed for~~  
41 ~~four year terms beginning May 1 and expiring April 30 four years later.~~  
42 ~~The additional dental hygienist appointed upon the effective date of this~~  
43 ~~act shall serve until April 30, 2002, and thereafter the successor shall serve~~

1 ~~a four-year term beginning May 1 and expiring April 30 four years later.~~  
2 ~~Upon the expiration of terms of office of members, successors shall be~~  
3 ~~appointed in the same manner as original appointments for terms of four~~  
4 ~~years.~~ *Of the two new registered dental practitioner members, one shall*  
5 *serve a two-year term beginning May 1, 2015, until April 30, 2017, and*  
6 *thereafter the successor shall serve a four-year term. Another registered*  
7 *dental practitioner member shall serve a four-year term beginning May 1,*  
8 *2015, until April 30, 2019, and thereafter the successor shall serve a four-*  
9 *year term.*

10 Sec. 21. K.S.A. 2012 Supp. 74-1405 is hereby amended to read as  
11 follows: 74-1405. (a) The board at its first meeting day of each year shall  
12 elect from its members a president, vice-president and secretary. The board  
13 shall have a common seal. The board shall hold two regular meetings each  
14 year at times to be fixed by the board, and special meetings at such other  
15 times as may be necessary.

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

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

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

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

1 dental hygienists and pay regular dues to such association or organization,  
2 and may send members of the board to the meetings of the national  
3 association and the meetings of any organization of state boards of dental  
4 examiners organized for the purpose of conducting a standard examination  
5 of candidates for licensure as dentists, *registered dental practitioners* and  
6 dental hygienists.

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

18 Sec. 22. K.S.A. 74-1406 is hereby amended to read as follows: 74-  
19 1406. The board shall exercise, subject to the provisions of this act, the  
20 following powers and duties:

21 (a) Adopt such rules for its governance as it may deem proper.  
22 (b) Adopt rules and regulations for qualification and licensing of  
23 *registered dental practitioners and dental hygienists*.

24 (c) Adopt rules and regulations regarding sanitation.

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

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

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

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

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

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

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

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

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

7 Sec. 23. K.S.A. 2012 Supp. 75-2935 is hereby amended to read as  
8 follows: 75-2935. The civil service of the state of Kansas is hereby divided  
9 into the unclassified and the classified services.

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

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

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

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

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

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

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

1 designation is required for the university of Kansas medical center to  
2 recruit or retain personnel for positions in the designated job classes; and  
3 employees of any institution under the state board of regents who are  
4 medical technologists;

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

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

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

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

21 (k) all employees of courts;

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

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

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

26 (o) physician specialists, dentists, *registered dental practitioners*,  
27 dental hygienists, pharmacists, medical technologists and long term care  
28 workers employed by the ~~department of social and rehabilitation services~~  
29 *Kansas department for children and families*;

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

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

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

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

1 (t) one personal secretary and one special assistant to the following:  
2 The secretary of administration, the secretary ~~of aging for aging and~~  
3 *disability services*, the secretary of agriculture, the secretary of commerce,  
4 the secretary of corrections, the secretary of health and environment, the  
5 superintendent of the Kansas highway patrol, the secretary of labor, the  
6 secretary of revenue, the secretary ~~of social and rehabilitation services for~~  
7 *children and families*, the secretary of transportation, the secretary of  
8 wildlife, parks and tourism and the commissioner of juvenile justice;

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

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

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

22 (x) civil service examination monitors;

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

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

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

38 (bb) positions at state institutions of higher education that have been  
39 converted to unclassified positions pursuant to K.S.A. 2012 Supp. 76-  
40 715a, and amendments thereto.

41 (2) The classified service comprises all positions now existing or  
42 hereafter created which are not included in the unclassified service.  
43 Appointments in the classified service shall be made according to merit

1 and fitness from eligible pools which so far as practicable shall be  
2 competitive. No person shall be appointed, promoted, reduced or  
3 discharged as an officer, clerk, employee or laborer in the classified  
4 service in any manner or by any means other than those prescribed in the  
5 Kansas civil service act and the rules adopted in accordance therewith.

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

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

19 Sec. 24. K.S.A. 2012 Supp. 75-6102 is hereby amended to read as  
20 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and  
21 amendments thereto, unless the context clearly requires otherwise:

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

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

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

29 (d) (1) "Employee" means: (A) Any officer, employee, servant or  
30 member of a board, commission, committee, division, department, branch  
31 or council of a governmental entity, including elected or appointed  
32 officials and persons acting on behalf or in service of a governmental  
33 entity in any official capacity, whether with or without compensation and a  
34 charitable health care provider;

35 (B) any steward or racing judge appointed pursuant to K.S.A. 74-  
36 8818, and amendments thereto, regardless of whether the services of such  
37 steward or racing judge are rendered pursuant to contract as an  
38 independent contractor;

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

41 (D) a person who is an employee of a nonprofit independent  
42 contractor, other than a municipality, under contract to provide educational  
43 or vocational training to inmates in the custody of the secretary of

1 corrections and who is engaged in providing such service in an institution  
2 under the control of the secretary of corrections provided that such  
3 employee does not otherwise have coverage for such acts and omissions  
4 within the scope of their employment through a liability insurance contract  
5 of such independent contractor;

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

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

16 (G) an employee of an indigent health care clinic;

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

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

24 (J) medical students enrolled at the university of Kansas medical  
25 center who are in clinical training, on or after July 1, 2008, at the  
26 university of Kansas medical center or at another health care institution.

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

29 (B) any independent contractor under contract with a governmental  
30 entity except those contractors specifically listed in paragraph (1) of this  
31 subsection.

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



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

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

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

27 (4) the secretary of health and environment to provide dentistry  
28 services defined by K.S.A. 65-1422 et seq., and amendments thereto,  
29 *registered dental practitioner services defined by section 3, and*  
30 *amendments thereto*, or dental hygienist services defined by K.S.A. 65-  
31 1456, and amendments thereto, that are targeted, but are not limited to,  
32 medically indigent persons, and are provided on a gratuitous basis: (A) At  
33 a location sponsored by a not-for-profit organization that is not the dentist  
34 or dental hygienist office location; or (B) at the office location of a dentist  
35 or dental hygienist provided the care be delivered as part of a program  
36 organized by a not-for-profit organization and approved by the secretary of  
37 health and environment; or (C) as part of a charitable program organized  
38 by the dentist that has been approved by the secretary of health and  
39 environment upon a showing that the dentist seeks to treat medically  
40 indigent patients on a gratuitous basis, except that such dentistry services  
41 and dental hygienist services shall not include "oral and maxillofacial  
42 surgery" as defined by rules and regulations adopted by the Kansas dental  
43 board, or use sedation or general anesthesia that result in "deep sedation"

1 or "general anesthesia" as defined by rules and regulations adopted by the  
2 Kansas dental board.

3 (f) "Medically indigent person" means a person who lacks resources  
4 to pay for medically necessary health care services and who meets the  
5 eligibility criteria for qualification as a medically indigent person  
6 established by the secretary of health and environment under K.S.A. 75-  
7 6120, and amendments thereto.

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

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

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

19 Sec. 25. K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-  
20 1404 and 74-1406 and K.S.A. 2012 Supp. 65-1424, 65-1431, 65-1434, 65-  
21 1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405,  
22 75-2935, 75-6102 and 75-6102c are hereby repealed.

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