

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Jan Meyers at
Chairperson

10 a.m./~~p.m.~~ on March 7, 1983 in room 526-S of the Capitol.

All members were present except:

Senator Roitz, excused and Senator Vidricksen

Committee staff present:

Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes office

Conferees appearing before the committee:

Others present: see attached list

Senator Meyers called for discussion and action on SB 320, 363, and 362.

SB 320 - Pharmacy act dispensing physicians and pharmacy intern section reconciliation

Senator Johnston moved that SB 320 be amended by changing the word "physician" to "person" in line 38. Senator Ehrlich seconded the motion and it carried.

Senator Johnston moved that SB 320 be reported favorably, as amended. Senator Ehrlich seconded the motion and it carried.

SB 363 - Licensure of dentists and dental hygienists; limitations of advertising

Norman Furse, Revisor of Statutes office, explained the changes recommended by the sub-committee, and distributed a balloon to the committee showing the recommended changes. (Attachment #1).

Senator Johnston moved that the words "public communication" on line 485 be changed to "advertising". Senator Francisco seconded the motion and it carried.

Senator Francisco moved that the sub-committee recommendations be adopted. Senator Johnston seconded the motion and it carried.

Senator Francisco moved that SB 363 be reported favorably, as amended. Senator Gordon seconded the motion and it carried.

SB 362 - Board of Nursing regulation of practice of nursing and practice of mental health technology

Senator Morris moved that the changes recommended on the balloon distributed by the Kansas State Board of Nursing be adopted. Senator Gordon seconded the motion and it carried.

Senator Francisco moved to incorporate changes in SB 362 which authorize the Board of Nursing to continue education courses for mental health technicians. Senator Hayden seconded the motion and it carried.

Senator Morris moved that SB 362 be reported favorably, as amended. Senator Gordon seconded the motion and it carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10 a.m./~~p.m.~~ on March 7, 1983.

Senator Francisco moved that the minutes of March 3 (noon), 1983, be approved. Senator Gordon seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3/7/83

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Ken Schotzmaier

Ks. Pharmacists Assn.

CYNTHIA BARRETT

Ks. DENTAL Bd.

Pat McKinley

Mental Health Assn

Betty Stover (366)

MFAK

Carl Schmittbauer (✓)

Ks Dental Assn.

KEITH R. LANDIS

CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS

Mae T O'G

WTBW

Julie Brown SN 366

Right to Life of PA SN 366

Jae Brown SN 366

Parsons College

ARNOLD E. RIEM

Ks Assn of OBSTETRICIANS MED

BILL WEBB

LAWYER

Richard C Beems

E. S. Inc.

Ron Shumero

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that Senate Bill No. 320

"AN ACT concerning the pharmacy act of the state of Kansas; relating to pharmacy interns; concerning the dispensing and administering of drugs by certain persons; amending K.S.A. 1982 Supp. 65-1635 and 65-1643 and repealing the existing sections; and also repealing K.S.A. 1982 Supp. 65-1643a."

Be amended:

On page 1, in line 38, by striking "physician" and inserting in lieu thereof "person"; in line 41, by striking "such physician's"; also in line 41, by inserting before "so" the following: "of such person"; in line 43, by striking "physician" and inserting in lieu thereof "person";

On page 2, in line 49, by striking "physician" and inserting in lieu thereof "person licensed to practice medicine and surgery";

And the bill be passed as amended.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that Senate Bill No. 363

"AN ACT concerning the Kansas dental board; relating to the licensure of dentists and dental hygienists; concerning advertising by licensed dentists; amending K.S.A. 65-1428, 65-1429, 65-1431, 65-1434, 65-1436 and 65-1437 and K.S.A. 1982 Supp. 65-1426 and repealing the existing sections."

Be amended:

On page 3, in line 113, by striking all after the period; by striking all of lines 114 and 115;

On page 6, in line 229, by striking "the authority of";

On page 7, in line 230, by striking "statute" and inserting in lieu thereof "section"; in line 239, by striking "the provisions of"; in line 242, by inserting before "must" the following: "under this section"; in line 244, by striking "the" and inserting in lieu thereof "any applicable"; in line 245, by inserting after "65-1455" the following: "and amendments thereto"; in line 253, by striking all after "(3)"; by striking all of lines 254 to 260, inclusive; in line 261, by striking "(4)"; also in line 261, by inserting before "shall" the following: "under this section"; also in line 261, by inserting after "have" the following: "held a license to practice dentistry in one or more other states of the United States for the five-year period immediately preceding the date of application and shall have"; in line 263, by striking "to the state of Kansas"; in line 264, by inserting before "engaged" the following: "held a license to practice dental hygiene in another state of the United States for the three-year period immediately preceding the date of application and shall have"; in line 266, by striking "to the state of Kansas";

On page 8, in line 268, by striking "this requirement" and

inserting in lieu thereof "the active practice requirements of this paragraph (4)";

On page 10, in line 344, by striking "committed any of the following"; in line 345, by striking "Fraud" and inserting in lieu thereof "Committed fraud"; in line 347, by inserting before "gross" the following: "committed"; in line 348, by striking "habitual use of" and inserting in lieu thereof "habitually used"; in line 349, by striking "where such use renders" and inserting in lieu thereof "which have rendered"; in line 351, by striking "grossly ignorant or" and inserting in lieu thereof "been determined to be"; in line 352, by inserting before "gross" the following: "committed"; in line 354, by striking "employing, allowing or permitting" and inserting in lieu thereof "employed, allowed or permitted"; in line 360, by striking "violates" and inserting in lieu thereof "violated"; in line 371, by inserting before "complicity" the following: "committed"; in lines 371 and 372, by striking "allowing" and inserting in lieu thereof "allowed";

On page 11, in line 379, by striking "failure" and inserting in lieu thereof "failed"; also in line 379, by striking "or"; in line 383, by striking "the use of" and inserting in lieu thereof "used";

On page 12, in line 415, by striking the period and inserting in lieu thereof the following: "; or"; following line 415, by inserting the following:

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

Also on page 12, in line 432, by striking all after "(4)"; by striking lines 433 to 438, inclusive; in line 439, by striking "(5)"; in line 441, by striking "(b)(4)" and inserting in lieu thereof "(b)(3)"; in line 451, by striking "(c) In";

On page 13, by striking all of lines 452 to 459, inclusive; in line 460, by striking "(d)" and inserting in lieu thereof "(c)"; in lines 461 and 462, by striking "psychiatric examination" and inserting in lieu thereof "physical or mental

examination, or both,"; in line 485, by striking "public communication" and inserting in lieu thereof "advertising"; in line 486, by striking all after "misleading"; by striking all of lines 487 and 488;

On page 14, by striking all of lines 489 and 490 and by inserting in lieu thereof the following: "or deceptive statements or claims;"; in line 491, by striking "(4)" and inserting in lieu thereof "(2)"; in line 496, by inserting after the semicolon the following: "or"; in line 497, by striking "(5)" and inserting in lieu thereof "(3)"; also in line 497 by striking all after "contains"; in line 498, by striking all before "statements"; in line 501, by striking the semicolon; by striking all of lines 502 to 525, inclusive;

On page 15, by striking all of lines 526 to 562, inclusive;

On page 16, by striking all of lines 563 to 595, inclusive; in line 596, by striking all before the period; following line 596, by inserting the following:

"(b) The board may adopt rules and regulations for the administration of this section and may provide as part of such rules and regulations guidelines and examples of conduct allowed and prohibited under this section."; in line 597, by striking "(g)" and inserting in lieu thereof "(c)";

And the bill be passed as amended.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that Senate Bill No. 362

"AN ACT concerning the board of nursing; relating to the practice of nursing and the practice of mental health technology; amending K.S.A. 65-1124, 65-4203, 65-4205, 65-4208 and 65-4209 and K.S.A. 1982 Supp. 65-1115, 65-1116 and 65-1119 and repealing the existing sections."

Be amended:

On page 9, in line 318, by inserting before "On" the following: "(a)"; in lines 319 and 320, by striking "and on or before such date every two years thereafter,"; in line 321, by inserting before "Every" the following: "Commencing with the 1984 calendar year, all licenses of mental health technicians, whether initial or renewal, shall expire on December 31 of the second calendar year after issuance. On or before September 1, 1984, and on or before such date every year thereafter, the board shall mail an application for renewal of license to all licensed mental health technicians whose license expires during such year."; in line 322, by striking "desiring" and inserting in lieu thereof "who desires"; in line 325, by inserting before "Commencing" the following: "(b)" and by commencing a paragraph with said "(b)"; also in line 325, by striking "1985" and inserting in lieu thereof "1986"; in line 331, by inserting before "Upon" the following: "(c)" and by commencing a paragraph with said "(c)"; in line 332, by striking all after "fee"; by striking all of lines 333 and 334; in line 335, by striking all before the comma and inserting in lieu thereof the following: "during calendar year 1983"; in line 337, by striking "next two" and inserting in lieu thereof "1984"; in line 338, by striking "years" and inserting in lieu thereof "year"; in line 339, by inserting after the period the following: "Upon receipt of such application and

fee during calendar year 1984 and each year thereafter and, commencing with renewal applications received during calendar year 1986 and each year thereafter, upon receipt of the evidence of satisfactory completion of the required program of continuing education, the board shall verify the accuracy of the application and grant a renewal license which shall be effective for the next two calendar years, and such renewal license shall render the holder thereof a practitioner of mental health technology for the period stated."; in line 340, by inserting before "Any" the following: "(d)" and by commencing a paragraph with said "(d)";

On page 10, in line 344, by inserting before "during" the following: "for licenses which lapsed";

On page 11, following line 385, by inserting the following:

"Sec. 9. K.S.A. 65-4207 is hereby amended to read as follows: 65-4207. (a) The board shall prepare and maintain a master list of approved courses of on mental health technology ~~whose-graduates~~ (1) which qualify graduates thereof, if they have the other necessary qualifications provided for in this act, ~~shall~~ to be eligible to apply for a license as a mental health technician; and (2) which meet the requirements of the board for qualification under a continuing education program for licensed mental health technicians.

(b) A survey of the proposed course and of the institution applying for accreditation of the course on mental health technology shall be made by an authorized employee of the board or members of the board who shall submit a written report concerning such study. If, in the opinion of the board, the requirements as prescribed in its rules and regulations for approved courses of mental health technology are met, it shall approve the application and course and post evidence of such approval upon the master list. From time to time, as deemed necessary, the board shall cause to be made a ~~re-survey~~ resurvey of approved courses and shall have written reports of such ~~re-survey~~ resurvey submitted. ~~in--the--event~~ If the board determines that any previously approved course is not maintaining the content required by this act and by the rules and regulations

prescribed, a notice thereof shall be given immediately to the institution specifying the nature and extent of the deficiency. A failure to correct such condition or conditions to the satisfaction of the board within one ~~(1)~~ year following ~~such~~ the notice shall cause the course to be removed from the master list of approved courses on mental health technology. Personnel conducting approved courses shall maintain accurate and current records showing in full the theoretical and practical instruction given to all students.";

And by renumbering sections 9 and 10 as sections 10 and 11, respectively;

Also on page 11, in line 386, by inserting before "65-4208" the following: "65-4207,";

On page 1, in the title, line 18, by inserting before "65-4208" the following: "65-4207,";

And the bill be passed as amended.

_____Chairperson

SENATE BILL No. 363

By Committee on Public Health and Welfare

2-23

0016 AN ACT concerning the Kansas dental board; relating to the
0017 licensure of dentists and dental hygienists; concerning adver-
0018 tising by licensed dentists; amending K.S.A. 65-1428, 65-1429,
0019 65-1431, 65-1434, 65-1436 and 65-1437 and K.S.A. 1982 Supp.
0020 65-1426 and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1982 Supp. 65-1426 is hereby amended to
0023 read as follows: 65-1426. (a) *Except as otherwise provided in*
0024 *subsection (c), every person who desires to practice dentistry in*
0025 *this state shall file with the secretary-treasurer of the board a*
0026 *written application for a license, and furnish satisfactory proof*
0027 *that the applicant is at least 21 years of age, of good moral*
0028 *character and a graduate of a dental school or college approved by*
0029 *the board. Such application shall be upon the form prescribed*
0030 *and furnished by the board and verified by the oath of the*
0031 *applicant and shall be accompanied by the required fee and a*
0032 *recent unmounted, autographed photograph of the applicant.*

0033 (b) The board shall approve only those dental schools or
0034 colleges which require the study of dentistry and dental surgery
0035 and which the board determines have standards of education not
0036 less than that required for accreditation by the commission on
0037 dental accreditation of the American dental association or its
0038 equivalent.

0039 (c) *Notwithstanding the provisions of subsection (a), the board*
0040 *shall consider an application of any graduate of a dental school*
0041 *which has not been approved by the board if the applicant suc-*
0042 *cessfully completes a course of remedial or refresher instruction*
0043 *offered by a dental school or college where both the course and the*
0044 *school have been approved by the board.*

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15 (e) (d) The board is hereby authorized and empowered to
16 adopt such further rules in regard to the qualifications of appli-
0047 cants for licensure, not in conflict with this section, as it from
0048 time to time may deem necessary and proper.

0049 Sec. 2. K.S.A. 65-1428 is hereby amended to read as follows:
0050 65-1428. ~~When such application and accompanying proof as are~~
0051 ~~required herein are found satisfactory, the board shall notify the~~
0052 ~~applicant to appear before it for examination at a time and place~~
0053 ~~to be fixed by the board: (a) Each applicant for licensure as a~~
0054 ~~dentist shall be examined by the board or by a national testing~~
0055 ~~organization or an organization of one or more state boards~~
0056 ~~formed for the purpose of conducting a standard clinical exami-~~
0057 ~~nation of candidates for licensure as dentists if the board has~~
0058 ~~approved each such organization and determined that the exami-~~
0059 ~~nations given meet the requirements of this act. All examinations~~
0060 ~~provided for in this act shall be conducted by the board which~~
0061 ~~shall provide for in a fair and wholly impartial method manner.~~
0062 ~~Such~~ The examination shall be oral, written, both theoretical;
0063 practical and clinical, and of such a character as to shall
0064 thoroughly test the ~~qualification~~ qualifications of the each appli-
0065 cant to practice dentistry; and shall be taken from the following
0066 subjects:

0067 (b) The examination shall include the following subjects: Pa-
0068 thology, radiology, bacteriology, treatment planning, clinical
0069 dentistry, operative dentistry, prosthetics, crown and bridge
0070 technique, orthodontia, materials in dentistry, diet and nutrition,
0071 oral hygiene and prophylaxis, preventive medicine, peridontia,
0072 anaesthesia, oral surgery, oral medicine, principles of medicine;
0073 ~~materia medica~~ and pharmacology, anatomy, physiology, histol-
0074 ogy, chemistry, embryology; and such subdivisions of these gen-
0075 eral subjects as relate to the practice of dentistry and laws of this
0076 state regulating the practice of dentistry.

0077 All examination papers, together with the grade marked
0078 thereon, The results of all such examinations shall be filed with
0079 the secretary-treasurer of the board and kept for reference and
0080 inspection for a period of not less than two years. Should the
0081 applicant make a passing grade on such examination, he

0083 (c) Each applicant who has attained a passing grade on each
0084 examination required by the board and has met all other require-
0085 ments for licensure set forth in this act shall be granted a license
0086 by the board and a. The license certificate which shall bear a
0087 serial number, the full name of the licensee, the date of the
0088 issuance, the seal of the board, and shall be signed by a majority
0089 of the members of the board. A license to practice dentistry shall
0090 not be construed as a property right, but a valuable right contin-
0091 gent upon good conduct of the licensee the practice of the
0092 licensee in accordance with the provisions of law relating to the
0093 practice of dentistry and any rules and regulations adopted pur-
0094 suant thereto.

0094 Sec. 3. K.S.A. 65-1429 is hereby amended to read as follows:
0095 65-1429. Any applicant who shall fail fails to pass one or more
0096 sections of an examination given or approved by the board upon
0097 the first trial shall have a right to apply for a subsequent retake
0098 the examination; in which case such applicant shall pay to the
0099 secretary-treasurer the fee fixed therefor by the board pursuant to
0100 K.S.A. 65-1447. The board may, for a sufficient cause, remit the
0101 fee for such subsequent examination. Any applicant who shall
0102 fail fails to pass the examination upon the first trial may be given
0103 credit for such subjects as the board may deem the applicant
0104 entitled to sections of the examination as the board determines
0105 have been successfully completed by the applicant, but such
0106 credits shall be extended only to the succeeding examination. If
0107 the applicant shall fail to pass the examination on the second trial
0108 the applicant shall, on the third trial, be required to take the
0109 complete examination complete such additional or remedial in-
0110 struction and training as the board shall, by rules and regulations,
0111 require prior to a third trial. After a the third trial the board,
0112 within its discretion, may deny the applicant another examina-
0113 tion. [The board may adopt such further rules and regulations in
0114 regard to the qualification of applicants for licensure, not in
0115 conflict with this section, as it may deem necessary and proper.]

0116 Sec. 4. K.S.A. 65-1431 is hereby amended to read as follows:
0117 65-1431. (a) On or before the first day of December of each year,
0118 each licensee of the Kansas dental board shall transmit to the

0119 secretary of the board, upon a form prescribed by the board, such
0120 licensee's signature, post-office address, office address, the
0121 number of the license certificate of such licensee, whether such
0122 licensee has been engaged during the preceding year in active
0123 and continuous practice, whether within or without this state,
0124 and such other information as may be required by the board,
0125 together with the annual registration fee for dentists which is
0126 fixed by the board pursuant to K.S.A. 65-1447 *and amendments*
0127 *thereto*.

0128 (b) The board shall require every licensee to submit with the
0129 renewal application evidence of satisfactory completion of a
0130 program of continuing education required by the board. The
0131 board by duly adopted rules and regulations shall establish the
0132 requirements for such program of continuing education as soon
0133 as possible after the effective date of this act. In establishing such
0134 requirements the board shall consider any existing programs of
0135 continuing education currently being offered to such licensees.

0136 (c) Upon fixing the annual registration fee, the board shall
0137 immediately notify all licensees of the amount of the fee for the
0138 ensuing year. Upon receipt of such fee and upon receipt of
0139 evidence that the licensee has satisfactorily completed a program
0140 of continuing education required by the board, the licensee shall
0141 be issued a renewal certificate authorizing the licensee to con-
0142 tinue to practice in this state for a period of one year.

0143 (d) Any license granted under authority of this act shall auto-
0144 matically be canceled if the holder thereof fails to secure a
0145 renewal certificate within a period of three months from ~~the 30th~~
0146 ~~day of~~ November 30 of each year. Any licensee whose license is
0147 automatically canceled by reason of failure, neglect or refusal to
0148 secure the renewal certificate may be reinstated by the board at
0149 any time within three months from the date of the automatic
0150 cancellation of such license, upon payment of the annual regis-
0151 tration fee and a penalty fee of ~~fifteen dollars (\$15)~~ \$15 and upon
0152 proof that such licensee has satisfactorily completed a program of
0153 continuing education required by the board. If such licensee has
0154 not applied for renewal of the license within three months after it
0155 has been automatically canceled and has not paid the required

0157 fees or presented proof of satisfactory completion of the required
0158 program of continuing education, then such licensee shall be
0159 required to file an application for and take the examination
0160 provided for in this act.

0160 (e) Upon failure of any licensee to pay the annual registration
0161 fee or to present proof of satisfactory completion of the required
0162 program of continuing education within two months after No-
0163 vember 30, the board shall notify such licensee, in writing, by
0164 mailing notice to such licensee's last registered address. Failure
0165 to mail or receive such notice shall not affect the cancellation of
0166 the license of such licensee. The board may waive the annual
0167 payment of fees and the required program of continuing educa-
0168 tion for the renewal of certificates and issue a renewal certificate
0169 without the payment of any registration fee to any Kansas li-
0170 censee if such licensee has held a Kansas license at least twenty-
0171 five (25) years but, because of age or physical disability, has
0172 retired from the practice for which such person is licensed. The
0173 waiver of fees may be continued so long as retirement because of
0174 age or physical disability continues.

0175 (f) *The board may waive the payment of annual fees and the*
0176 *continuing education requirements for the renewal of certificates*
0177 *without the payment of any registration fee for any person who*
0178 *has held a Kansas license to practice dentistry or dental hygiene if*
0179 *such licensee has retired from such practice or has become tem-*
0180 *porarily or permanently disabled and such licensee files with the*
0181 *board a certificate stating either of the following:*

0182 (1) *A retiring licensee shall certify to the board that the li-*
0183 *censee is: (A) At least 65 years of age and has retired from the*
0184 *active practice of dentistry or dental hygiene; and (B) not engaged*
0185 *in the provision of any dental service, the performance of any*
0186 *dental operation or procedure or the delivery of any dental hy-*
0187 *giene service as defined by the statutes of the state of Kansas; or*

0188 (2) *a disabled licensee shall certify to the board that such*
0189 *licensee is no longer engaged in the provision of dental services,*
0190 *the performance of any dental operation or the provision of any*
0191 *dental hygiene services as defined by the statutes of the state of*
0192 *Kansas by reason of any physical disability, whether permanent or*

93 temporary, and shall describe the nature of such disability.

0194 (g) The waiver of fees under subsection (f) shall continue so
0195 long as the retirement or physical disability exists. In the event the
0196 licensee returns to the practice for which such person is licensed,
0197 the requirement for payment of fees and continuing education
0198 requirements shall be reimposed commencing with and continu-
0199 ing after the date the licensee returns to such active practice. The
0200 performance of any dental service, including consulting service,
0201 or the performance of any dental hygiene service, including con-
0202 sulting service, shall be deemed the resumption of such service,
0203 requiring payment of license fees.

0204 (h) The Kansas dental board may adopt such rules and regu-
0205 lations requiring the examination and providing means for exam-
0206 ination of those persons returning to active practice after a period
0207 of retirement or disability as the board shall deem necessary and
0208 appropriate for the protection of the people of the state of Kansas.

0209 Sec. 5. K.S.A. 65-1434 is hereby amended to read as follows:
0210 65-1434. The board may issue a license without examination to an
0211 applicant who is a citizen of the United States and who furnishes
0212 satisfactory proof that he is a graduate from a reputable dental
0213 school or college of a state, territory or district of the United
0214 States, who holds a license from a similar dental board under
0215 equal requirements to those of this state, and who for five con-
0216 secutive years immediately prior to the filing of his application
0217 has been in a legal and reputable practice of dentistry in a state,
0218 territory or district of the United States, and who furnishes such
0219 other evidence as to his qualifications and lawful practice as the
0220 board may deem necessary to require. No license shall be issued
0221 under this section unless the state, territory or district from which
0222 the applicant comes shall accord equal rights to dentists of
0223 Kansas holding a license from the Kansas dental board. (a) The
0224 board, without examination, may issue a license as a dentist or
0225 dental hygienist to an applicant holding a license in another state
0226 upon compliance with the requirements of professional qualifi-
0227 cation and experience set forth in subsection (b). The board shall
0228 prepare and adopt a form of application to be submitted by an
0229 applicant for a license to be issued under the authority of this

0230 statute. On the receipt of any such application, the board shall
 0231 conduct such review, verification or other investigation of the
 0232 applicant and the professional qualifications, background, expe-
 0233 rience and practice of the applicant as the board deems necessary
 0234 to assure full compliance with the requirements of this section.
 0235 Any license so issued may be revoked by the board upon evidence
 0236 that an applicant has obtained a license under this section through
 0237 misrepresentation or omission of a material fact in the application
 0238 or other information submitted to the board.

0239 (b) Each applicant for licensure under the provisions of this
 0240 section must evidence the qualifications and meet the following
 0241 requirements:

0242 (1) Each applicant for licensure as a dentist must meet the
 0243 requirements set forth in K.S.A. 65-1426 and amendments thereto.

0244 Each applicant for licensure as a dental hygienist must meet the
 0245 requirements set forth in K.S.A. 65-1455.

0246 (2) Each applicant shall show evidence of having successfully
 0247 completed both a national board examination or an equivalent
 0248 examination accepted by the state in which the applicant has been
 0249 previously licensed, and a clinical examination, administered by
 0250 any state or clinical dental testing agency, of equivalent merit to
 0251 the clinical examination accepted by the board at the time such
 0252 applicant completed such examinations.

0253 (3) ~~Each applicant for licensure as a dentist shall have held a~~
 0254 ~~license to practice dentistry in one or more other states of the~~
 0255 ~~United States for the five-year period immediately preceding the~~
 0256 ~~date of application to the state of Kansas. Each applicant for~~
 0257 ~~licensure as a dental hygienist shall have held a license to practice~~
 0258 ~~dental hygiene in another state in the United States for the three-~~
 0259 ~~year period immediately preceding the date of application to~~
 0260 ~~Kansas.~~

0261 ~~(4) Each applicant for licensure as a dentist shall have en-~~
 0262 ~~gaged in the active practice of dentistry for at least five years~~
 0263 ~~prior to the date of application to the state of Kansas. Each~~
 0264 ~~applicant for licensure as a dental hygienist shall have engaged in~~
 0265 ~~the active practice of dental hygiene for at least three years prior~~
 0266 ~~to the date of application to the state of Kansas. Successive and~~

section

under this section

any applicable
 and amendments thereto

under this section

held a license to practice dentistry in one or more other states of the United states for the five-year period immediately preceding the date of application and shall have

held a license to practice dental hygiene in another state of the United States for the three-year period immediately preceding the date of application and shall have

0268 37 continuous periods of active practice in other states will comply
0269 with this requirement. For the purpose of determining the period
0270 of practice, periods of military service will be considered to the
0271 extent approved by the Kansas dental board. Service as a full-time
0272 faculty member in a school of dentistry will be considered the
0273 practice of dentistry to the extent service involved full-time in-
0274 struction in dentistry including clinical dentistry. Service as a
0275 faculty member in a school of dental hygiene will be considered
0276 the practice of dental hygiene to the extent such service involved
0277 instruction in dental hygiene including clinical dental hygiene. To
0278 be considered for the purposes of this statute, any such school of
0279 dentistry or dental hygiene must be approved by the Kansas
0280 dental board within the meaning of K.S.A. 65-1426 and amend-
0281 ments thereto.

0282 (5) Each such applicant shall show evidence that the appli-
0283 cant has fully complied with all continuing education require-
0284 ments imposed by the state or states in which the applicant has
0285 been licensed and has practiced during the five years immediately
0286 preceding the date of the application. In the event the state or
0287 states in which the applicant has been licensed and practiced has
0288 no such requirement, the applicant shall provide such information
0289 concerning continuing education received by the applicant during
0290 the five-year period preceding application as may be required by
0291 the board. All applicants must have completed continuing edu-
0292 cation sufficient to comply with that continuing education re-
0293 quired of Kansas licensees during the twelve-month period prior
0294 to the date of the application for licensure unless the Kansas
0295 dental board determines, for good cause shown, that the require-
0296 ment will work an undue hardship upon the applicant and the
0297 requirement is not necessary for the protection of the people of
0298 Kansas based upon the training and experience of the applicant.

0299 (6) The applicant shall provide such other information con-
0300 cerning the applicant and the dental education, qualification,
0301 experience and professional conduct of the applicant as the board
02 in its discretion deems necessary to its determination to issue a
0303 license.

0303 (7) Each applicant shall provide a certificate of the secretary

active practice requirements of this paragraph
(4)

0304 of the board or other agency governing licensure of dentists or
0305 dental hygienists of the state in which the applicant has been
0306 licensed and has practiced during the required period preceding
0307 the date of the application. Such certificate shall state that: (A)
0308 The applicant is licensed to practice dentistry or dental hygiene in
0309 the state; (B) the license of the applicant has never been sus-
0310 pended or revoked; (C) the applicant has never been the subject of
0311 any proceeding for suspension, revocation or other disciplinary
0312 action initiated by the board of licensure of any such state during
0313 the period the applicant has held a license to practice dentistry or
0314 dental hygiene in such state; and (D) no complaint has been filed
0315 against the applicant of such substance as, in the judgment of the
0316 board of licensure of such state, has required the initiation of
0317 proceedings against the applicant. In the event the applicant has
0318 practiced dentistry or dental hygiene in more than one other state
0319 in the United States, the applicant shall file a similar certificate
0320 with respect to such period or periods during which the applicant
0321 has practiced in each such state.

0322 (c) Each applicant shall appear in person before the Kansas
0323 dental board at a date, time and place to be determined by the
0324 Kansas dental board to answer questions and provide such infor-
0325 mation concerning the qualifications, background, experience and
0326 practice of the applicant as the Kansas dental board may deem
0327 necessary.

0328 (d) The term "applicant" as used in this section shall apply to
0329 both applicants for licensure as a dentist and applicants for
0330 licensure as a dental hygienist unless the context otherwise indi-
0331 cates.

0332 (e) The board shall have authority to adopt rules and regula-
0333 tions in conformity with this section as it deems necessary for the
0334 clarification and administration of this section.

0335 Sec. 6. K.S.A. 65-1436 is hereby amended to read as follows:
0336 65-1436. (a) The Kansas dental board may refuse to issue the
0337 license provided for in this act, or may ~~suspend or revoke~~ take any
0338 of the actions with respect to any dental or dental hygiene license
0339 now in force or that shall be hereafter given as set forth in
0340 subsection (b), whenever it shall be established to the satisfac-

tion of the board, and after hearing as hereinafter provided, that
any applicant for a dental or dental hygiene license or any
licensed dentist or dental hygienist practicing in the state of
Kansas has been guilty of ~~committed any of the following:~~
(1) ~~Fraud,~~ deceit, or misrepresentation in obtaining any li-
cense, money or other thing of value; ~~or of~~
(2) ~~gross immorality; or is an~~
(3) ~~habitual user use of~~ intoxicants or drugs ~~thus rendering~~
him or her ~~where such use renders~~ such person unfit for the
practice of dentistry or dental hygiene; ~~or is~~
(4) ~~grossly ignorant or~~ incompetent; ~~or is guilty of~~
(5) ~~gross, wanton or willful negligence in the practice of~~
dentistry or dental hygiene; ~~or is guilty of~~
(6) ~~employing, allowing or permitting~~ any unlicensed person
or persons to perform any work in his or her ~~the licensee's~~ office
which, ~~constitutes the practice of dentistry or dental hygiene~~
under the provisions of this act; ~~can only be legally done by a~~
~~person or persons holding a license to practice dentistry or dental~~
~~hygiene in this state; or~~
(7) ~~willfully violates~~ the laws of this state relating to the
practice of dentistry or dental hygiene or the rules and regulations
of the secretary of health and environment or of the board
regarding sanitation; ~~or is guilty of~~
(8) ~~engaged in the~~ division of fees, or ~~agreeing agreed~~ to split
or divide the fee received for dental service with any person for
bringing or referring a patient without the knowledge of the
patient or his or her ~~the patient's~~ legal representative, except the
division of fees between dentists practicing in a partnership and
sharing professional fees, or in case of one licensed dentist
employing another; ~~or is guilty of professional connection or~~
(9) ~~complicity in association with or lending his or her~~ ~~allow-~~
~~ing~~ the use of the licensed dentist's name to anyone in conjunction
with any person who is engaged in the illegal practice of den-
tistry; ~~or conviction~~
(10) ~~been convicted~~ of a felony if the board determines, after
investigation, that such person has not been sufficiently rehabil-
itated to warrant the public trust, or a misdemeanor involving

committed fraud

committed

habitually used
which have renderedbeen determined to be
committed

employed, allowed or permitted

willfully violated.

committed

allowed

0378 moral turpitude; or
 0379 (11) ~~failure~~ to pay license fees; ~~or holding himself or herself~~
 0380 ~~out as specially qualified in or limiting his or her practice to or~~
 0381 ~~giving special attention to any branch of dentistry without the~~
 0382 ~~special license therefor; or~~

0383 (12) ~~the use of~~ the name "clinic," "institute;" or other title
 0384 that may suggest a public or semipublic activity; ~~or is guilty of~~
 0385 the publication or circulation; directly or indirectly; of any
 0386 fraudulent, false or misleading statements as to the skill or
 0387 methods or practice of any person; or of the advertising of the
 0388 performance of any dental operation without causing pain; or of
 0389 the advertising in any manner which tends to deceive or defraud
 0390 the public; or of the claiming or inferring of professional superi-
 0391 ority over other practitioners; or the publishing of reports of cases
 0392 or testimonials of patients in any public advertising media; or the
 0393 use of advertising in which reference is made to any anaesthetic;
 0394 drug; formula; material; medicine; method; system; or mechanical
 0395 or electrical device used or to be used; or the advertising of any
 0396 free dental services or examinations; or anything else to be given
 0397 away as an inducement to secure dental patronage; or the adver-
 0398 tising of price; cost; charge; fee or terms of credit for the services
 0399 performed or to be performed; or for material used in or to be
 0400 used by any person engaged as principal or agent in the practice
 0401 of dentistry; or the advertising of bargains; cut rates; or special
 0402 values in dental service or productions with or without specifying
 0403 the time they shall apply; or the employment of a solicitor or
 0404 other agent to obtain patronage; or the advertising of artificial
 0405 teeth or dentures with or without the use of any representation of
 0406 a tooth; teeth; bridge; or denture; or any portion of the human
 0407 head; or the public exhibition or use of specimens of dental work;
 0408 or the use of large display signs; light signs; electric or neon; or
 0409 any signs; posters; or any other media calling attention of the
 0410 public to any person engaged in the practice of dentistry; or the
 0411 giving of a public demonstration of skill or methods; or practic-
 0412 ing dentistry upon or along the streets or highways or any place
 0413 other than the office where the licensee is known to be regularly
 0414 engaged in the practice of dentistry; except as provided by this

failed

used

; or

act; or the advertising of a guarantee for any dental services.

0416 (b) Whenever it shall be established to the satisfaction of the
0417 Kansas dental board that a licensee is in any of the circumstances
0418 or has committed any of the acts described in subsection (a), the
0419 Kansas dental board may take one or any combination of the
0420 following actions with respect to the license of the licensee:

0421 (1) Revoke the license.

0422 (2) Suspend the license for such period of time as may be
0423 determined by the board.

0424 (3) Restrict the right of the licensee to practice by imposing
0425 limitations upon dental or dental hygiene procedures which may
0426 be performed, categories of dental disease which may be treated
0427 or types of patients which may be treated by the dentist or dental
0428 hygienist. Such restrictions shall continue for such period of time
0429 as may be determined by the board, and the board may require the
0430 licensee to provide additional evidence at hearing before lifting
0431 such restrictions.

0432 ~~(4) A written censure in form and content approved by the~~
0433 ~~board, read out in open hearing to the licensee. This censure shall~~
0434 ~~include a specific statement of the grounds for censure, a brief~~
0435 ~~statement of the acts or evidence supporting the censure and a~~
0436 ~~statement that the licensee retains the license and is authorized to~~
0437 ~~continue to practice. Such censure shall be a matter of public~~
0438 ~~record.~~

0439 ~~(5)~~ Grant a period of probation during which the imposition of
0440 one or more of the actions described in subsections (b)(1) through
0441 ~~(b)(4)~~ will be stayed subject to such conditions as may be imposed
0442 by the board including a requirement that the dentist or dental
0443 hygienist refrain from any course of conduct which may result in
0444 further violation of the dental practice act or the dentist or dental
0445 hygienist complete additional or remedial instruction. The viola-
0446 tion of any provision of the dental practice act or failure to meet
0447 any condition imposed by the board as set forth in the order of the
0448 board will result in immediate termination of the period of pro-
0449 bation and imposition of such other action as has been taken by
0450 the board.

0451 The board may suspend or revoke a dental license now ~~(e)~~ In-

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

(b) (3)

0452 ~~addition to those grounds set forth in subsection (a), the board~~
 0453 ~~may take any action described in subsection (b) with respect to a~~
 0454 ~~license in force and that shall be hereafter given; or dishonorable~~
 0455 ~~for any conduct on the part of any licensee under this act, whether~~
 0456 ~~such conduct is similar or dissimilar to any acts herein expressly~~
 0457 ~~named; but which is detrimental to the public health, safety or~~
 0458 ~~welfare. The board may by rules and regulations define dishon-~~
 0459 ~~orable such conduct.~~

0460 ~~(d) The board may upon its own motion or upon the request of~~
 0461 ~~any licensee who is a party to a licensure action require a psychi-~~
 0462 ~~atric examination of such licensee either prior to a hearing to be~~
 0463 ~~held as a part of a licensure action or prior to the termination of~~
 0464 ~~any period of suspension or the termination of any restrictions~~
 0465 ~~imposed upon the licensee as provided in subsection (b).~~

0466 Sec. 7. K.S.A. 65-1437 is hereby amended to read as follows:
 0467 65-1437. Dentists shall be permitted to insert a professional card
 0468 in the local press; in programs and yearbooks. Institutional ad-
 0469 vertising by dental associations and groups is encouraged and
 0470 approved. A dentist shall be permitted to use signs to advertise
 0471 his name; the fact that he is engaged in the practice of dentistry;
 0472 the location of his office and his office hours. These signs shall be
 0473 limited to a total area of not more than six hundred (600) square
 0474 inches and shall not contain letters more than seven (7) inches in
 0475 height. Such signs may be placed only within the professional
 0476 office or offices or upon the doors or windows thereof; or on the
 0477 door or within or upon the building or premises in or on which
 0478 such office or offices are located. Violation of any of these
 0479 provisions of this section shall subject the dentist to the same
 0480 liabilities and penalties as are provided in the preceding section
 0481 hereof. (a) A person licensed to practice dentistry by the Kansas
 0482 dental board shall not on a licensee's own behalf, a licensee's
 0483 partner, associate or any other licensee affiliated with the licensee
 0484 or the licensee's practice, use or participate in the use of any form
 0485 of public communication which:

- 0486 (1) ~~Contains false, fraudulent, misleading, deceptive, self-~~
 0487 ~~laudatory or unfair statements or claims;~~
 0488 (2) ~~contains misrepresentations of fact;~~

(c)

physical or mental examination, or both,

9 ~~(3) contains testimonial statements regarding the licensee's~~
 10 ~~ability or quality of services provided;~~
 0491 ~~(4) represents that the licensee is specially qualified in or~~
 0492 ~~limits the practice of the licensee to a branch of dentistry which is~~
 0493 ~~a specialty recognized by the Kansas dental board unless the~~
 0494 ~~licensee holds a special certificate of qualification within such~~
 0495 ~~specialty authorized under K.S.A. 65-1427 and amendments~~
 0496 ~~thereto;~~
 0497 ~~(5) contains laudatory statements about the licensee or group~~
 0498 ~~of licensees or contains statements regarding the professional~~
 0499 ~~superiority or the performance of professional services in a supe-~~
 0500 ~~rior manner by the licensee or group of licensees, unless each~~
 0501 ~~statement can be factually substantiated;~~
 0502 ~~(6) is intended or is likely to create false, unjustified expecta-~~
 0503 ~~tions of favorable results;~~
 0504 ~~(7) relates to the quality of dental services provided;~~
 0505 ~~(8) is intended or is likely to appeal primarily to a lay person's~~
 0506 ~~fears; or~~
 0507 ~~(9) contains other representations or implications that in rea-~~
 0508 ~~sonable probability will cause an ordinary, prudent person to~~
 0509 ~~misunderstand or be deceived. By way of illustration and not by~~
 0510 ~~way of limitation of the generality of the foregoing, such repre-~~
 0511 ~~sentations or implications include statements with respect to~~
 0512 ~~honorary degrees, admission to or membership in specialty so-~~
 0513 ~~cieties or other groups where an impression of special qualifica-~~
 0514 ~~tion or specialization in practice is conveyed to the general public~~
 0515 ~~not warranted or not substantiated by the nature of the degree held~~
 0516 ~~or the qualifications or requirements of the organization in which~~
 0517 ~~membership is asserted.~~
 0518 ~~(b) A licensee may publish or broadcast information in print~~
 0519 ~~media regularly published and distributed or over the radio or~~
 0520 ~~television broadcast in the geographic area or areas in which the~~
 0521 ~~licensee resides or maintains offices, or in which a significant part~~
 0522 ~~of the licensee's patients reside, and may publish advertisements~~
 0523 ~~in telephone directories and reputable dental directories. The~~
 0524 ~~information disclosed in such publication or broadcast shall be~~
 0525 ~~presented in a dignified manner without the use of dramatiza-~~

or deceptive statements or claims;

(2)

or

(3)

0526 tions, testimonials or the use of pictures other than a portrait of
0527 the individual licensee. Only the following information may be
0528 published or broadcast:

0529 (1) The licensee's name, including any name under which the
0530 services are offered and names of professional associates, and
0531 addresses and telephone numbers;

0532 (2) one or more fields of dental care in which the licensee
0533 practices, and, if desired, a description of specific verifiable
0534 services offered by such licensee, or group of licensees;

0535 (3) date and place of birth;

0536 (4) dates and places of licensure;

0537 (5) schools attended, with dates of graduation, degrees and
0538 other scholastic distinctions;

0539 (6) public or quasi-public offices related to dentistry;

0540 (7) military services;

0541 (8) authorships related to dentistry and published in rec-
0542 ognized journals and texts;

0543 (9) health care teaching positions;

0544 (10) memberships, offices and committee assignments in pro-
0545 fessional associations;

0546 (11) technical and professional licenses;

0547 (12) memberships in scientific, technical and professional as-
0548 sociations and societies;

0549 (13) foreign language ability;

0550 (14) prepaid or group dental care service programs in which
0551 the licensee participates;

0552 (15) whether credit cards or other credit arrangements are
0553 accepted;

0554 (16) office and telephone answering service hours and a
0555 statement concerning the waiting time before patients are exam-
0556 ined or treated;

0557 (17) availability upon request of a written schedule of fees
0558 and an estimate of the fee to be charged for specific services; and

0559 (18) fees for specific dental services, the description of which
0560 would not be misunderstood or be deceptive, if the statement
0561 discloses that the quoted fee will be available only to patients
0562 whose dental needs fall into the services described and that the

0563 patient is entitled without obligation to a specific estimate of the
0564 fee likely to be charged, in print size at least equivalent to the
0565 largest print used in setting forth the fee information.

0566 (c) If a licensee advertises a fee for a service, such service
0567 must be rendered for no more than the fee advertised. If a licensee
0568 publishes any fee information, the licensee shall be bound by any
0569 representation made therein for a reasonable period of time con-
0570 sidering the nature of the publication. Where specific information
0571 concerning dental fees for dental services, as authorized by para-
0572 graph (18) of subsection (b) is provided, such fees may be gener-
0573 ally characterized as "reasonable," "very reasonable" and "mod-
0574 erate," provided that such statements comply with all of the
0575 requirements of the statutes of this state.

0576 (d) The licensee may describe dental fees as discount or may
0577 advertise the offering of discount services only if:

0578 (1) Such discounts relate to specific and identifiable services;
0579 (2) such discounts continue for a limited period stated within
0580 the advertisement;

0581 (3) the licensee is able to verify that, for the specific services
0582 subject to discount, the advertised discount represents an actual
0583 reduction of the amount or percentage as set forth in the adver-
0584 tising below the usual and customary charges of the licensee for
0585 such service; and

0586 (4) the usual and customary charges have been regularly im-
0587 posed for a reasonable period, both before and after the period of
0588 discount.

0589 (e) A licensee shall not use unprofessional and hucksterish
0590 adjectives in any form of advertising. Such terms shall include
0591 but shall not be limited to "cut rate," "lowest," "giveaway,"
0592 "below cost," "special," "bargain" and "special value."

0593 (f) If the advertisement is communicated to the public over
0594 radio or television, it shall be prerecorded, approved for broad-
0595 cast by the licensee or group of licensees, and a recording of the
0596 actual transmission shall be retained by the licensee.

0597 (g) The term "licensee" as used in this section means a person
0598 licensed to practice dentistry in this state by the Kansas dental
0599 board.

(b) The board may adopt rules and regula-
tions for the administration of this section and
may provide guidelines and examples of conduct
allowed and prohibited under this section.

(c)

0600 New Sec. 8. The acts contained in article 14 of chapter 65 and
0601 article 14 of chapter 74 of the Kansas Statutes Annotated and any
0602 acts amendatory thereof or made specifically supplemental
0603 thereto shall be construed together and may be cited as the dental
0604 practices act.

0605 Sec. 9. K.S.A. 65-1428, 65-1429, 65-1431, 65-1434, 65-1436
0606 and 65-1437 and K.S.A. 1982 Supp. 65-1426 are hereby repealed.

0607 Sec. 10. This act shall take effect and be in force from and
0608 after its publication in the statute book.

0609