

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans at 1:30 p.m. on February 1, 1995 in Room 423-S of the State Capitol.

All members were present.

Committee staff present: Emalene Correll, Legislative Research Department  
Bill Wolff, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:  
Sandy Strand, Kansans for Improvement of Nursing Homes

Others attending: See Guest List, Attachment 1.

Chairperson Mayans stated that next Monday and Tuesday the committee will consider introduction of bills and taking action on bills that will be heard on February 2, 1995.

The Chairperson introduced Sandy Strand, representing Kansans for Improvement of Nursing Homes, a consumer agency. Ms. Strand stated the organization does not always agree with those representing nursing homes; however, these organizations and the nursing home industry are in substantial agreement in requesting a bill that, when a dentist has delegated the performance of a service, task or procedure of dental hygiene, that dental hygienists would be allowed to perform those procedures on patients in various nursing facilities. (See suggested legislation, Attachment 2).

Representative Merritt questioned why schools were included in the request. Emalene Correll stated it is in the existing law. Representative Freeborn questioned if there would be a sterile environment for the hygienist. Ms. Strand said she believed an area could be set aside in a nursing home. Representative Freeborn asked if the space would be rented. Ms. Strand replied that would be a business decision of the nursing facility. Representative Wells asked if patients in the facility would have a choice whether to have the service or not. Ms. Strand said they would. Representative Gilmore stated she thought there is this need for nursing home residents. She asked how residents would pay for the service. Ms. Strand said either the resident would pay for it or it may be paid through Social Security or Medicaid.

On motion of Representative Rutledge, seconded by Representative O'Connor, the committee unanimously moved that the bill be introduced as shown on Attachment 2.

**HB 2004 - Chiropractors authorized to perform health assessments of school pupils**

Chairperson Mayans called for discussion and consideration of final action of **HB 2004**.

Representative Henry said he had talked with several committee members and they recommended that a subcommittee be established to consider whether amendments or changes should be received and to look at other issues that have been raised around this bill. Representative Henry moved that a subcommittee be appointed on HB 2004. Representative Merritt seconded the motion. Representative Landwehr, in a substitute motion, moved that Section 1 of K.S.A. 1994 Supp. 72-5214 be repealed. Representative Freeborn seconded the motion.

Representative Kirk indicated she had real problems with this, as what is really intended is to help school districts get health assessments on children. She said she finds the substitute motion very extreme and she cannot support it.

Representative Haley stated he thought by repealing the section it would be a lawless assault against indigent children since many parents fail to take advantage of the health assessments.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on February 1, 1995

Representative Freeborn expressed her feeling that the standardization of health assessment tests has not been accomplished, and stated she would like to develop another way to "capture" the children being missed in these assessments.

Representative Goodwin asked Representative Landwehr her reason for taking out the entire statute. Representative Landwehr said that immunizations have been required since 1961; and eye, ear and dental exams are also required. Emalene Correll said this statute relates only to immunizations. In 1992 the Legislature created a new statute. The tests and inoculations are those set by the Secretary of Health and Environment through rules and regulations. Those change from time to time as new things come up. Kansas has laws for vision screening and schools to be involved with dental screenings.

Representative Morrison asked what would be the effect of repeal of the section. Emalene Correll said some individual school districts have adopted requirements for health checks prior to entrance to their schools. There is no state law. Representative Rutledge said if Representative Landwehr's motion is adopted, we will remove health assessments for children. He believes sending the bill to subcommittee is the most responsible way to go. Representative Kirk indicated she is concerned that if the substitute motion carries that the children who most need the health assessments will lose out.

Representative Henry indicated he would vote against the substitute motion. Representative Howell questioned the bill, stating the bill mandates too many things to parents.

Chairperson Mayans called for a vote on Representative Landwehr's substitute motion. By a show of hands, 7 voted for Representative Landwehr's motion; 8 voted against the motion. The motion failed.

Chairperson Mayans indicated that Representative Henry's motion remained for action and called for vote on it. By voice vote, the committee approved Representative Henry's motion that the Chair appoint a Subcommittee to study **HB 2004**. Chairperson Mayans appointed the following: Chairperson: Representative Jim Morrison; Members: Representatives Gary Merritt and Jerry Henry. He asked for an early report to the committee.

The meeting was adjourned at 2:26 p.m.

The next meeting is scheduled for February 2, 1995.

# HEALTH AND HUMAN SERVICES COMMITTEE GUEST LIST

DATE: FEBRUARY 1, 1995

NAME	REPRESENTING
Bob Williams	Ks Pharmacists Assoc.
GARY Robbins	Ks Optometric Assn
Sandy Ahand	KINH
Sharon Couch	Ks Chiropractic Assn
John Federico	Pete McGill + Assoc
Rich Gutwiler	Health Midwest
KEITH L LAUDIS	CHRISTIAN SCIENCE Comm ON PUBLICATION FOR KS
Melissa Ward	RCIL
Quinn Ordinele	RCIL
Amie Manger	Washburn Social Work Student
AROLD ROSTER	NAACP
Gilbert N. Hammond	NAACP
David Hanzlick	Ks Dental Assn
Don M Rye	NE.K. Rural Health Care
Tom Bruno	Allen et ASSOC.
Patrick J Hurley	Ks Local Family Physicians
Steve Potosi	KUKE
Allison Peterson	Ks. Medical Society

# HEALTH AND HUMAN SERVICES COMMITTEE GUEST LIST

DATE: FEBRUARY 1, 1995

NAME	REPRESENTING
<i>Annella (Stid)</i>	<i>Washburn Elementary School</i>
<i>Annette Sirota</i>	<b>KAHSA</b>
<i>JERRY WINTER</i>	<b>KAHSA</b>
<i>Chip Wheelen</i>	<i>Ks Medical Soc.</i>
<i>Joe Fungini</i>	<b>KCA</b>
<i>Michelle Peterson</i>	<i>Ks Gov Consulting</i>
<i>John Peterson</i>	<i>Ks Assn of Home &amp; Senior Care of Mo</i>
<i>Karen Lowery</i>	<b>KASB</b>
<i>Stacey Thompson</i>	<i>Hein, Ebert &amp; Weir</i>
<b>SYDNEY HARDMAN</b>	<b>KS ACTION FOR CHILDREN</b>

HOUSE BILL NO. \_\_\_\_\_

AN ACT concerning dental hygienists; relating to the practice thereof; amending K.S.A. 65-1456 and repealing the existing section.

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

Section 1. K.S.A. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license, license certificate and renewal certificate of any registered and licensed dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than that permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof. No license or certificate of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

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

preventive and therapeutic procedures as the board may establish by rules and regulations.

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

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or indirect supervision of a licensed dentist at the office of such licensed dentist. The board may designate by rules and regulations the procedures which may be performed by a dental hygienist under direct supervision and the procedures which may be performed under the indirect supervision of a licensed dentist. As used in this section, "indirect supervision" means that the dentist is in the dental office, authorizes the procedures and remains in the dental office while the procedures are being performed and "direct supervision" means that the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient evaluates the performance.

(e) The practice of dental hygiene may be performed at an adult care home, hospital, state institution or school on a resident, patient or student thereof so long as:

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

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

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

(f) The board may issue a permit to a licensed dental hygienist to provide dental screening as an employee of the state of Kansas, or any subdivision thereof, at any public institution

or facility under the supervision of the governing body of such public institution or facility under such terms and conditions as the board may reasonably establish in such permit. Such permit shall be for a period of one year and shall be subject to renewal annually at the time the license for dental hygiene is renewed.

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

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