

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 16, 1998 in Room 423-S-of the State Capitol.

All members were present.

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

Conferees appearing before the committee:  
Barbara Burkendine, President, The Kansas Dental Hygienists' Association

Others attending: See Guest List ([Attachment 1](#))

Chairperson Mayans noted that testimony from Denise Maus, on behalf of the Kansas Dental Hygienists' Association, opposing **HB 2724** (practice of dental hygiene), has been distributed to each committee member (see [Attachment 2](#)).

The Chairperson then opened the meeting to consideration of **HB 2724** and **HB 2725** (authorized practices under the dental practices act). He noted that Representatives Powell, Henry and Cook served as the Subcommittee on Dental Practices and have attempted to find a compromise for the legislation.

Representative Powell explained the subcommittee's recommended amendments to **HB 2724**, as shown on page 3 of [Attachment 3](#). The subcommittee's intent was to broaden the scope of practices for hygienists and felt that the law should reflect their increased training. The bill's language on page 2, allowing hygienists to perform certain procedures, was not altered by the subcommittee; and Representative Powell called that to the committee's attention.

Representative Geringer asked about the suggested change on page 3, noting that it does not require the dentist to be present at the time local anesthesia is administered. Chairperson Mayans indicated that the subcommittee recommends changing "direct" to "general" supervision. Representative Showalter questioned the required training for hygienists to administer local block and infiltration anesthesia. Representative Powell noted that the current law allows those procedures under "direct" supervision; the suggested amendment permits it under "general" supervision. Barbara Burkendine, President of The Kansas Dental Hygienists' Association, noted the difference in administering the two types of anesthesia has to do with where it is injected. She noted hygienists are extensively trained in anesthesia practices. Representative Horst, because of the nurses comments during the hearing on the bills, questioned the differences in training of hygienists and nurses. Chairperson Mayans noted that education standards were not the nurses concern; it is the supervision that is being questioned. Representative Powell stated he discussed this point with dentists and hygienists and they felt hygienists are capable to administer anesthesia.

Chairperson Mayans then moved that on page 3, line 16 on the balloon to **HB 2724** ([Attachment 3](#)) the word "general" be stricken and the word "direct" inserted; and delete the words "at the office of the licensed dentist." Representative Morrison seconded the motion; the motion carried.

Representative Powell then related the subcommittee's recommendations concerning **HB 2725**. The first recommendation is to amend the provisions of the bill into **HB 2724** in order to alleviate some of the concerns expressed during the hearings on the bills (heard on February 2 and 3). Representative Powell stated the suggested amendments on page 2, line 28 (deletion of "on site" and inserting "direct") was a means to strengthen the intent of the bill. He noted the suggested amendment to line 30, in terms of giving confidence to the public, there needed to be a restructuring to forbid certain patients from being worked on by dental assistants. Also in section (B) concerning training, the subcommittee felt the actual training curriculum needs to be set by the Kansas Dental Board, but the subcommittee did include a minimum requirement; and by section (C), the subcommittee felt it was important to mollify concerns about the quality of care.

Representative Hutchins asked if the proposed amendments grandfathered the dental assistants with several

CONTINUATION PAGE

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on February 16, 1998

years of service. Representative Powell answered that grandfathering was not in the bill; however, dental assistants (if they want to perform above-the-gum line procedures) would be required to get the training mandated in the bill. He indicated they would not lose their jobs if they did not, but would be required to adhere to the law. The Kansas Dental Board could establish a different course of study for persons who have different experience levels. Chairperson Mayans asked if the Legislature usually requires the various boards to set standards through their rules and regulations. Representative Powell indicated the subcommittee discussed that and decided it was better left to the experience of the board. Norman Furse affirmed that it was usually required of the various boards.

Chairperson Mayans asked if there was any other questions or comments. There were none. Chairperson Mayans then moved that, with reference to the balloon amendment to **HB 2725** (Attachment 3) on page 2, line 31(A), that the words "or a patient who has above type II or moderate periodontitis" be deleted. Representative Morrison seconded the motion; the motion carried.

Representative Powell stated that because of the concern expressed that schools were not graduating enough dental hygienists, the subcommittee added a new section 3 to cause the State Board of Education and State Board of Regents to report to the 1999 Legislature their plan to increase the number of persons being trained as dental hygienists. Also, the subcommittee added a new section 4 to require the Kansas Dental Board to develop a wall plaque to be posted in each dental office, detailing the procedures that can be performed there, and require dental personnel to wear a name tag and their title. He stated the new section 5 provides immunity from civil action for damages as a result of filing complaints with the Kansas Dental Board by The Kansas Dental Hygienists' Association or a licensed dental hygienist.

Representative Henry noted that he strongly supports the recommended amendments. He stated that Delta Dental, the state's dental insurance carrier, told the subcommittee they pay for 150,000 cleanings each year. Representative Henry asked their representative if the bill would cause them concerns; and the answer was the company had no concerns about it. Representative Henry stated he had a proposed amendment to section 4, to require the Kansas Dental Board to provide a brochure outlining the educational requirements and scope of practice of dental personnel for distribution at dental offices. (See Attachment 4.) Representative Powell noted he concurred with the amendment. Representative Henry moved, and Representative Powell seconded, that the committee approve the proposed new amendment shown as subsection (b), and that subsection (b) be renumbered (c), all in section 4. The motion carried.

Chairperson Mayans then moved that **HB 2725**, as amended by the committee, be incorporated into **HB 2724**. Representative Cook seconded the motion; the motion carried.

Chairperson Mayans moved that **HB 2724** be passed as amended. Representative Henry seconded the motion; the motion carried.

Representative Morrison stated he has given each committee member a listing of his thoughts on House Bills **2724** and **2725** (see Attachment 5). He explained his discourse was in no way meant to undermine the work of Representative Powell, which was exceptional; it was only to express some concerns.

Representative Morrison then moved that **HB 2724** be tabled. Representative Storm seconded the motion. On show of hands on the motion; **HB 2724** was tabled.

Chairperson Mayans then thanked the subcommittee members for their excellent work on the two bills.

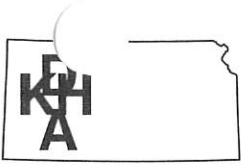
The Chairperson then noted that due to time, possible action on **HB 2630** (concerning behavioral science regulatory board; relating to qualified mental health professionals) will be considered at tomorrow's meeting.

The meeting was adjourned at 2:50 p.m.

The next meeting is scheduled for February 17, 1998.

HOUSE COMMITTEE ON  
HEALTH AND HUMAN SERVICES COMMITTEE  
GUEST LIST  
FEBRUARY 16, 1998

NAME	REPRESENTING
Heather Randall	Whitney Samson, D.A.
William Kiamath	Deaf
Susan Zani	KPA
Harry Price	BLA, BMHCA
John Kiehaber	Ks Health Care Assn.
Sarah G. Henderson	KDHA.
Eileen Jones	Consumer
Katherine Haasler	Consumer
Mary Ann Steibel	BSRB
Susan Anderson	Hein + Weir (MHCC)
Paige A. Sipp	KDHA
Jennifer H. Schultejans	KDHA.
Ray Hein	Mental Health Credentialing Coalition
Barbara Burtindis	K.O.H.A.
Denise Mauer	KDHA.
Jim Youally	KDHA
Natalie Regier	Federico Consulting
Gabrielle Xee	Governors Office
Lena Buche Tofen	KDA
Michelle Peterson	Peterson Public Affairs
Andrea Walker	Rep Findley
By Matlach	
John Federico	KDA
Rosilya Martin	SRS-Children/Family Servs.
David Hanson	Ks Dental Assistants
KET. W. R. LANDIS	CHRISTIAN SOURCE



# THE KANSAS DENTAL HYGIENISTS' ASSOCIATION

CONSTITUENT OF THE AMERICAN DENTAL HYGIENISTS' ASSOCIATION

P.O. BOX 781056 • WICHITA, KS 67278-1056

**Barbara Burkindine**

President

18961 Alden Lane

Olathe, KS 66062

913-592-2959 (H)

913-649-5600 (W)

February 16<sup>th</sup>, 1998

Health & Human Services Committee

Re: HB 2724

**Connie Hiatt**

President-Elect

3325 Crown Drive

Independence, KS 67301

316-331-0883

Dear Committee Members,

The Kansas Dental Hygienists' Association opposes any bill which would allow unlicensed persons to scale above the gum line. Nearly all registered dental hygienists believe that this would compromise the quality of care that patients would receive, as well as, scaling and polishing above the gum line has no therapeutic value.

**Rebecca Bellar Lanning**

Corresponding Secretary

Since the licensing of dental hygienist in the State of Kansas back in 1943, dentistry has made great strides in the area of prevention of periodontal disease. It is a fact that people are keeping their teeth longer. Why would we want to change a statute that appears to be beneficial and has shown great success? The ADA Council on Accreditation concluded that it was not in the best interest of patient safety or quality care to try to train dental assistants to provide these intraoral services. In fact, they concluded that the training to assure competence would take an educational program off approximately 2 years in length. That is a dental hygiene program! The Attorney General has also stated the laws which are in place now are there to protect the safety of the patient and that these services should only be performed by licensed persons, dental hygienists and dentists.

**Cindy Scott**

Recording Secretary

The issue of the shortage of dental hygienists is one that concerns me. The Kansas Dental Association says that they need more hygienists in the State of Kansas, then the answer is to train more hygienists. The last survey that was completed was done in 1994. How valid is that survey today? Since then, we have graduated over 150 dental hygienists in Kansas alone (not including UMKC and Southern MO State which both supply hygienists to Kansas). In a few months from now at least another 50 students will be graduating from WSU and JCCC. I believe that the shortage issue should be re-evaluated for the needs of today! We have heard from many hygienists that can not find jobs in rural areas. The KDA would like to allow dental assistants to do scaling and polishing above the gum line. Over the last 9 months, KDHA has been tracking Want Ads in several newspapers and has consistently found that there is almost double the ads for dental assistants than dental hygienists. If there is a greater need for dental assistants, where are they going to find persons to assist the dentist if assistants are going to be doing scaling and polishing?

**Renee Arnett**

Trustee

**Mary Jo Nigg**

Trustee

**Jane A. Criser**

Trustee

The opening of Colby County Community College distance education program this Fall will help increase the number of hygienists in rural areas along with the expansion of Southwest MO State's program in Joplin. Measures have been taken by the Kansas Dental Board to expand the regional board that dentists and hygienists have to pass in order to be licensed in Kansas to include the Western Regional Examination Board. This will open the doors for people moving into Kansas to find it easier to obtain a license to practice here. These things will provide more dental hygienists

HOUSE HHS COMMITTEE

Attachment 2-1

2 - 16 - 98

to Kansas!

It has also been noted in testimony that there is also a shortage of dentists and I feel that this issue should be taken into consideration as well. Neither a hygienist or an assistant can work without a dentist also being there. General supervision of dental hygienists would allow us to work in the dental office when the dentist is not present. This would definitely increase access to care! If a rural dentist had two offices in different towns, the hygienist could continue to see patients in that office while he was at his other office treating patients. Dentists would no longer have to cancel patients when he was ill, attending funerals and meetings, or simply on vacation.

Periodontal disease is not reversible. Dental hygienists provide thorough scaling (both above and below the gum line) and polishing in order to prevent this disease. Patient education and adequate home care also aid in preventing bone loss and tissue recession (periodontal disease). Once the patient exhibits signs of periodontal disease it is the hopes of the hygienist that it can be maintained with more frequent dental hygiene visits and thorough cleanings below the gum line. Scaling and polishing above the gum line as noted by Dr. Cobb and Dr. Killoy (both periodontists who presented testimony on Feb. 2<sup>nd</sup>) accomplishes little and provides patients with increased access to inadequate care. We believe that this bill does not place the patient's welfare above all else!

Lastly, I feel that this bill does not place in it adequate safe guards when it comes to enforcement issues. I hear from the dental board that it is difficult to enforce the current law due to funding, etc., I feel that this bill provides no protection for anyone that the law will be enforced! And if it is the opinion of the dental board that the law be changed because they have not been able to enforce the one we have, I find little confidence that anything will change by making legal what people in some areas are doing illegally now. Laws are there to protect the public!

I would appreciate your serious consideration in this matter. Public safety and access to quality dental hygiene care by adequately trained and educated individuals is what is needed.

Sincerely,



Denise A. Maus, RDH, BS  
KDHA Legislative Chairperson

## HOUSE BILL No. 2724

By Committee on Health and Human Services

1-27

### Subcommittee Proposal

9 AN ACT concerning the dental practices act; relating to the practice of  
10 dental hygiene; amending K.S.A. 1997 Supp. 65-1456 and repealing  
11 the existing section.  
12

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

14 Section 1. K.S.A. 1997 Supp. 65-1456 is hereby amended to read as  
15 follows: 65-1456. (a) The board may suspend or revoke the license, license  
16 certificate and renewal certificate of any registered and licensed dentist  
17 who shall permit any dental hygienist operating under such dentist's su-  
18 pervision to perform any operation other than that permitted under the  
19 provisions of article 14 of chapter 65 of the Kansas Statutes Annotated,  
20 or acts amendatory thereof, and may suspend or revoke the license of any  
21 hygienist found guilty of performing any operation other than those per-  
22 mitted under article 14 of chapter 65 of the Kansas Statutes Annotated,  
23 or acts amendatory thereof. No license or certificate of any dentist or  
24 dental hygienist shall be suspended or revoked in any administrative pro-  
25 ceedings without first complying with the notice and hearing require-  
26 ments of the Kansas administrative procedure act.

27 (b) The practice of dental hygiene shall include those educational,  
28 preventive, and therapeutic procedures which result in the removal of  
29 extraneous deposits, stains and debris from the teeth and the rendering  
30 of smooth surfaces of the teeth to the depths of the gingival sulci. In-  
31 cluded among those educational, preventive and therapeutic procedures  
32 are the instruction of the patient as to daily personal care, protecting the  
33 teeth from dental caries, the scaling and polishing of the crown surfaces  
34 and the planing of the root surfaces, in addition to the curettage of those  
35 soft tissues lining the free gingiva to the depth of the gingival sulcus and  
36 such additional educational, preventive and therapeutic procedures as the  
37 board may establish by rules and regulations.

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

43 (d) Except as otherwise provided in this section, the practice of dental

HOUSE HHS COMMITTEE  
Attachment 3-1  
2-16-98

1 hygiene shall be performed under the direct or, indirect or *general* su-  
2 pervision of a licensed dentist at the office of such licensed dentist. The  
3 board may designate by rules and regulations the procedures which may  
4 be performed by a dental hygienist under direct supervision and the pro-  
5 cedures which may be performed under the indirect supervision of a  
6 licensed dentist. As used in this section: (1) "Indirect supervision" means  
7 that the dentist is in the dental office, authorizes the procedures and  
8 remains in the dental office while the procedures are being performed  
9 and; (2) "direct supervision" means that the dentist is in the dental office,  
10 personally diagnoses the condition to be treated, personally authorizes  
11 the procedure and before dismissal of the patient evaluates the perform-  
12 ance; and (3) "general supervision" means a licensed dentist may *delegate*  
13 verbally or by written authorization the performance of a service, task or  
14 procedure to a licensed dental hygienist under the supervision and re-  
15 sponsibility of the dentist, if the dental hygienist is licensed to perform  
16 the function, and the supervising dentist examines the patient at the time  
17 the dental hygiene procedure is performed, or during the 12 calendar  
18 months preceding the performance of the procedure, except that the li-  
19 censed hygienist shall not be permitted to diagnose a dental disease or  
20 ailment, prescribe any treatment or a regimen thereof, prescribe, order  
21 or dispense medication or perform any procedure which is irreversible or  
22 which involves the intentional cutting of the soft or hard tissue by any  
23 means. A dentist is not required to be on the premises at the time a hy-  
24 gienist performs a function delegated under part (3) of this subsection.

25 (e) The practice of dental hygiene may be performed at an adult care  
26 home, hospital long-term care unit, state institution, local health depart-  
27 ment or indigent health care clinic on a resident of a facility, client or  
28 patient thereof so long as:

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

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

33 (3) either the supervising dentist is personally present or the services,  
34 tasks and procedures are limited to the cleaning of teeth, education and  
35 preventive care;

36 (4) the supervising dentist examines the patient at the time the dental  
37 hygiene procedure is performed or has examined the patient during the  
38 12 calendar months preceding performance of the procedure;

39 (5) nothing in this subsection (e) shall be construed to prevent a den-  
40 tal hygienist from providing dental education in a school setting; and

41 (6) the provisions of this subsection (e) shall expire on July 1, 1998.

42 (f) The board may issue a permit to a licensed dental hygienist to  
43 provide dental screening as an employee of the state of Kansas, or any

ubdivision 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.

(g) In addition to the duties specifically mentioned in subsection (b) of K.S.A. 65-1456, and amendments thereto, any duly licensed and registered dental hygienist may:

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

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

(3) administer local block and infiltration anaesthesia and nitrous oxide. (A) The administration of local anaesthesia shall be performed only under the ~~direct~~ supervision of a licensed dentist at the office of the licensed dentist. (B) Each dental hygienist who administers local anaesthesia shall have completed courses of instruction in local anaesthesia and nitrous oxide which have been approved by the board

~~general~~ direct

~~at the office of the licensed dentist~~

(h) (1) The courses of instruction required in subsection (g)(3)(B) of K.S.A. 65-1456, and amendments thereto, shall provide a minimum of 12 hours of instruction at a teaching institution accredited by the American dental association.

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

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

Sec. 2. K.S.A. 1997 Supp. 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.



## HOUSE BILL No. 2725

By Committee on Health and Human Services

1-27

9 AN ACT concerning the dental practices act; relating to authorized prac-  
10 tices; amending K.S.A. 1997 Supp. 65-1423 and 65-1456 and repealing  
11 the existing sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 1997 Supp. 65-1423 is hereby amended to read as  
15 follows: 65-1423. Nothing in this act shall apply to the following practices,  
16 acts and operations:

17 (a) To the practice of a person licensed to practice medicine and  
18 surgery under the laws of this state, unless such person practices dentistry  
19 as a specialty; or

20 (b) to the performance by a licensed nurse of a task as part of the  
21 administration of an anaesthetic for a dental operation under the direct  
22 supervision of a licensed dentist or person licensed to practice medicine  
23 and surgery so long as the anaesthetic given under the direct supervision  
24 of a licensed dentist is consistent with the anaesthetic the dentist is au-  
25 thorized to administer under K.S.A. 65-1444 and amendments thereto  
26 and consistent with subsection (a) of K.S.A. 65-1162 and amendments  
27 thereto and subsection (e) of K.S.A. 65-1163 and amendments thereto;

28 (c) to the giving by a registered nurse anesthetist of an anaesthetic  
29 for a dental operation in an interdependent role as a member of a phy-  
30 sician or dentist directed health care team;

31 (d) the practice of dentistry in the discharge of their official duties  
32 by graduate dentists or dental surgeons in the United States army, navy,  
33 air force, marines, public health service, coast guard or veterans' bureau;

34 (e) the practice of dentistry by a licensed dentist of other states or  
35 countries at meetings of the Kansas state dental association or compo-  
36 nents thereof, or other like dental organizations approved by the board,  
37 while appearing as clinicians;

38 (f) to the filling of prescriptions of a licensed and registered dentist  
39 as hereinafter provided by any person or persons, association, corporation  
40 or other entity, for the construction, reproduction or repair of prosthetic  
41 dentures, bridges, plates or appliances to be used or worn as substitutes  
42 for natural teeth, provided that such person or persons, associations, cor-  
43 poration or other entity, shall not solicit or advertise, directly or indirectly

Amend HB 2725 into HB 2724 with the proposed changes in this mark-up.

3-4  
C

3-5

1 by mail, card, newspaper, pamphlet, radio or otherwise, to the general  
2 public to construct, reproduce or repair prosthetic dentures, bridges,  
3 plates or other appliances to be used or worn as substitutes for natural  
4 teeth;

5 (g) to the use of roentgen or x-ray machines or other rays for making  
6 radiograms or similar records, of dental or oral tissues under the super-  
7 vision of a licensed dentist or physician except that such service shall not  
8 be advertised by any name whatever as an aid or inducement to secure  
9 dental patronage, and no person shall advertise that such person has,  
10 leases, owns or operates a roentgen or x-ray machine for the purpose of  
11 making dental radiograms of the human teeth or tissues or the oral cavity,  
12 or administering treatment thereto for any disease thereof;

13 (h) except as hereinafter limited to the performance of any dental  
14 service of any kind by any person who is not licensed under this act, if  
15 such service is performed under the supervision of a dentist licensed  
16 under this act at the office of such licensed dentist except that such non-  
17 licensed person shall not be allowed to perform or attempt to perform  
18 the following dental operations or services:

19 (1) Any and all removal of or addition to the hard or soft tissue of the  
20 oral cavity;

21 (2) any and all diagnosis of or prescription for treatment for disease,  
22 pain, deformity, deficiency, injury or physical condition of the human  
23 teeth or jaws, or adjacent structure;

24 (3) any and all correction of malformation of teeth or of the jaws;

25 (4) any and all administration of general or local anaesthesia of any  
26 nature in connection with a dental operation; or

27 (5) a prophylaxis, *except that individuals who are not licensed but*  
28 *who are operating under the ~~on-site~~ supervision of a dentist may remove*  
29 *extraneous deposits, stains and debris from the teeth above the gum line*  
30 *so long as ~~they have completed necessary training as established by the~~*  
31 *board.*

32 (i) As used in this section:

33 (1) "Removal of or addition to the hard or soft tissue of the oral  
34 cavity" means: (A) A surgical or cutting procedure on hard or soft tissues;  
35 (B) the grafting of hard or soft tissues; (C) the final placement or intraoral  
36 adjustment of a fixed crown or fixed bridge; and (D) root planing or the  
37 smoothing of roughened root surfaces.

38 (2) "Diagnosis of or prescription for treatment for disease, pain, de-  
39 formity, deficiency, injury or physical condition of the human teeth or  
40 jaws or adjacent structure" means: (A) A comprehensive examination; (B)  
41 diagnosis and treatment planning; and (C) the prescription of a drug,  
42 medication or work authorization.

43 (3) "Correction of malformation of teeth or the jaws" means surgery,

direct

(A) such procedure is not performed on a patient who has undergone local or general anesthesia at the time of the procedure or a patient who has above type II or moderate periodontitis, (B) such nonlicensed person has successfully completed necessary training for performing such dental procedure in a course of study approved by the board, which training includes but is not limited to instruction on scaling of the teeth, and has met the experience requirements for performing such procedure as established by the board and (C) such procedure is completed by a dentist or dental hygienist

1 cutting or any other irreversible procedure.

2 (4) "General or local anesthesia of any nature in connection with a  
3 dental operation" means any general anaesthetic and any local anaesthetic  
4 whether block or infiltration but shall not include the administration and  
5 monitoring of the analgesic use of nitrous oxide or oxygen, or both.

6 Sec. 2. K.S.A. 1997 Supp. 65-1456 is hereby amended to read as  
7 follows: 65-1456. (a) The board may suspend or revoke the license, license  
8 certificate and renewal certificate of any registered and licensed dentist  
9 who shall permit any dental hygienist operating under such dentist's su-  
10 pervision to perform any operation other than that permitted under the  
11 provisions of article 14 of chapter 65 of the Kansas Statutes Annotated,  
12 or acts amendatory thereof, and may suspend or revoke the license of any  
13 hygienist found guilty of performing any operation other than those per-  
14 mitted under article 14 of chapter 65 of the Kansas Statutes Annotated,  
15 or acts amendatory thereof. No license or certificate of any dentist or  
16 dental hygienist shall be suspended or revoked in any administrative pro-  
17 ceedings without first complying with the notice and hearing require-  
18 ments of the Kansas administrative procedure act.

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

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

35 (d) Except as otherwise provided in this section, the practice of dental  
36 hygiene shall be performed under the direct or indirect supervision of a  
37 licensed dentist at the office of such licensed dentist. The board may  
38 designate by rules and regulations the procedures which may be per-  
39 formed by a dental hygienist under direct supervision and the procedures  
40 which may be performed under the indirect supervision of a licensed  
41 dentist. As used in this section, "indirect supervision" means that the  
42 dentist is in the dental office, authorizes the procedures and remains in  
43 the dental office while the procedures are being performed and "direct

3-7

1 supervision" means that the dentist is in the dental office, personally  
2 diagnoses the condition to be treated, personally authorizes the procedure  
3 and before dismissal of the patient evaluates the performance.

4 (e) The practice of dental hygiene may be performed at an adult care  
5 home, hospital long-term care unit, state institution, local health depart-  
6 ment or indigent health care clinic on a resident of a facility, client or  
7 patient thereof so long as:

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

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

12 (3) either the supervising dentist is personally present or the services,  
13 tasks and procedures are limited to the cleaning of teeth, education and  
14 preventive care;

15 (4) the supervising dentist examines the patient at the time the dental  
16 hygiene procedure is performed or has examined the patient during the  
17 12 calendar months preceding performance of the procedure;

18 (5) nothing in this subsection (e) shall be construed to prevent a den-  
19 tal hygienist from providing dental education in a school setting; and

20 (6) the provisions of this subsection (e) shall expire on July 1, 1998.

21 (f) The board may issue a permit to a licensed dental hygienist to  
22 provide dental screening as an employee of the state of Kansas, or any  
23 subdivision thereof, at any public institution or facility under the super-  
24 vision of the governing body of such public institution or facility under  
25 such terms and conditions as the board may reasonably establish in such  
26 permit. Such permit shall be for a period of one year and shall be subject  
27 to renewal annually at the time the license for dental hygiene is renewed.

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

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

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

36 (3) administer local block and infiltration anaesthesia and nitrous ox-  
37 ide. (A) The administration of local anaesthesia shall be performed only  
38 under the direct supervision of a licensed dentist at the office of the  
39 licensed dentist. (B) Each dental hygienist who administers local anaes-  
40 thesia shall have completed courses of instruction in local anaesthesia and  
41 nitrous oxide which have been approved by the board.

42 (h) (1) The courses of instruction required in subsection (g)(3)(B) of  
43 K.S.A. 65-1456, and amendments thereto, shall provide a minimum of 12

hours of instruction at a teaching institution accredited by the American dental association.

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

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

Sec. 3. K.S.A. 1997 Supp. 65-1423 and 65-1456 are hereby repealed.

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

New Sec. 3. The state board of education and the state board of regents shall report to the legislature on or before January 11, 1999, on plans for increasing the number of persons in this state being trained as dental hygienists.

New Sec. 4. (a) The Kansas dental board shall develop a wall plaque detailing who in the dental office is allowed to provide dental services and the services which such persons may provide. The wall plaque shall be displayed in a conspicuous place for public viewing in all dental offices. Each person who provides patient services in a dental office shall wear a name tag which identifies the individual and their appropriate title as specified by the board.

(b)<sup>(c)</sup> This section shall be part of and supplemental to the dental practices act.

Amend K.S.A. 65-1462 attached

8-3

Sec. 5. K.S.A. 65-1462 is hereby amended to read as follows: 65-1462. (a) No person reporting to the Kansas dental board under oath and in good faith any information such person may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice dentistry shall be subject to a civil action for damages as a result of reporting such information.

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

*Accountability*

PROPOSED AMENDMENT TO NEW SEC. 4

Be amended:

(b) The Kansas dental board shall develop a brochure which explains in nontechnical language the qualifications of persons working in a dental office, the services which such persons are authorized to provide and the training such persons are required to complete. The brochure shall be distributed to all dentists in this state and shall be available in the office of each licensed dentist to the patients of the dentists.

STATE OF KANSAS

**JIM MORRISON**  
REPRESENTATIVE, 121ST DISTRICT  
3 COTTONWOOD DRIVE  
COLBY, KANSAS 67701  
(913) 462-3264  
CAPITOL OFFICE 174-W  
(913) 296-7676  
E-Mail: [jmorrison@ink.org](mailto:jmorrison@ink.org)  
HTTP://www.idir.net/~jmorrison



TOPEKA

HOUSE OF REPRESENTATIVES

STATE CAPITOL  
TOPEKA, KANSAS 66612-1504  
COMMITTEE ASSIGNMENTS  
**Chairman:**  
JOINT COMMITTEE ON COMPUTERS  
AND TELECOMMUNICATIONS  
**Vice Chair:**  
HEALTH & HUMAN SERVICES  
**Member:**  
EDUCATION

Here are some of my thoughts concerning HB 2724 & HB 2725

1. Is "general supervision" in the public's best interest? Hygienists did not request this bill, dentists did.
2. The sub-committee version still allows non-licensed persons to do scaling and polishing of teeth.
3. The "shortage" of Hygienists is less now than it was 4 years ago and another program is opening in August. If we pass this bill and in a few years have a surplus of Hygienists, will we then repeal it?
4. The training required is not defined. Will it be more, less, the same as that required for Hygienists?
5. There still is concern for public safety or there would be no need for "New Section 4."
6. If some parts of the state are medically underserved why pass legislation that affects the whole state? Why not put a county population of say 10,000 and under for this bill to apply?
7. We are going to allow non-licensed persons to "remove extraneous deposits, stains and debris" without defining any limits on how this is done. Not good policy.
8. How many Dental Assistants can be hired by one Dentist? One or Ten?
9. HB2724 changes law relative to administration of anesthesia. The KSNA is opposed to these changes. Why are we now deciding to pass legislation that most in this room really do not understand? More thought needs to be going into what we are considering.
10. Dentists in my district have gone **on record** opposing the bills. They have done so in local newspapers. Not ALL have done so but the large majority support withdrawing the legislation, which they at first supported.

HOUSE HHS COMMITTEE  
Attachment 5  
2 - 16 - 98