

Approved: 3-30-98

Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 24, 1998 in Room 526-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Others attending: See attached list

Action on HB 2724 - Practice of dental hygiene

The Chair called upon Senator Hardenburger, Chair of the Subcommittee on HB 2724, with members Senator Salmans and Senator Steineger, who briefed the Committee on the recommendations of the subcommittee. (See Attachment 1) Staff also briefed the Committee on a balloon of the bill showing recommendations of the subcommittee. The Committee suggested changes in the balloon of the bill, with recommended language by staff, that would insert language on page 3, line 4, relating to a prophylaxis which now would read, "coronal polish teeth as defined by rules and regulations of the board". Correctional changes were also made in the new language in the balloon of the bill in Section 4 that related to the number of licensed dentists appointed by the governor be changed to "two". (See Attachment 2)

Committee discussion also related to amending HB 2622 - Dental services for dentally indigent persons into HB 2724, the need to address the shortage of dental hygienists, and strengthening rules and regulations of the board on various issues.

Senator Hardenburger made a motion that the Committee adopt the balloon amendments to HB 2724 with recommended changes in the balloon of the bill as noted by staff, seconded by Senator Steineger. The motion carried.

Senator Hardenburger made a motion that the Committee amend HB 2622 into HB 2724, seconded by Senator Steineger. The motion carried.

Senator Hardenburger made a motion that the Committee recommend HB 2724 as amended favorably for passage, seconded by Senator Jones. The motion carried.

Action on HB 2832 - County hospitals; boards; methods of selecting

Staff briefed the Committee on a balloon of HB 2832 with proposed amendments. (See Attachment 3) After Committee discussion on the balloon of the bill, Senator Jones made a motion to adopt the amendments as shown in the balloon of the bill, and that the Committee recommend HB 2832 as amended favorably for passage, seconded by Senator Steineger. The motion carried.

Adjournment

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for March 25, 1998.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
GUEST LIST

DATE: 3-24-98

| NAME | REPRESENTING |
|----------------------------|--|
| Cindy K. Scott, RDH | KDHA |
| Jennifer Schultejiens, RDH | KDHA |
| Erica Heiniger | Sabetha High School |
| Lina Graham | Sabetha High School |
| Mary Renyer | " " " |
| Artinda Spellmeier | Sabetha High School |
| Bryan Spelemier | Sabetha High School |
| Lindsay Saylor | " " " |
| Akmal Havitlin | KFSW |
| Ben Glace | Sabetha High School |
| TROY KAEB | " " |
| Carolyn Muldendorf | KSWA |
| Joyce Valmont | Kans. Association for Med Under served |
| Judy Evely | KAMU |
| Kathy Swete DDS | KDA |
| Proston Barton | KEDD |
| Helen Stephen | NS & Assoc |
| | |
| | |

JANICE HARDENBURGER

SENATOR, 21ST DISTRICT
 CLAY, CLOUD, MARSHALL
 NEMAHA, WASHINGTON, RILEY
 AND A PORTION OF
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TOPEKA

SENATE CHAMBER
 HOUSE BILL 2724

COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS/LOCAL GOVERNMENT
 JOINT COMMITTEE ON ADMINISTRATIVE
 RULES & REGULATIONS
 MEMBER: ASSESSMENT AND TAXATION
 ORGANIZATION, CALENDAR AND RULES
 PUBLIC HEALTH AND WELFARE

Subcommittee: Chair, Hardenburger; Members, Salmans and Steineger

Recommendations:

1. Broaden the definition of prophylaxis to allow dental assistants to do coronal polishing.
2. The subcommittee deleted the definition of indirect supervision as it was synonymous with general supervision. The definition of general supervision seemed more appropriate for the situations being allowed in House Bill 2622, the bill permitting dental hygienists to perform their functions in the nursing homes, health clinics, and homebound. Lines 15-18 on page 4 were re-inserted to require rules and regulations to be promulgated regarding procedures to be performed under direct or general supervision of the licensed dentist.
3. The subcommittee deleted the amended language creating the additional health auxiliary, a "preventive dental assistant". The accompanying sections requiring posting of functions by displaying plaques and badges were deleted.
4. New Section 3 was retained to require the state board of education and the state board of regents to report to the legislature on or before January 11, 1999 on plans for increasing the training of dental hygienists.
5. The subcommittee added a variation of House Bill 2919 which would expand the dental board by adding four more members:
 - a. Four dentists to be elected by licensed dentists in four separate congressional districts.
 - b. Two dentists, at large, appointed by the governor
 - c. Two dental hygienists, appointed by the governor
 - d. One representative of the general public, appointed by the governor.

The board participates in a testing service for licensure of dentists. The board members, who are dentists, are required to participate in the evaluation of these tests. With only three board members and one who is not always available, the time is very demanding on the other two. Expanding the board would spread the workload.

Expanding the board by requiring the election of dentist from congressional districts would provide broader representation across the state. Currently, the board members represent Wichita (2 members, 1 dentist and 1 dental hygienist), Arkansas City (1 dentist), Topeka (1 dentist) and Shawnee (1 public member).

The subcommittee unanimously supports this report, and recommends its passage in the Senate Public Health and Welfare Committee.

Senate Public Health and Welfare
 Date: 3-24-98
 Attachment No. 1

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1998

HOUSE BILL No. 2724

By Committee on Health and Human Services

1-27

12 AN ACT concerning the dental practices act; relating to the practice of
13 dental hygiene; amending K.S.A. 65-1462 and K.S.A. 1997 Supp. 65-
14 1423 ~~and~~ 65-1456 and repealing the existing ~~section~~ sections.

1

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 1997 Supp. 65-1423 is hereby amended to
18 read as follows: 65-1423. Nothing in this act shall apply to the fol-
19 lowing practices, acts and operations:

and 74-1404

20 (a) To the practice of a person licensed to practice medicine
21 and surgery under the laws of this state, unless such person prac-
22 tices dentistry as a specialty; or

23 (b) to the performance by a licensed nurse of a task as part of
24 the administration of an anaesthetic for a dental operation under
25 the direct supervision of a licensed dentist or person licensed to
26 practice medicine and surgery so long as the anaesthetic given
27 under the direct supervision of a licensed dentist is consistent with
28 the anaesthetic the dentist is authorized to administer under K.S.A.
29 65-1444 and amendments thereto and consistent with subsection
30 (a) of K.S.A. 65-1162 and amendments thereto and subsection (e)
31 of K.S.A. 65-1163 and amendments thereto;

32 (c) to the giving by a registered nurse anesthetist of an anaes-
33 thetic for a dental operation in an interdependent role as a mem-
34 ber of a physician or dentist directed health care team;

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

administration

39 (e) the practice of dentistry by a licensed dentist of other states
40 or countries at meetings of the Kansas state dental association or
41 components thereof, or other like dental organizations approved
42 by the board, while appearing as clinicians;

43 (f) to the filling of prescriptions of a licensed and registered

Senate Public Health & Welfare
Date: 3-24-98
Attachment No. 2

dentist as hereinafter provided by any person or persons, association, corporation or other entity, for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth, provided that such person or persons, associations, corporation or other entity, shall not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth;

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

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

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

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

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

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

(5) a prophylaxis, *except that individuals who are not licensed but who are operating under the direct supervision of a dentist may remove extraneous deposits, stains and debris from the teeth above the gum line so long as (A) such procedure is not performed on a patient who has undergone local or general anesthesia at the time of the procedure, (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 [adequate] instruc-*

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~~tion on [in] scaling of the teeth [above the gum line, polishing teeth and recognition of periodontal disease], 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.~~

coronal polish teeth

as defined by rules and regs of the board

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- (i) As used in this section:
 - (1) "Removal of or addition to the hard or soft tissue of the oral cavity" means: (A) A surgical or cutting procedure on hard or soft tissues; (B) the grafting of hard or soft tissues; (C) the final placement or intraoral adjustment of a fixed crown or fixed bridge; and (D) root planing or the smoothing of roughened root surfaces.
 - (2) "Diagnosis of or prescription for treatment for disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure" means: (A) A comprehensive examination; (B) diagnosis and treatment planning; and (C) the prescription of a drug, medication or work authorization.
 - (3) "Correction of malformation of teeth or the jaws" means surgery, cutting or any other irreversible procedure.
 - (4) "General or local anesthesia of any nature in connection with a dental operation" means any general anaesthetic and any local anaesthetic whether block or infiltration but shall not include the administration and monitoring of the analgesic use of nitrous oxide or oxygen, or both.

~~The board shall maintain a registry of all persons who have completed the training required by subsection (h)(5)(B), such persons to be known and designated as "preventive dental assistants".~~

Section 2. K.S.A. 1997 Supp. 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

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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 or general 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: (1) "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 (2) "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;

(3) "general supervision" means a licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function, and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure which is irreversible or which involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under part (3) of this subsection.

(e) The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, local health department or indigent health care clinic on a resident of a facility, client or patient 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 board shall 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 general supervision of a licensed dentist.

"Direct

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(2)

the dentist;

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

(4) 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; and

(5) nothing in this subsection (e) shall be construed to prevent a dental hygienist from providing dental education in a school setting ~~and~~

~~(6) the provisions of this subsection (e) shall expire on July 1, 1999.~~

(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.

(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 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.

(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.

New Sec. 3. The state board of education and the state board of regents shall report to the legislature on or before January 11,

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1 1999, on plans for increasing the number of persons in this state
2 being trained as dental hygienists.

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

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

17 ~~(c) This section shall be part of and supplemental to the dental
18 practices act.~~

19 Sec. 5. K.S.A. 65-1462 is hereby amended to read as follows:
20 65-1462. (a) No person reporting to the Kansas dental board under
21 oath and in good faith any information such person may have re-
22 lating to alleged incidents of malpractice or the qualifications, fit-
23 ness or character of a person licensed to practice dentistry shall
24 be subject to a civil action for damages as a result of reporting such
25 information.

See attached

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

36 Sec. 2 6. K.S.A. 65-1462 and K.S.A. 1997 Supp. 65-1423 ~~and~~
37 65-1456 ~~is~~ are hereby repealed.

and 74-1404

38 Sec. 3 7. This act shall take effect and be in force from and after its
39 publication in the statute book.

Sec. 4. K.S.A. 1997 Supp. 74-1404 is hereby amended to read as follows: 74-1404. (a) In order to accomplish the purpose and to provide for the enforcement of this act, there is hereby created the Kansas dental board. The board shall be vested with authority to carry out the purposes and enforce the provisions of this act. Prior to January 1, 1999, the board shall consist of the following: (1) Three licensed and qualified resident dentists; (2) one licensed and qualified resident dental hygienist; and (3) one representative of the general public. On January 1, 1999, the Kansas dental board, as such board existed on December 31, 1998, is hereby abolished. On January 1, 1999, there is hereby established a new Kansas dental board which shall consist of 11 members, as follows:

(1) Four licensed dentists appointed by the governor, one from each congressional district;

(2) four licensed dentists elected by licensed dentists, one from each congressional district, as provided in subsection (e);

(3) two licensed dental hygienists appointed by the governor; and

(4) one representative of the general public appointed by the governor.

(b) At least 30 days before the expiration of ~~any the term, other than that of the member appointed from the general public or a member who is a dental hygienist~~ of a licensed dentist appointed by the governor, the Kansas dental association or its successor shall submit to the governor a list of three names of

persons of recognized ability who have the qualifications prescribed for the dentist board ~~members~~ member. At least 30 days before the expiration of the term of ~~the~~ a dental hygienist member of the board, the Kansas dental hygiene association shall submit to the governor a list of three names of persons of recognized ability who have the qualifications prescribed for the dental hygienist member. The governor shall consider such list of persons in making the appointment to the board.

(c) The members appointed by the governor shall be appointed ~~by-the-governor~~ in the manner hereinafter prescribed for terms of four years and until their successors are appointed and qualified. The members elected to the board shall be elected for terms of four years and until their successors are elected and qualified. On and after the effective date of this act, no person shall be elected or appointed for more than two consecutive four-year terms. No person in any way connected with a dental supply or dental laboratory business shall be eligible for election or appointment to the board. No person shall be eligible for election or appointment to the board who has been convicted of a violation of any of the provisions of this or any other prior dental practice act or who has been convicted of a felony. A dentist who is an officer of the Kansas dental association shall not be eligible for appointment or election to the Kansas dental board. A dental hygienist who is an officer of the Kansas dental hygienists association shall not be eligible for appointment or election to the Kansas dental board. No dentist or

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dental hygienist shall be appointed to the board and no dentist shall be elected to the board who has not been engaged in the active practice of dentistry or dental hygiene in the state of Kansas for at least five years next preceding appointment or election. Whenever a vacancy occurs in the position of a member appointed to the board, it shall be filled by appointment for the remainder of the unexpired term in the same manner as an original appointment is made. Whenever a vacancy occurs in the position of a member elected to the board, it shall be filled by election as provided by rules and regulations of the board under subsection (e).

~~(b)~~ (d) Upon the expiration of terms of office of members appointed to the board, successors shall be appointed in the same manner as original appointments for terms of four years. Upon the expiration of terms of office of members elected to the board, successors shall be elected for terms of four years as provided by rules and regulations of the board under subsection (e).

(e) Within 60 days after the effective date of this act, the Kansas dental board shall adopt rules and regulations providing the requirements and procedures for the election of members of the board by licensed dentists as provided in subsection (a) and for the filling of any vacancy involving such elected member of the board. In establishing the procedures for the election of members of the board, the Kansas dental board shall provide for the election by licensed dentists of one licensed dentist from each congressional district. Elections may be conducted by mail ballot.

HOUSE BILL No. 2832

By Committee on Federal and State Affairs

2-5

10 AN ACT concerning county hospitals; relating to hospital boards; amend-
11 ing K.S.A. 19-4605 and repealing the existing section.

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

14 Section 1. K.S.A. 19-4605 is hereby amended to read as follows:
15 19-4605. (a) The commission shall provide for the management and con-
16 trol of any existing county hospital or any county hospital established
17 under this act by a board.

18 (b) The system for electing or appointing the board ~~in effect on the~~
19 ~~effective date of this act~~ shall continue until the system is changed as
20 ~~provided by referendum under~~ subsection (d).

21 (c) Upon establishment of a county hospital under this act, the com-
22 mission, by resolution, shall provide for the establishment of a board and
23 shall provide either that the members be appointed by the commission
24 or that the members be elected by the qualified electors of the county
25 on a nonpartisan basis. If the commission determines that the board is to
26 be elected, the procedure for holding such election shall be determined
27 by the commission, by resolution. The laws applicable to the procedure,
28 manner and method provided for the election of county officers shall
29 apply to the election of members of the board. The commission shall fix
30 the number of board members and the terms of office for such members.
31 The board shall be composed of five, seven or nine members and terms
32 of office thereof shall be for not less than two years and not more than
33 four years. Members of the board shall be residents of the county in which
34 the hospital is located.

35 (d) (1) The commission, upon being presented with a petition signed
36 by ~~not less than 5% of the~~ qualified electors of the county requesting the
37 manner of selection of the board be changed, shall adopt a resolution
38 providing for the change. The question of changing the method of selec-
39 tion shall be submitted to a vote of the qualified electors of the county at
40 a regular county primary or county general election or, if no regular
41 county election is to be held within six months from the date of adoption
42 of the resolution, at a special election called for the purpose of submitting
43 such question. The resolution shall not be effective until a majority of the

equal in number to not less than 5% of the
electors of the county who voted for the office
of the secretary of state in the last preceding
election

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1 qualified electors voting on the question at such election vote in favor of
2 the question. Such question shall not be submitted to the electors of the
3 county at any election more than once in any one year.

providing for the change

4 (2) The commission may adopt a resolution changing the manner of
5 selection of the board. Such resolution shall be published at least once
6 each week for two consecutive weeks in the official county newspaper. If
7 within 30 days following the last publication of such resolution, a petition
8 against such resolution signed by ~~not less than 5% of the~~ qualified electors
9 of the county is filed with the county election officer, such resolution shall
10 not be effective until submitted to and approved by a majority of the
11 qualified electors of the county voting at an election called and held
12 thereon. The question of changing the method of selection shall be sub-
13 mitted to a vote of the qualified electors of the county at a regular county
14 primary or county general election or, if no regular county election is to
15 be held within six months from the date of adoption of the resolution, at
16 a special election called for the purpose of submitting such question. Such
17 question shall not be submitted to the electors of the county at any election
18 more than once in any year.

equal in number to not less than 5% of the
electors of the county who voted for the office
of the secretary of state in the last preceding
election

19 (e) Members serving on a board on July 1, 1986, shall continue to
20 serve until expiration of their respective terms and their successors shall
21 be selected for terms fixed by resolution of the commission in accordance
22 with the provisions of subsection (c) and this subsection (e). Members
23 ~~selected~~ to serve on ~~the~~ board of any county hospital shall be ~~selected~~ for
24 staggered terms so that: (1) not all terms of office of such members expire
25 at the same time; and (2) a majority of the members of the board are not
26 selected at the same time.

appointed

an appointed

appointed

: (1)

27 (f) Subject to the provisions of subsection (c), the commission, by
28 resolution, may modify the number of members to serve on the board.
29 Whenever the number of members of a board is ~~increased by resolution~~
30 ~~of modified by~~ the commission, the commission shall provide for the
31 expiration of the terms of the members, appointed or elected to the new
32 positions on the board to coincide with the expiration of the terms of the
33 members serving on the board at the time of the creation of the new
34 positions so that a majority of the, so that not all terms of office of mem-
35 bers of the board are not selected at the same time. When complying
36 with the requirements of this subsection, the commission may extend or
37 shorten the length of a term of an existing member for a period not to
38 exceed one year from the date such member's term otherwise would ex-
39 pire.

; and (2) a majority of the members of the
board are not appointed at the same time.
Members elected to serve on an elected board of
any county hospital shall be elected for
staggered terms so that not all terms of office
of such members expire at the same time

See attached

40 ~~(g)~~ Vacancies in the membership of the board shall be filled by ap-
pointment by the commission ~~or, in the case of an elected board, the~~
~~board~~. Any member appointed to fill a vacancy shall hold office until
expiration of the term of the vacated office.

(h)

(g) The commission may adopt a resolution changing the terms of office of some or all members of an elected board so that the members of the board are elected in even-numbered years. When making the change under this subsection, the commission may extend or shorten the length of a term of an existing member of an elected board for a period not to exceed one year from the date such member's term otherwise would expire. The resolution providing for the change shall be published at least once each week for two consecutive weeks in the official county newspaper. If within 30 days following the last publication of such resolution, a petition against such resolution signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of the secretary of state in the last preceding election is filed with the county election officer, such resolution shall not be effective until submitted to and approved by a majority of the qualified electors of the county voting at an election called and held thereon. The question of changing the terms of office of some or all members of an elected board so that the members of the board are elected in even-numbered years shall be submitted to a vote of the qualified electors of the county at a regular county primary or county general election or, if no regular county election is to be held within six months from the date of adoption of the resolution, at a special election called for the purpose of submitting such question. Such question shall not be submitted to the electors of the county at any election more than once in any year.

(i)

- 1 ~~(b)~~ Members of the board are subject to removal from office in the
- 2 manner and for the causes prescribed by law for other county officers.
- 3 Sec. 2. K.S.A. 19-4605 is hereby repealed.
- 4 Sec. 3. This act shall take effect and be in force from and after its
- 5 publication in the statute book.

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