

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on February 12, 2001 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Ms. Emalene Correll, Legislative Research Department
Mr. Hank Avila, Legislative Research Department
Ms. Renae Jefferies, Revisor of Statutes
Ms. Lisa Montgomery, Revisor of Statutes
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Dr. Stephen Haught, President, Kansas Dental Board
Ms. Kevin Robertson, Executive Director
Kansas Dental Association

Others attending: See Attached Guest List

Hearing on SB 160 - dental practices act; licensure and fees.

Upon calling the meeting to order, Chairperson Wagle introduced Dr. Stephen R. Haught, President, Kansas Dental Board, as the first to give proponent testimony for **SB 160**. Dr. Haught referred to his testimony as a "clean-up" request focusing on the elimination of the requirement that the hygienist be an employee of the State of Kansas, asking for removal of the age label, and a statutory increase in fees for the Kansas Dental Board. A copy of Dr. Haught's testimony is (Attachment #1) attached hereto and incorporated into the Minutes by reference. The second conferee called upon was Mr. Kevin Robertson, Executive Director, Kansas Dental Association. Mr. Robertson stated he represented 80% of the practicing dentists and that the KDA had no concerns with the bill as presented to the Committee. A copy of Mr. Robertson's testimony is (Attachment #2) attached hereto and incorporated into the Minutes by reference.

Hearing on SB 212 - use of certain names by dentists

As there was no opponent or neutral testimony or questions or concern from the Committee, Chairperson Wagle moved onto the hearing of **SB 212**, an act relating to dentists; concerning the use of certain names. As in the first hearing above, the first proponent conferee to come before the committee was Dr. Haught. He testified that the Kansas Dental Board's chief concern is that the business configuration is not a solid base for informing the consumer about whom and how care may be extended. A copy of his testimony is (Attachment #3) attached hereto and incorporated into the Minutes by reference. The second proponent conferee to come before the Committee was Mr. Kevin Robertson. He stated the issue was simply one of fairness and that the disparity in the law is worth correcting. A copy of his testimony (Attachment #4) is attached hereto and incorporated into the Minutes by reference.

Following testimony, Chairperson Wagle requested comments or questions from the Committee. A discussion ensued regarding a Supreme Court decision concerning some advertising names (ex. "painless") that Senator Harrington asked of Mr. Robertson. More questions from Ms. Correll, Senators Haley, and Salmans ranging from licensees of retired status when they return to work, is there a fee, are there other parts of medicine where this happens, to are we setting a consistent standard by approving this amendment, were answered by Mr. Jerry Frees, Director of the Kansas Dental Board.

Adjournment

With no further comments or questions from the Committee, Chairperson Wagle thanked the conferees for their testimony. As it was 2:30 p.m., the meeting was adjourned.

The next meeting is scheduled for February 13, 2001.

GUEST LIST

DATE: Monday, February 12, 2001

NAME	REPRESENTING
KEVIN ROBERTSON	KANSAS DENTAL ASSN
Jenni Freed	KS Dental Bd
Steve Haught	Ks Dental Bd
Sally Linsay	Ks. Public Health Association
Nancy Stapp	Federation
Michelle Peterson	PPAG
Sen Gilstrap	5 th Dist



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KANSAS DENTAL BOARD

Legislative Testimony – SB 160

Stephen R. Haught, President
February 12, 2001

Senate Bill 160 contains a word change to remove the age aspect to retirement of licensees. The statute has an age of 65 attached to the retirement designation. We have projected that our "re-entry" program for hygienists used the word retirement, but the present statute would make that opportunity only applicable to 65-year-old prior license holders. We ask for removal of the age label, so we can assist the return to the profession for the hygienist.

The Kansas Dental Board will need a statutory increase in fees and feel an increase of 25 % is warranted at this time. This statutory authority may be utilized in the future when on-line license renewal is a reality. The fee increase would permit a credit card/on-line user charge and also some upward change to the registration fee. There is no current plan to raise the license fee.

The last change we include in this "clean-up" request focuses on the complicating details in K.S.A. 65-1456(5) where a special permit is extended to "licensed dental hygienists" to provide dental screenings. We propose eliminating the requirement that the hygienist must be an employee of the State of Kansas, or any subdivision thereof, and that the screenings must be conducted at any public institution or facility under the supervision of the governing body of such public institution or facility. In addition, each request for a permit is board evaluated, but not tied to an annual renewal, rather the biennial renewal as in the regular license cycle.

*Senate Public Health & Welfare Committee
Meeting Date February 12, 2001
Attachment 1-1*



Date: February 12, 2001

To: Senate Committee on Public Health and Welfare

From: Kevin J. Robertson, CAE
Executive Director

Re: **SB 160 – Dental Practice Act**

Senator Wagle and members of the Committee I am Kevin Robertson, executive director of the Kansas Dental Association (KDA) which represents about 80% of Kansas' practicing dentists. I am here today to testify in support of SB 160. The KDA has no concerns with SB 160 as presented to you by the Kansas Dental Board.

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Phone: 785-272-7360
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*Senate, Public Health & Welfare Committee
Meeting Date February 12, 2001
Attachment 2-1*



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KANSAS DENTAL BOARD

Legislative Testimony – Senate Bill 212

Stephen R. Haught, President
February 12, 2001

The Kansas Dental Board has in the past steadfastly supported the concept that the provider's name should be on the door. The chief concerns are a misinformed or misled public. The business configuration is not a solid base for informing the consumer about who and how care may be extended.

The past changes to this part of the Dental Practices Act has been to allow business structures (multiple providers) a flexibility in signage and promotion but restrain misleading or "over-the-top" promotional names from confusing the public.

The present law requires a sole proprietor to use only a proper name, while a corporation (i.e. PC, PA or LLC) may use any name that both the Secretary of State and the Kansas Dental Board approve.

If the concept of "caveat emperor" is the rule, then trade names by any provider is acceptable. The Kansas Dental Board will continue to evaluate each name submitted individually. A rush to rename offices may have direct impact. The long-term workload on the staff will be slightly more than in the past effort.

*Senate Public Health & Welfare Committee
Meeting Date February 12, 2001
Attachment 3-1*



KANSAS DENTAL ASSOCIATION

Date: February 12, 2001

To: Senate Committee on Public Health and Welfare

From: Kevin J. Robertson, CAE
Executive Director

A handwritten signature in black ink, appearing to read 'KJR', is written over the printed name of Kevin J. Robertson.

Re: **SB 212 – Dental Practice Names**

Senator Wagle and members of the Committee I am Kevin Robertson, executive director of the Kansas Dental Association (KDA) which represents about 80% of Kansas' practicing dentists. I am here today to testify in support of SB 212 which would provide single-owner dental practices the option of being named something other than the dentist's name. The issue today is simply one of fairness.

Under current Kansas law a single-owner dentist must practice under his or her own name, i.e. John Doe, DDS, PA. If a dentist is in partnership or association with another dentist (or other healthcare provider) that dental practice or clinic may now chose to name itself anything if approved by the Kansas Dental Board. The KDA believes it is appropriate and time to allow single-owner dental practices the same opportunities for naming their practices that multiple-owner dental practices have enjoyed for years.

It is important to note that these names would require approval of the Kansas Dental Board and would allow for innocuous names like "Sunflower Dental," "Old Towne Dental" and the like. The bill is clear that these names could not mislead the public as determined by the Board. Misleading names could be names that suggest a dental specialty where none exists, a higher level of expertise in a certain area without specialty recognition, or other unsubstantiated claims. Some misleading names might be "the Painless Dentist," "Cosmetic Dentistry Clinic, or "the Implant Specialist."

I hope you will join me in agreeing that the disparity in the law is worth correcting. It frankly isn't fair that a single-owner dentist would be required to open a practice across the street from the Capitol under his own name only, while a multiple-owner practice could call itself "Capitol Plaza Dental" or anything else they might believe is a marketing advantage.

Thank you for your time today. I urge your support of SB 212.

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Senate Public Health & Welfare Committee
Meeting Date February 12, 2001
Attachment 4-1