

MINUTES OF THE SENATE PUBLIC HEALTH & WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 18, 2003 in Room 231-N of the Capitol.

All members were present except: Senator Karin Brownlee

Committee staff present: Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Ron Gaches for Ms. Lisa Ross, Legislative Affairs
Chair, KS Dental Hygienists Association
Mr. Kevin Robertson, CAE, Executive Director,
KS Dental Association
Ms. Maggie Smet, Registered Dental Hygienist

Others attending: See attached guest list

Hearing on HB 2161 - an act regarding dentists and dentistry; relating to dental hygienists

Hearing on HB 2155 - an act concerning dentists and dentistry, regarding temporary licensure of out-of-state dentists and hygienists.

Upon calling the meeting to order, the Chair announced that there would be hearing on HB2161, an act regarding dentists and dentistry; relating to dental hygienists and HB2155, an act concerning dentists and dentistry; regarding temporary licensure of out-of-state dentists and hygienists. She asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of both bills first. Highlights of his overview of HB2161 are shown on his handout (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The only question for Mr. Furse came from the Chair who asked if the dentist is making the payment, but has his/her own liability insurance, who is liable if there is a problem? Mr. Furse stated that, under the extended practice, the dentist has the liability, and under extended care permit 2 (ECPII), the dental hygienist would have professional liability insurance.

Mr. Furse's overview on HB2155 included that the bill had been introduced by House and Human Services and it concerns temporary licensure of out-of-state dentists and much simpler than the one just discussed.

1) The changes on page one relate to the original language of the bill, which was amended out by the House Committee.

2) On page two, the language relates to a temporary license for dentists providing they have met the qualifications listed, not licensed to practice in Kansas, but is in the state from which they are applying and have not failed an exam for licensure to practice in Kansas. (Basically the change here is to get wording changed around a little bit to make it consistent with the lead in language and also cites the specific subsection in K.S.A. 75-6102 which is referred to in Section 1.)

3) Section 2 does the same thing as Section 1. only it relates to dental hygienists and authorizes this temporary permit for a maximum of 14 days.

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4) In regards to the two technical amendments:

A) Page 1, line 32, (1) is a refresher course relating to this temporary permit, so it needs to be paragraphed with a subsection, and when that's the case, (1) and (2) need to be deleted because that is just a continuation of line 31; and,

B) On line 10 of page 3, the word "calendar" should be inserted between "14" and "days" to be consistent with language on page 2, line 8.

The Chair then asked if there were any technical amendments in **HB2161**. Mr. Furse responded by saying it is not necessary, but on page 5, sub (k), lines 20 through 22, there is language that might be repeated in two other places in this same section. (Page 3, lines 36 through 38 and page 4, lines 33 through 35, could be deleted.)

The Chair then recognized the first proponent for the first bill (**HB2161**), Mr. Ron Gaches who was testifying for Ms. Lisa Ross, Legislative Affairs Chair for the Kansas Dental Hygienists Association. Mr. Gaches stated the bill will allow the licensed dental hygienists in Kansas the opportunity to access those that have been unable to get dental services elsewhere and while working in the specified areas noted within the bill, allows them to perform preventive services such as dental prophylaxis and fluorides, and also to educate those children on how to prevent dental problems. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Mr. Kevin Robertson, CAE, Executive Director, Kansas Dental Association, was the second proponent. He stated the bill is a culmination of some 12 months, a handful of meetings, numerous emails, and other communications between representative of the KDS and Kansas Dental Hygienists' Association (KDHA), and they both agree that dental hygienists can be important players in helping meet the preventive dental needs of many Kansans outside the dental office setting. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The final proponent was Ms. Maggie Smet, Registered Dental Hygienist, who gave a brief history of the Health Ministries Clinic of Harvey County, a facility she volunteered time at and stated that the bill will relax the stipulation of a patient (in specific situations) being required to see the dentist first. And, she stated, not every private dental practice accepts medicare/medicaid or Healthwave reimbursement, but with the passage of the bill, please imagine all of the people they could help. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no neutral proponents, written testimony was provided from Ms. Debra Zehr, Vice President, Kansas Association of Homes and Services for the Aging. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Senator Barnett asked the only question regarding this bill asking Mr. Robertson how he saw public schools for instance, paying for this and would they be setting up the office? (Ex. Dental chairs)

As there was no further discussion of the bill, the Chair then called upon Mr. Robertson, as he was the only proponent for **HB2155**. Mr. Robertson provided a video on the Kansas Mission of Mercy, a dental outreach program that is being funded entirely through the generosity of Kansas dentists and private funders, and touched briefly on the second project scheduled for Wyandotte County in November 2003. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

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As there were no neutral or written testimony, Senators Harrington and Wagle asked if any screening was or is done, are surveys available, if they wanted to work in Garden City and Wyandotte would they have to get two different permits, and is there a charge?

Action on HB2155 - an act concerning dentists and dentistry; regarding temporary licensure of out-of-state dentists and hygienists

As there were no further questions, the Chair then asked the Committee if there was any objection to working these two bills. As there was none, the Chair asked the Committee to look at HB215 stating she did feel the language was problematic regarding the failing an examination. Senator Barnett asked for clarification from Mr. Furse regarding the technical amendments/changes (inserting "calendar" on page 3, line 10, on page 2, line 1, there should be a "d" in "()" before the word "any" and re-letter subsequent subsections and on page 1. The language on lines 30 and 31, (1) and (2) should be deleted and (d) should be made a subsection. Senator Barnett made a motion to move the above two technical amendments and inserting the word "calendar" on page 3, line 10. It was seconded by Senator Jordan and the motion carried.

Senator Barnett then moved that the Committee deletes language on page 2, line 6 (has not failed an examination for license to practice dentistry in Kansas, and also repeated on page 3, line 8 and deleting (d)) Senator Harrington seconded and the motion carried. Senator Haley asked if there was a limit of temporary licenses an applicant can have? The Chair address both KDA and KDHA by stating that this would be subject to rules (and making sure someone doesn't come into the state and get a permit, after, permit, after permit). Mr. Furse stated they would have to do it for purposes of practice as a charitable healthcare provider.

Senator Harrington made a motion to pass the bill out favorably as amended. Senator Barnett seconded and the motion carried.

Action on HB2161 - an act regarding dentists and dentistry; relating to dental hygienists

The Chair then clarified this bill by saying it needed nothing in the section removed except line 36 through 38 on page 3, and line 33 through 35 on page 4 which were duplicated on lines 20 through 22 on page 5. Senator Brungardt made a motion to remove the above-mentioned duplications. Senator Barnett seconded and the motion carried

Senator Brungardt made a motion to pass the bill out favorably as amended. Senator Haley seconded and the motion carried.

Adjournment

As it was past 2:30 p.m., time for Senate Session, the Chair adjourned the meeting and announced to the Committee that they would meet March 19, 2003. The time was 2:36 p.m.

Overview of HB 2161 (as amended by House committee)

	Extended Practice	Extended Care Permit	ECPII
Location:	Adult care home	Public or accredited nonpublic school	Adult care home
	Hospital long-term care unit	Head Start program w/consent	Hospital
	State institution	State correctional institution	Long-term care unit
	Local health department	Local health department	State institution
	Indigent health care clinic	Indigent health care clinic	Home of HCBS qualified homebound person
Performed on:	A resident	Medicaid eligible person	Resident of facility
	Client	Healthwave eligible	Client
	Patient	Eligible for federal free and reduced lunch program	Patient
		An inmate, client or patient of above	
Conditions:	Dentist delegated	DH has received an extended care permit (1,800 hrs of care or instruction at accredited dh program)	DH has received an extended care permit II (1,800 hrs of care or instructor at accredited dh program + six hours training on care of special needs patient or other board accepted training
	DH under supervision and responsibility of dentist	Professional liability insurance	Professional liability insurance
	Supervising dentist personally present or procedures are limited to cleaning teeth, education and preventive care	Sponsored by a Kansas licensed dentist	Sponsored by Kansas licensed dentist

Senate Public Health & Welfare Committee
 3-19-03
 ATTACHMENT 1

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 Date: March 19, 2003
 Attachment 1-1

	Supervising dentist examines patient at time the dh procedure is performed or within 12 months preceding	Sponsoring dentist to monitor not more than 5 DH with ECP	Sponsoring dentist to monitor not more than 5 DH with ECPII
		Limited tasks and procedures (cleaning, fluoride, education, assessment, delegated duties by sponsoring dentist)	Limited tasks and procedures (cleaning, fluoride, education, assessment, delegated duties by sponsoring dentist)
		DH advises patient that services are preventive	DH advises patient that services are preventive
		DH provides copy of finding to sponsoring dentist an organization	DH provides copy of findings to sponsoring dentist and organization
		Payment to DH is from sponsoring dentist or organization	Payment to DH is from sponsoring dentist or organization
			Completes a minimum of six hrs of continuing dental education in special needs care

Note: DH means dental hygienist
dh means dental hygiene

This material is presented in summary form and is not intended to be an exact restatement of the language in HB 2161.

2-1

**Testimony Before Senate Public Health and Welfare Committee
Regarding HB 2161 Access to Dental Health Care
Presented by Lisa Ross, Legislative Affairs Chair
Kansas Dental Hygienists Association
Tuesday, March 18, 2003**

Thank you Chairman Morrison and Members of the Health and Human Services Committee. The Kansas Dental Hygienists Association (KDHA) urges your support for legislation allowing licensed Dental Hygienist to receive an "extended care permit" to perform preventive procedures to the underserved while being sponsored by a licensed Kansas Dentist authorized under KSA65-1456.

Passage of this bill will allow licensed Dental Hygienists in Kansas the opportunity to access those that have been unable to get dental services elsewhere. The fact that the patient does not have to be a "patient of record" of any dentist makes it easier to access those children who may have never been to a dental office. Being able to work in the specified areas noted within the bill will allow dental hygienist's not only the ability to perform preventive services such as dental prophylaxis and fluorides, but also to educate those children on how to prevent dental problems, thereby saving the state thousands of dollars in the future.

KDHA has worked closely with the Kansas Dental Association on the concepts and language contained within this bill. Leaders from both associations have met at least five times over the last year to collaborate on the many components of the bill. We are very excited about the opportunity this proposal provides dental hygienists to be able to participate more actively in serving those in need. Your support for the access to care bill (HB 21 61) will assist us in broadening access to dental health across the state of Kansas.

KDHA is the professional association of Kansas Registered Dental Hygienists. With members from all regions of the state, KDHA is a proactive voice for access to dental health.

*Senate Public Health & Welfare Committee
Date: March 19, 2003
Attachment 2*



KANSAS DENTAL ASSOCIATION

Date: March 18, 2003

To: Senate Committee on Public Health and Welfare

From: Kevin J. Robertson, CAE
Executive Director

A handwritten signature in blue ink, appearing to read 'Kevin J. Robertson', is written over the printed name and title.

RE: Testimony in SUPPORT of HB 2161

Chairman Wagle and members of the committee I am Kevin Robertson, executive director of the Kansas Dental Association representing 1,168, or some 80% of the state's licensed dentists.

I am pleased to be here today supporting HB 2161. This bill is the culmination of some 12 months, a handful of meetings (one facilitated), numerous emails, and other communications between representatives of the KDA and Kansas Dental Hygienists' Association (KDHA). HB 2161 amends the dental practice act to create a permit system by which qualified dental hygienists could practice in settings with a level of dental supervision less than currently exists.

The KDA agrees with the KDHA that dental hygienists can be an important player in helping meet the preventative dental needs of many Kansans outside the dental office setting.

There are significant populations of Kansans who - for a variety of reasons - have difficulty accessing dental services: Medicaid eligible children and adults, nursing home residents, and homebound persons are a few. HB 2161 allows a dental hygienist, working under a sponsoring dentist to provide care in settings to help meet the preventative needs of these Kansans. The dental hygienist would inform the patient's legal guardian that the procedures being performed do not constitute a comprehensive dental diagnosis. Following care, the dental hygienist would provide a copy of the treatment findings to the sponsoring dentist and the medical advisor of the facility to ensure proper follow-up care is provided to the patient if necessary.

The care provided by the dental hygienists in school, health clinic, nursing home and other settings outlined by HB 2161 could be done for pay or be gratis. Payment to dental hygienists for their services would *not* be made directly by the patient or a third party payor. Payment would flow through the nursing home, school, clinic or sponsoring dentist. Health clinics, schools, and Head Starts can all be Medicaid providers and receive pay from the state.

The KDA's support to HB 2161 was an arduous process that required a significant paradigm shift on behalf of many in the KDA leadership and membership. The House amendments were developed with the counsel of the KDA and KDHA, and I would ask that you keep that in mind as you work HB 2161 - working with the both the KDA and KDHA should concerns on the bill arise.

Thank you for your time today, I am happy to answer any questions you may have at this time. I urge you to support HB 2161 with a favorable recommendation.

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Topeka, Kansas 66604-2398
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Senate Public Health & Welfare Committee
Date: March 19, 2003
Attachment 3-1

Senate Public Health and Welfare
Hearing concerning HB 2161: Access to Dental Hygiene Care
Submitted by Maggie Smet, Registered Dental Hygienist, Newton Kansas
Tuesday, March 18, 2003

Thank you for the opportunity to tell you about the wonderful facility I volunteer time at each month. It is the Health Ministries Clinic of Harvey County. It serves anyone needing medical or dental care from the following counties: Harvey, Marion, McPherson and Butler. These individuals have no medical or dental insurance and their income is 200% below the poverty level.

It is funded through the United Methodist Health Ministries fund, United Way and grants written by its director Nancy Martin, RN.

All medical and dental care is donated through volunteers who are licensed in their field like myself, a Registered Dental Hygienist.

As the laws stands currently, I am authorized to treat those persons who have had an exam by a dentist in the previous twelve months. However, only one dentist volunteers at the site and he cannot keep up with the volume of persons asking and needing to be seen for dental problems and routine examinations. The current wait is six to twelve months to see a Hygienist for a dental cleaning.

We have before us a golden opportunity to aid so many more persons who could be treated. HB2161 will relax the stipulation of a patient (in specific situations) being required to see the dentist FIRST. I could provide a dental cleaning, fluoride treatment, oral hygiene instruction and stress the need for further evaluation by the dentist. This would help reach those persons waiting.

Not every private dental practice accepts medicare/medicade or Healthwave reimbursement. In passing HB2161, please imagine all the people we could help...Every kids who attends Head Start, those who receive care from health departments, indigent clinics like Health Ministries of Harvey County, any person in a nursing home and long term care, the home bound and state institutions. These Kansans could be seen by a dental professional and have their needs evaluated and a portion of their needs met!

The dentists and dental hygienists of Kansas have worked together to make this Access to Care a reality and we ask for your help to. Please pass HB2161.

Thank You. Maggie Smet, RDH

*Senate Public Health & Welfare Committee
Date: March 19, 2003
Attachment 4-1*

KAHSA

KANSAS ASSOCIATION OF
HOMES AND SERVICES FOR THE AGING

TESTIMONY IN SUPPORT OF HOUSE BILL 2161

To: Senator Susan Wagle, Chair, and Members,
Public Health and Welfare Committee

From: Debra Zehr, Vice President

Date: March 18, 2003

Thank you, Chairwoman Wagle, and Members of the Committee, for this opportunity to offer support for House Bill 2161. The Kansas Association of Homes and Services for the Aging represents over 160 not-for-profit long-term health care, housing, and community service providers throughout the state.

Providing good dental care is one of the biggest challenges facing nursing home caregivers. Residents' lifelong oral care practices, compounded by debilitating conditions like stroke and Alzheimer's, and high turnover among nurse aides all conspire to make good oral care very difficult. Currently, most residents must still travel to their dentist's office to receive dental care. Nursing home residents and staff need all the help they can get in this area.

The provisions embodied in House Bill 2161 will assist in the provision of good dental care to a high risk population.

We ask for your support of House Bill 2622.

Thank you. I would be happy to answer any questions.

*Senate Public Health + Welfare Committee
Date: March 19, 2003
Attachment 5-1*



KANSAS DENTAL ASSOCIATION

Date: March 18, 2003

To: Senate Committee on Public Health and Welfare

From: Kevin J. Robertson, CAE
Executive Director

RE: Testimony in SUPPORT of HB 2155

Chairman Wagle and members of the committee I am Kevin Robertson, executive director of the Kansas Dental Association representing 1,168, or some 80% of the state's licensed dentists. I am here today in SUPPORT of HB 2155.

HB 2155 simply amends the Kansas Dental Practice Act to create a 14-day temporary license issued by the Kansas Dental Board to out-of-state dentists and dental hygienists who wish to do charitable work in Kansas.

The out-of-state dentists and dental hygienists would have to receive a dental or dental hygiene degree at an accredited dental or dental hygiene school, and be in good practice standing in the state(s) in which they are licensed. Holders of this temporary license would be limited to practicing in those settings outlined in the Kansas Charitable Healthcare Provider Act. Specifically, those persons who provide gratuitous services through a program like our Kansas Mission of Mercy project that we held in Garden City earlier this month.

As you have heard before, the Kansas Mission of Mercy (KMOM) is a dental outreach that is being funded entirely through the generosity of Kansas dentists and private funders. No direct government funding was used – and none was sought.

The KDA's Kansas Dental Charitable Foundation joined forces with the Kansas Dental Hygienist's Association, Kansas Dental Assistants Association, local dental societies, dental product suppliers, the United Methodist Health Ministry Fund, Mexican American Ministries, community volunteers, and civic groups to help provide dental care to persons in need and combat a growing problem in many areas of Kansas - access to dental care.

On the weekend of February 28, March 1 and 2 the Kansas Dental Association and its partners turned the Finney County Fairgrounds in Garden City into a 59-chair dental clinic. In all, 84 dentists, 70 dental hygienists, 80 dental assistants and approximately 200 non-dental volunteers provided a wide range of dental services to all comers at absolutely no cost. In all, 1734 patients were treated representing nearly \$554,000 in donated care. When all volunteer time – including police support, meals, interpreters, etc. The KMOM project may well have reached \$1 million in total volunteer participation.

In addition to dental professionals, more than a dozen dental students from two schools, dental laboratory personnel, dental equipment and dental supply representatives, church volunteers, civic clubs, Garden City police, as well as school nurses and the local medical community will

be on hand. The Kansas event was modeled after similar projects in Virginia and Texas.

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Senate Public Health & Welfare Committee
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The second project will be held in Wyandotte County. The exact date is currently in flux as we are reevaluating locations to hold the project. It will, however, be held sometime between August and November of 2003. The KDA's intent is to continue to host two KMOM projects each year. Smaller events may be held as well.

This is all well and good, but why HB 2155? Kansas dentists first became energized to coordinate KMOM after learning of a similar event in Virginia. Two Kansas dentists - Drs. Jeff Stasch, Garden City and Jon Tilton, Wichita - ventured to Wise, Virginia and through a temporary dentist licensure law on the books in Virginia were able to provide dental care during that event. There are dental mission trips all over the world that dentists participate in and freely lend their professional services. Whether a dentist or dental hygienist licensed outside Kansas is looking for a new mission experience, coming home, or other, we want to afford them that opportunity in Kansas, while at the same time broadening the pool of dental personnel who can serve. Also, it is the goal of the KDA and its partners to provide an opportunity for dentists in area states to participate in and experience the KMOM project that they may, in turn, be energized to begin similar programs in their own states. Dentists from Colorado, Nebraska, Missouri, Oklahoma, and Louisiana attended KMOM.

Kansas is now the third state to have a working MOM projects. It is the KDA's goal to be a leader in mission dentistry and with your help we can convince our dental colleagues in other states to join us.

Let me finish my testimony today by suggesting that the subsection (4) found on page 2, line 6-7, and page 3, lines 8-9 which states, "**(4) has not failed an examination for a license to practice in Kansas**" could be deleted as the KDA now believes it is unnecessary.

Thank you for your time today, I am happy to answer any questions you may have at this time. I urge you to support HB 2155 with a favorable recommendation.