

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Public Health and Welfare** recommends **HB 2631**, as amended by House Committee, be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 2011 Supp. 65-1424 is hereby amended to read as follows: 65-1424.

(a) As used in this act:

(1) "Proprietor" means any person who employs dentists or dental hygienists in the operation of a dental office.

(2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation.

A person or entity is not a dental franchisor if the agreement with the dentist:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

(3) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist or dental hygienist related to the practice of dentistry or dental hygiene which:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

A licensee of dentistry who enters into any arrangement with an unlicensed proprietor may have such license limited, suspended or revoked by the board.

(b) The estate or agent for a deceased or substantially disabled dentist may employ dentists, for a period of not more than ~~one year~~ 18 months following the date of death or substantial disability of the dentist, to provide service to patients until the practice can be sold or closed. Upon application showing good cause, including, but not limited to, evidence of a good faith effort to sell or close the dental practice, the Kansas dental board may extend the time in six-month increments for a period of not more than one additional year for which the practice can be sold or closed. The Kansas dental board may adopt rules and regulations as necessary to carry out the provisions of this section.";

Also on page 1, in line 5, before "K.S.A." by inserting "On and after July 1, 2012,";

And by renumbering sections accordingly;

On page 3, in line 12, after "permit" by inserting "I";

On page 6, in line 22, by striking "temporary" and inserting "palliative"; following line 26, by inserting:

"(7) the dental hygienist notifies the patient or the patient's parent or legal guardian of such patient's need for treatment by a dentist, when the dental hygienist finds an apparent need for evaluation to diagnose the presence of dental caries and other abnormalities;"

And redesignating paragraphs accordingly;

On page 7, in line 28, before "The" by inserting "On and after July 1, 2012,";

On page 8, following line 16, by inserting:

"(c) The provisions of this section shall become effective on and after July 1, 2012."

Also on page 8, before "K.S.A." by inserting "On and after July 1, 2012,";

On page 10, in line 37, by striking "Kansas administrative regulation 71-2-2" and inserting "rules and regulations adopted by the Kansas dental board"; in line 39, by striking "Kansas administrative regulation 71-5-1" and inserting "rules and regulations adopted by the Kansas dental board";

On page 11, in line 13, before "K.S.A." by inserting "On and after July 1, 2012,"; also in line 13, after "Supp." by inserting "65-1424,"; in line 15, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, after "Supp." by inserting "65-1424,"; and the bill be passed as amended.

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Chairperson