

## HOUSE BILL No. 2611

By Committee on Health and Human Services

2-11

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1 AN ACT concerning dentists; conduct of dental offices; amending K.S.A.  
2 2013 Supp. 65-1435 and repealing the existing section.

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

5 Section 1. K.S.A. 2013 Supp. 65-1435 is hereby amended to read as  
6 follows: 65-1435. (a) Except as otherwise provided in this section, it shall  
7 be unlawful for any person or persons to practice or offer to practice  
8 dentistry under any name except such person's own name, which shall be  
9 the name used on the license granted to such person as a dentist as  
10 provided in the dental practices act.

11 (b) A licensed dentist may use the name of any association,  
12 corporation, clinic, trade name or business name in connection with the  
13 practice of dentistry, as defined in the dental practices act, except that such  
14 name may not misrepresent the dentist to the public as determined by the  
15 Kansas dental board.

16 (c) Nothing herein contained shall be construed to prevent two or  
17 more licensed dentists:

18 (1) From associating together for the practice of dentistry, each in  
19 such person's own proper name; or

20 (2) from associating together for the practice of dentistry, each as  
21 owners, in a professional corporation, organized pursuant to the  
22 professional corporation law of Kansas, or, each as owners, in a limited  
23 liability company organized pursuant to the Kansas revised limited  
24 liability company act, and using a name that may or may not contain the  
25 proper name of any such person or persons except that such name may not  
26 misrepresent the dentist to the public and from employing nonowning  
27 licensees; or

28 (3) from associating together with persons licensed to practice  
29 medicine and surgery in a clinic or professional association under a name  
30 that may or may not contain the proper name of any such person or  
31 persons and may contain the word "clinic."

32 (d) It shall be unlawful, and a licensee may have a license suspended  
33 or revoked, for any licensee to conduct a dental office in the name of the  
34 licensee, or to advertise the licensee's name in connection with any dental  
35 office or offices, or to associate together for the practice of dentistry with  
36 other licensed dentists in a professional corporation or limited liability

1 company, under a name that may or may not contain the proper name of  
2 any such person or persons or to associate together with persons licensed  
3 to practice medicine and surgery in a clinic or professional association  
4 under a name that may or may not contain the proper name of any such  
5 person or persons and may contain the word "clinic," unless such licensee  
6 is personally present in the office operating as a dentist or personally  
7 overseeing such operations as are performed in the office or each of the  
8 offices ~~during a majority~~ *at least 20% of the time patients are being*  
9 *treated in the office or each of the offices* ~~is being operated~~.

10 (e) The violation of any of the provisions of this section by any  
11 dentist shall subject such dentist to suspension or revocation of a license.

12 (f) Notwithstanding the provisions of subsection (d), a licensee shall  
13 be permitted to own two dental offices in addition to the licensee's primary  
14 office location under the following conditions:

15 (1) The licensee's secondary dental office is located within a 125-mile  
16 radius of the licensee's primary office; and

17 (2) the licensee's secondary dental office is located in a county with a  
18 population of less than 10,000 according to the 2000 United States census.

19 Sec. 2. K.S.A. 2013 Supp. 65-1435 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its  
21 publication in the statute book.