

Senate Substitute for HOUSE BILL No. 2674

By Committee on Public Health and Welfare

3-26

1 AN ACT concerning health and healthcare; relating to healthcare services;
2 dental services; the practice of dental therapy and dental hygiene;
3 licensure of dental therapists; telemedicine services; standards of
4 practice; insurance coverage parity for telemedicine services; enacting
5 the Kansas telemedicine act; amending K.S.A. 65-1421, 65-1441, 65-
6 1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 40-2,103,
7 40-19c09, 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1456, 65-
8 1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-
9 6102 and repealing the existing sections.

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

12

New Section 1. (a) Sections 1 through 6, and amendments thereto,
13 shall be known and may be cited as the Kansas telemedicine act.

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(b) This section shall take effect on and after January 1, 2019.

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New Sec. 2. (a) For purposes of Kansas telemedicine act:

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(1) "Distant site" means a site at which a healthcare provider is
17 located while providing healthcare services by means of telemedicine.

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(2) "Originating site" means a site at which a patient is located at the
19 time healthcare services are provided by means of telemedicine.

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(3) "Telemedicine," including "telehealth," means the delivery of
21 healthcare services or consultations while the patient is at an originating
22 site and the physician or licensed mental healthcare professional is at a
23 distant site. Telemedicine shall be provided by means of real-time two-way
24 interactive audio, visual, or audio-visual communications, including the
25 application of secure video conferencing or store-and-forward technology
26 to provide or support healthcare delivery, that facilitate the assessment,
27 diagnosis, consultation, treatment, education and care management of a
28 patient's healthcare. "Telemedicine" does not include communication
29 between:

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(A) Healthcare providers that consist solely of a telephone
31 conversation, email or facsimile transmission; or

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(B) a healthcare provider and a patient that consists solely of an email
33 or facsimile transmission.

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(b) This section shall take effect on and after January 1, 2019.

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New Sec. 3. (a) The same requirements for patient privacy and
36 confidentiality under the health insurance portability and accountability act

1 of 1996 and 42 C.F.R. § 2.13, as applicable, that apply to healthcare
2 services delivered via in-person visits shall also apply to healthcare
3 services delivered via telemedicine.

4 (b) Telemedicine may be used to establish a valid provider-patient
5 relationship.

6 (c) The same standards of practice and conduct that apply to
7 healthcare services delivered via in-person visits shall also apply to
8 healthcare services delivered via telemedicine.

9 (d) This section shall take effect on and after January 1, 2019.

10 New Sec. 4. (a) The provisions of this section shall apply to any
11 individual or group health insurance policy, medical service plan, contract,
12 hospital service corporation contract, hospital and medical service
13 corporation contract, fraternal benefit society or health maintenance
14 organization that provides coverage for accident and health services and
15 that is delivered, issued for delivery, amended or renewed on or after
16 January 1, 2019. The provisions of this section shall also apply to the
17 Kansas program of medical assistance.

18 (b) No individual or group health insurance policy, medical service
19 plan, contract, hospital service corporation contract, hospital and medical
20 service corporation contract, fraternal benefit society, health maintenance
21 organization or the Kansas program for medical assistance shall exclude an
22 otherwise covered healthcare service from coverage solely because such
23 service is provided through telemedicine, rather than in-person contact or
24 based upon the lack of a commercial office for the practice of medicine,
25 when such service is delivered by:

26 (1) A physician licensed by the state board of healing arts to practice
27 medicine and surgery;

28 (2) a physician assistant licensed by the state board of healing arts;

29 (3) a person who practices as any category of healthcare provider
30 licensed by the state board of healing arts that is not a physician or a
31 physician assistant;

32 (4) an advanced practice registered nurse licensed by the board of
33 nursing;

34 (5) a person who practices as any category of healthcare provider
35 licensed by the behavioral sciences regulatory board;

36 (6) a dentist, dental hygienist or dental therapist licensed by the
37 Kansas dental board; or

38 (7) a speech-language pathologist or an audiologist licensed by the
39 Kansas department for aging and disability services.

40 (c) The insured's medical record shall serve to satisfy all
41 documentation for the reimbursement of all telemedicine healthcare
42 services, and no additional documentation outside of the medical record
43 shall be required.

1 (d) Payment or reimbursement of covered healthcare services
2 delivered through telemedicine may be established by an insurance
3 company, nonprofit health service corporation, nonprofit medical and
4 hospital service corporation or health maintenance organization in the
5 same manner as payment or reimbursement for covered services that are
6 delivered via in-person contact are established.

7 (e) Nothing in this section shall be construed to:

8 (1) Prohibit an individual or group health insurance policy, medical
9 service plan, contract, hospital service corporation contract, hospital and
10 medical service corporation contract, fraternal benefit society or health
11 maintenance organization that provides coverage for telemedicine or the
12 Kansas program of medical assistance from providing coverage for only
13 those services that are medically necessary, subject to the terms and
14 conditions of the covered individual's health benefits plan;

15 (2) mandate coverage for a healthcare service delivered via
16 telemedicine if such healthcare service is not already a covered healthcare
17 service, when delivered by:

18 (A) A physician licensed by the state board of healing arts to practice
19 medicine and surgery;

20 (B) a physician assistant licensed by the state board of healing arts;

21 (C) a person who practices as any category of healthcare provider
22 licensed by the state board of healing arts that is not a physician or a
23 physician assistant;

24 (D) an advanced practice registered nurse licensed by the board of
25 nursing;

26 (E) a person who practices as any category of healthcare provider
27 licensed by the behavioral sciences regulatory board;

28 (F) a dentist, dental hygienist or dental therapist licensed by the
29 Kansas dental board; or

30 (G) a speech-language pathologist or an audiologist licensed by the
31 Kansas department for aging and disability services; or

32 (3) allow an individual or group health insurance policy, medical
33 service plan, contract, hospital service corporation contract, hospital and
34 medical service corporation contract, fraternal benefit society or health
35 maintenance organization that provides coverage for telemedicine or the
36 Kansas program of medical assistance to require a covered individual to
37 use telemedicine in lieu of receiving in-person healthcare services or
38 consultation from an in-network provider.

39 (f) (1) The provisions of K.S.A. 40-2248 and 40-2249a, and
40 amendments thereto, shall not apply to this section, except as provided in
41 paragraph (2).

42 (2) The provisions of this section providing for coverage of telehealth
43 services provided by a person described in subsection (b)(3), (6) or (7)

1 shall be subject to the requirements of K.S.A. 40-2249a, and amendments
2 thereto, and shall only apply to the state health care benefits program until
3 December 31, 2019. On and after January 1, 2020, such provisions shall
4 apply to any individual or group health insurance policy, medical service
5 plan, contract, hospital service corporation contract, hospital and medical
6 service corporation contract, fraternal benefit society, health maintenance
7 organization that provides coverage for accident and health services and
8 the Kansas medical assistance program.

9 (g) The provisions of this section providing for coverage of telehealth
10 services provided by a person described in subsection (b)(6) or (7) shall
11 not apply to services that are provided in a school setting to a student
12 enrolled in kindergarten or any of the grades one through 12 and that are
13 reimbursable as state medicaid services under the Kansas medical
14 assistance program.

15 (h) This section shall take effect on and after January 1, 2019.

16 New Sec. 5. (a) The state board of healing arts, following
17 consultation with the state board of pharmacy and the board of nursing,
18 shall adopt rules and regulations on or before December 31, 2018, relating
19 to the prescribing of drugs, including controlled substances, via
20 telemedicine.

21 (b) The state board of healing arts shall adopt rules and regulations on
22 or before December 31, 2018, as may be necessary to implement and
23 administer the provisions of the Kansas telemedicine act.

24 (c) The behavioral sciences regulatory board shall adopt rules and
25 regulations on or before December 31, 2018, as may be necessary to
26 implement and administer the provisions of the Kansas telemedicine act.

27 New Sec. 6. (a) Nothing in the Kansas telemedicine act shall be
28 construed to authorize the delivery of any abortion procedure via
29 telemedicine.

30 (b) This section shall take effect on and after January 1, 2019.

31 Sec. 7. On and after January 1, 2019, K.S.A. 2017 Supp. 40-2,103 is
32 hereby amended to read as follows: 40-2,103. The requirements of K.S.A.
33 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-
34 2,165 through 40-2,170, ~~inclusive~~, 40-2250, K.S.A. 2017 Supp. 40-2,105a,
35 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, *and sections 1 through 6*,
36 and amendments thereto, shall apply to all insurance policies, subscriber
37 contracts or certificates of insurance delivered, renewed or issued for
38 delivery within or outside of this state or used within this state by or for an
39 individual who resides or is employed in this state.

40 Sec. 8. On and after January 1, 2019, K.S.A. 2017 Supp. 40-19c09 is
41 hereby amended to read as follows: 40-19c09. (a) Corporations organized
42 under the nonprofit medical and hospital service corporation act shall be
43 subject to the provisions of the Kansas general corporation code, articles

1 ~~60 to through 74, inclusive~~, of chapter 17 of the Kansas Statutes
2 Annotated, and amendments thereto, applicable to nonprofit corporations,
3 to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-
4 222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-
5 237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101,
6 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-
7 2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170,
8 ~~inclusive~~, 40-2a01 et seq., 40-2111 ~~to through 40-2116, inclusive~~, 40-2215
9 ~~to through 40-2220, inclusive~~, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
10 2250, 40-2251, 40-2253, 40-2254, 40-2401 ~~to through 40-2421, inclusive~~,
11 and 40-3301 ~~to through 40-3313, inclusive~~, K.S.A. 2017 Supp. 40-2,105a,
12 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194, *and sections 1 through 6*,
13 and amendments thereto, except as the context otherwise requires, and
14 shall not be subject to any other provisions of the insurance code except as
15 expressly provided in this act.

16 (b) No policy, agreement, contract or certificate issued by a
17 corporation to which this section applies shall contain a provision which
18 excludes, limits or otherwise restricts coverage because medicaid benefits
19 as permitted by title XIX of the social security act of 1965 are or may be
20 available for the same accident or illness.

21 (c) Violation of subsection (b) shall be subject to the penalties
22 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

23 New Sec. 9. (a) No person shall practice as a dental therapist in this
24 state until such person has passed an examination by the Kansas dental
25 board under such rules and regulations as the board may adopt. The fee for
26 such examination shall be fixed by the board pursuant to K.S.A. 65-1447,
27 and amendments thereto. A license fee shall be paid to the board in the
28 amount fixed by the board pursuant to K.S.A. 65-1447, and amendments
29 thereto.

30 (b) The board shall authorize a person to practice as a dental therapist
31 if such person is qualified under this section, works under the direct or
32 general supervision of a Kansas licensed dentist in accordance with section
33 10, and amendments thereto, is licensed by the board and practices in
34 accordance with this section and rules and regulations adopted by the
35 board. Any supervising dentist of a dental therapist shall: (1) Enter into
36 agreements to supervise no more than three dental therapists; and (2) be
37 employed by an indigent health care clinic or enrolled as a medicaid
38 provider.

39 (c) To be qualified to practice under this section, such person shall be
40 a licensed dental hygienist and shall meet the following requirements:

41 (1) (A) The person shall be a graduate of a dental therapist education
42 program approved by the board that requires the study of dental therapy,
43 that the board determines has standards of education not less than that

1 required for accreditation by the commission on dental accreditation of the
2 American dental association or its equivalent or, prior to such accreditation
3 process for dental therapy programs, is approved by a licensing entity of
4 another state or federal jurisdiction and that requires no less than 500
5 hours of clinical training; and

6 (B) if the person's dental therapist training program did not include
7 training on any individual competency listed in section 10(d) or (e), and
8 amendments thereto, the person shall provide documentation to the board's
9 satisfaction that such person has successfully completed additional training
10 on that competency;

11 (2) the person shall pass a comprehensive, competency-based clinical
12 examination that is approved by the board and administered independently
13 of an institution that provides dental therapist education; and

14 (3) the person shall obtain a policy of professional liability insurance
15 and show proof of such insurance as required by rules and regulations.

16 (d) Any person practicing as a dental therapist in violation of the
17 provisions of sections 9 through 11, and amendments thereto, shall be
18 guilty of a misdemeanor, and the board may revoke or suspend such
19 person's license.

20 (e) This section shall be part of and supplemental to the dental
21 practices act.

22 (f) This section shall take effect on and after July 1, 2020.

23 New Sec. 10. (a) The Kansas dental board may suspend or revoke the
24 license of any dentist who shall direct any dental therapist operating under
25 such dentist's supervision to perform any operation other than that
26 permitted under the provisions of article 14 of chapter 65 of the Kansas
27 Statutes Annotated, and amendments thereto, and may suspend or revoke
28 the license of any dental therapist found guilty of performing any
29 operation other than those permitted under the provisions of article 14 of
30 chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No
31 license of any dentist or dental therapist shall be suspended or revoked in
32 any administrative proceeding without first complying with the notice and
33 hearing requirements of the Kansas administrative procedure act.

34 (b) Except as otherwise provided in this section, the practice of dental
35 therapy shall be performed under the direct or general supervision of a
36 licensed dentist. As used in sections 9 through 11, and amendments
37 thereto: (1) "Direct supervision" means the supervision of tasks and
38 procedures with the presence of the dentist in the office or on the premises
39 at the time the tasks or procedures are being performed where the dentist
40 personally diagnoses the condition to be treated, personally authorizes the
41 procedure and, before dismissal of the patient, evaluates the dental
42 therapist's performance; and (2) "general supervision" means the
43 supervision of tasks or procedures without the presence of the dentist in

1 the office or on the premises at the time the tasks or procedures are being
2 performed, so long as those tasks and procedures are within the scope of
3 practice for a dental therapist.

4 (c) Subject to prohibitions, limitations and conditions imposed by
5 rules and regulations adopted by the Kansas dental board, a licensed dental
6 therapist may perform dental hygiene tasks and procedures that may be
7 performed by a licensed dental hygienist under K.S.A. 65-1456, and
8 amendments thereto, except that restrictions imposed by K.S.A. 65-1456,
9 and amendment thereto, that limit the locations or premises where a
10 licensed dental hygienist may perform extended care permit III dental
11 hygiene tasks and procedures shall not apply to a licensed dental therapist.

12 (d) A licensed dental therapist may perform the following services
13 under general supervision:

14 (1) Identification of oral and systemic conditions requiring evaluation
15 or treatment, or both, by dentists, physicians or other healthcare providers,
16 and management of referrals;

17 (2) comprehensive charting of the oral cavity;

18 (3) oral health instruction, disease prevention education and oral
19 health-related nutritional and dietary instruction;

20 (4) exposure of radiographic images;

21 (5) dental prophylaxis, including sub-gingival scaling or polishing
22 procedures, or both;

23 (6) application of topical preventive or prophylactic agents;

24 (7) pulp vitality testing;

25 (8) application of desensitizing medication or resin;

26 (9) fabrication of athletic mouthguards;

27 (10) placement of a temporary filling, including glass ionomer and
28 other palliative materials;

29 (11) fabrication of soft occlusal guards;

30 (12) tissue conditioning and soft relines;

31 (13) changing of periodontal dressings;

32 (14) tooth reimplantation and stabilization;

33 (15) administration of local anesthetic, if the dental therapist has
34 completed a course on local anesthesia as required by sections 9 through
35 11, and amendments thereto;

36 (16) administration of nitrous oxide, if the dental therapist has
37 completed a course on nitrous oxide as required by sections 9 through 11,
38 and amendments thereto;

39 (17) dispensing and administering by the oral or topical route, or
40 both, oral health-related non-narcotic analgesics, anti-inflammatory and
41 antibiotic medications as prescribed by a dentist licensed by the Kansas
42 dental board;

43 (18) the formulation of a dental therapy care plan limited to the

- 1 procedures in this section;
- 2 (19) emergency palliative treatment of dental pain limited to the
3 procedures in this section;
- 4 (20) the placement and removal of space maintainers;
- 5 (21) fabrication and placement of single-tooth temporary crowns;
- 6 (22) suture removal;
- 7 (23) brush biopsies;
- 8 (24) minor adjustments and repairs on removable prostheses;
- 9 (25) re-cementing of permanent crowns; and
- 10 (26) prevention, identification and management of dental and medical
11 emergencies.
- 12 (e) A licensed dental therapist may perform the following services
13 under direct supervision:
- 14 (1) Extraction of erupted primary teeth that are non-ankylosed and
15 that have a majority resorption of all root structures;
- 16 (2) preparation and placement of direct restoration fabricated or made
17 directly inside the mouth in primary and permanent teeth;
- 18 (3) preparation and placement of preformed crowns on primary teeth;
- 19 (4) indirect pulp capping on permanent teeth; and
- 20 (5) indirect pulp capping on primary teeth.
- 21 (f) Any dental therapist is authorized to supervise any dental
22 hygienist or unlicensed person.
- 23 (g) Any dental therapist shall maintain current basic cardiac life
24 support certification from the American heart association, or an equivalent
25 certification approved by the Kansas dental board.
- 26 (h) This section shall be part of and supplemental to the dental
27 practices act.
- 28 (i) This section shall take effect on and after July 1, 2020.
- 29 New Sec. 11. (a) The Kansas dental board shall revoke or suspend the
30 license of any licensed dental therapist who is found guilty of using or
31 attempting to use in any manner whatsoever any prophylactic lists, call
32 lists, records, reprints or copies of same, or information gathered
33 therefrom, of the names of patients whom the dental therapist might have
34 served in the office of a prior employer, unless such names appear upon
35 the bona fide call or prophylactic list of the dental therapist's present
36 employer and were caused to so appear through the legitimate practice of
37 dentistry as provided for in sections 9 and 10, and amendments thereto.
- 38 (b) The board shall suspend or revoke the license of any licensed
39 dentist who is found guilty of aiding or abetting or encouraging a dental
40 therapist employed by such dentist to make use of a so-called prophylactic
41 call list, or calling by telephone or by use of written letters transmitted
42 through the mails to solicit patronage from patients served in the office of
43 any dentist formerly employing such dental therapist.

1 (c) No order of suspension or revocation provided in this section shall
2 be made or entered except after notice and opportunity for hearing in
3 accordance with the provisions of the Kansas administrative procedure act.
4 Any final order of suspension or revocation of a license shall be
5 reviewable in accordance with the Kansas judicial review act.

6 (d) This section shall be part of and supplemental to the dental
7 practices act.

8 (e) This section shall take effect on and after July 1, 2020.

9 New Sec. 12. Prior to July 1, 2020, the Kansas dental board shall
10 adopt rules and regulations as may be necessary to administer the
11 provisions of sections 9 through 11, and amendments thereto, regarding
12 the licensure of dental therapists. Prior to July 1, 2020, the board shall
13 have such rules and regulations: Proposed; submitted to the secretary of
14 administration and to the attorney general for approval as required by
15 K.S.A. 77-420, and amendments thereto; and notice of the proposed rules
16 and regulations given and a hearing held thereon in the manner provided
17 by K.S.A. 77-421, and amendments thereto.

18 New Sec. 13. The department of health and environment and the
19 Kansas dental board shall submit a joint report to the legislature on or
20 before the first day of the 2030 regular session of the legislature that
21 details the effects that enactment of sections 9 through 11, and
22 amendments thereto, have on access to dental care in rural Kansas,
23 including, but not limited to: The number and geographical distribution of
24 practicing dental therapists; the number of dentists supervising dental
25 therapists; the number of participating medicaid providers; the treated and
26 untreated tooth decay rates of medicaid beneficiaries; urgent need rates;
27 and federally designated dental health professional shortage areas.

28 Sec. 14. On and after July 1, 2020, K.S.A. 65-1421 is hereby
29 amended to read as follows: 65-1421. It shall be unlawful for any person
30 to practice dentistry, *dental therapy* or dental hygiene in the state of
31 Kansas, except:

32 (a) Those who are now duly licensed dentists, pursuant to law;

33 (b) *those who are now duly licensed dental therapists, pursuant to*
34 *law;*

35 (c) those who are now duly licensed dental hygienists, pursuant to
36 law; *and*

37 ~~(e)-(d)~~ those who may hereafter be duly licensed as dentists, *dental*
38 *therapists* or dental hygienists, pursuant to the provisions of this act.

39 Sec. 15. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1424 is
40 hereby amended to read as follows: 65-1424. (a) As used in this act:

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

43 (2) "Dental franchisor" means any person or entity, pursuant to a

1 written agreement, who provides a licensed dentist any dental practice
2 management consulting services, ~~which may include~~ *including* marketing
3 or advertising services, signage or branding consulting, or places in
4 possession of a licensed dentist such dental material or equipment as may
5 be necessary for the management of a dental office on the basis of a lease
6 or any other agreement for compensation. A person or entity is not a dental
7 franchisor if the agreement with the dentist:

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

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

13 (3) "Unlicensed proprietor" means any person or entity not authorized
14 to own or operate a dental practice that enters into an agreement with a
15 dentist, *dental therapist* or dental hygienist related to the practice of
16 dentistry, *dental therapy* or dental hygiene ~~which that~~:

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

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

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

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

35 Sec. 16. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1431 is
36 hereby amended to read as follows: 65-1431. (a) Each license to practice
37 as a dentist, *dental therapist* or dental hygienist issued by the board, shall
38 expire on December 1 of the year specified by the board for the expiration
39 of the license and shall be renewed on a biennial basis. Each application
40 for renewal shall be made on a form prescribed and furnished by the
41 board. Every licensed dentist, *dental therapist* or dental hygienist shall pay
42 to the board a renewal fee fixed by the board as provided in K.S.A. 65-
43 1447, and amendments thereto.

1 (b) To provide for a staggered system of biennial renewal of licenses,
2 the board may renew licenses for less than two years.

3 (c) On or before December 1 of the year in which the licensee's
4 license expires, the licensee shall transmit to the board a renewal
5 application, upon a form prescribed by the board, ~~which~~ *that* shall include
6 such licensee's signature, post office address, the number of the license of
7 such licensee, whether such licensee has been engaged during the
8 preceding licensure period in active and continuous practice whether
9 within or without this state, and such other information as may be required
10 by the board, together with the biennial licensure fee for a *dentist, dental*
11 *therapist or dental hygienist* ~~which~~ *that* is fixed by the board pursuant to
12 K.S.A. 65-1447, and amendments thereto.

13 (d) (1) The board shall require every licensee to submit with the
14 renewal application evidence of satisfactory completion of a program of
15 continuing education required by the board. The board by duly adopted
16 rules and regulations shall establish the requirements for such program of
17 continuing education as soon as possible after the effective date of this act.

18 (2) A dentist who is a charitable healthcare provider in Kansas who
19 has signed an agreement to provide gratuitous services pursuant to K.S.A.
20 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of
21 continuing education credit by the performance of two hours of gratuitous
22 services to medically indigent persons up to a maximum of six continuing
23 education credits per licensure period.

24 (e) Upon fixing the biennial license renewal fee, the board shall
25 immediately notify all licensees of the amount of the fee for the ensuing
26 licensure period. Upon receipt of such fee and upon receipt of evidence
27 that the licensee has satisfactorily completed a program of continuing
28 education required by the board, the licensee shall be issued a renewal
29 license authorizing the licensee to continue to practice in this state for a
30 period of no more than two years.

31 (f) (1) Any license granted under authority of this act shall
32 automatically be canceled if the holder thereof fails to apply for and obtain
33 renewal prior to March 1 of the year following the December in which a
34 renewal application is due.

35 (2) Any licensee whose license is required to be renewed for the next
36 biennial period may obtain renewal, prior to February 1, by submitting to
37 the board the required renewal application, payment of the biennial
38 renewal fee and proof that such licensee has satisfactorily completed a
39 program of continuing education required by the board. Any licensee
40 whose license is required to be renewed for the next biennial period may
41 obtain renewal, between February 1 and March 1, by submitting to the
42 board the required renewal application, payment of the biennial renewal
43 fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and

1 regulations by the board and proof that such licensee has satisfactorily
2 completed a program of continuing education required by the board. The
3 penalty fee in effect immediately prior to the effective date of this act shall
4 continue in effect until rules and regulations establishing a penalty fee
5 under this section become effective.

6 (g) Upon failure of any licensee to pay the applicable renewal fee or
7 to present proof of satisfactory completion of the required program of
8 continuing education by February 1 of the year following the December in
9 which a renewal application is due, the board shall notify such licensee, in
10 writing, by mailing notice to such licensee's last registered address. Failure
11 to mail or receive such notice shall not affect the cancellation of the
12 license of such licensee.

13 (h) The board may waive the payment of biennial fees and the
14 continuing education requirements for the renewal of licenses without the
15 payment of any fee for a person who has held a Kansas license to practice
16 dentistry, *dental therapy* or dental hygiene if such licensee has retired from
17 such practice or has become temporarily or permanently disabled and such
18 licensee files with the board a certificate stating either of the following:

19 (1) A retiring licensee shall certify to the board that the licensee is not
20 engaged, except as provided in K.S.A. 65-1466, and amendments thereto,
21 in the provision of any dental service, the performance of any dental
22 operation or procedure or the delivery of any *dental therapy or* dental
23 hygiene service as defined by the statutes of the state of Kansas; or

24 (2) a disabled licensee shall certify to the board that such licensee is
25 no longer engaged in the provision of dental services, the performance of
26 any *dental therapy or* dental operation or the provision of any dental
27 hygiene services as defined by the statutes of the state of Kansas by reason
28 of any physical disability, whether permanent or temporary, and shall
29 describe the nature of such disability.

30 (i) The waiver of fees under subsection (h) shall continue so long as
31 the retirement or physical disability exists. Except as provided in K.S.A.
32 65-1466, and amendments thereto, in the event the licensee returns to the
33 practice for which such person is licensed, the requirement for payment of
34 fees and continuing education requirements shall be reimposed
35 commencing with and continuing after the date the licensee returns to such
36 active practice. Except as provided in K.S.A. 65-1466, and amendments
37 thereto, the performance of any dental service, including consulting
38 service, or the performance of any *dental therapy or* dental hygiene
39 service, including consulting service, shall be deemed the resumption of
40 such service, requiring payment of license fees.

41 (j) The Kansas dental board may adopt such rules and regulations
42 requiring the examination and providing means for examination of those
43 persons returning to active practice after a period of retirement or

1 disability as the board shall deem necessary and appropriate for the
2 protection of the people of the state of Kansas except that for an applicant
3 to practice *dental therapy or* dental hygiene who is returning to active
4 practice after a period of retirement or disability, the board shall authorize
5 as an alternative to the requirement for an examination that the applicant
6 successfully complete a refresher course as defined by the board in an
7 approved dental hygiene school *or dental therapy program*.

8 Sec. 17. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1434 is
9 hereby amended to read as follows: 65-1434. (a) The board, without
10 examination, may issue a license as a dentist, *dental therapist* or dental
11 hygienist to an applicant holding a license in another state upon
12 compliance with the requirements of professional qualification and
13 experience set forth in subsection (b). The board shall prepare and adopt a
14 form of application to be submitted by an applicant for a license to be
15 issued under this section. On the receipt of any such application, the board
16 shall conduct such review, verification or other investigation of the
17 applicant and the professional qualifications, background, experience and
18 practice of the applicant as the board deems necessary to assure full
19 compliance with the requirements of this section. Any license so issued
20 may be revoked by the board upon evidence that an applicant has obtained
21 a license under this section through misrepresentation or omission of a
22 material fact in the application or other information submitted to the board.

23 (b) Each applicant for licensure under this section must evidence the
24 qualifications and meet the following requirements:

25 (1) Each applicant for licensure as a dentist under this section must
26 meet the requirements set forth in K.S.A. 65-1426, and amendments
27 thereto. *Each applicant for licensure as a dental therapist must meet all*
28 *applicable requirements set forth in section 9, and amendments thereto.*
29 Each applicant for licensure as a dental hygienist must meet any applicable
30 requirements set forth in K.S.A. 65-1455, and amendments thereto.

31 (2) Each applicant shall show evidence of having successfully
32 completed both a national board examination or an equivalent examination
33 accepted by the state in which the applicant has been previously licensed,
34 and a clinical examination, administered by any state or clinical dental
35 testing agency, of equivalent merit to the clinical examination accepted by
36 the board at the time such applicant completed such examinations.

37 (3) Each applicant for licensure as a dentist under this section shall
38 have held a license to practice dentistry in one or more other states of the
39 United States for the five-year period immediately preceding the date of
40 application and shall have engaged in the active practice of dentistry for at
41 least five years prior to the date of application. *Each applicant for*
42 *licensure as a dental therapist under this section shall have held a license*
43 *to practice dental therapy in another state of the United States for a three-*

1 *year period immediately preceding the date of application and shall have*
2 *engaged in the active practice of dental therapy for at least three years*
3 *prior to the date of application.* Each applicant for licensure as a dental
4 hygienist under this section shall have held a license to practice dental
5 hygiene in another state of the United States for the three-year period
6 immediately preceding the date of application and shall have engaged in
7 the active practice of dental hygiene for at least three years prior to the
8 date of application. Successive and continuous periods of active practice in
9 other states will comply with the active practice requirements of this
10 paragraph~~(3)~~. For the purpose of determining the period of practice,
11 periods of military service will be considered to the extent approved by the
12 Kansas dental board. Service as a full-time faculty member in a school of
13 dentistry will be considered the practice of dentistry to the extent service
14 involved full-time instruction in dentistry including clinical dentistry.
15 Service as a faculty member in a school of dental hygiene will be
16 considered the practice of dental hygiene to the extent such service
17 involved instruction in dental hygiene including clinical dental hygiene. To
18 be considered for the purposes of this statute, any such school of dentistry,
19 *dental therapy* or dental hygiene must be approved by the Kansas dental
20 board within the meaning of K.S.A. 65-1426, and amendments thereto.

21 (4) Each such applicant shall show evidence that the applicant has
22 fully complied with all continuing education requirements imposed by the
23 state or states in which the applicant has been licensed and has practiced
24 during the ~~five years~~ *applicable time period* immediately preceding the
25 date of the application. In the event the state or states in which the
26 applicant has been licensed and practiced has no such requirement, the
27 applicant shall provide such information concerning continuing education
28 received by the applicant during the ~~five-year~~ *applicable time* period
29 preceding application as may be required by the board. All applicants must
30 have completed continuing education sufficient to comply with that
31 continuing education required of Kansas licensees during the ~~twenty-four~~
32 *24-month* period prior to the date of the application for licensure unless the
33 Kansas dental board determines, for good cause shown, that the
34 requirement will work an undue hardship upon the applicant and the
35 requirement is not necessary for the protection of the people of Kansas
36 based upon the training and experience of the applicant.

37 (5) The applicant shall provide such other information concerning the
38 applicant and the dental education, qualification, experience and
39 professional conduct of the applicant as the board in its discretion deems
40 necessary to its determination to issue a license.

41 (6) Each applicant shall provide a certificate of the executive director
42 of the board or other agency governing licensure of dentists, *dental*
43 *therapists* or dental hygienists of the state in which the applicant has been

1 licensed and has practiced during the required period preceding the date of
2 the application. Such certificate shall state that: (A) The applicant is
3 licensed to practice dentistry, *dental therapy* or dental hygiene in the state;
4 (B) the license of the applicant has never been suspended or revoked; (C)
5 the applicant has never been the subject of any proceeding for suspension,
6 revocation or other disciplinary action initiated by the board of licensure of
7 any such state during the period the applicant has held a license to practice
8 dentistry, *dental therapy* or dental hygiene in such state; and (D) no
9 complaint has been filed against the applicant of such substance as, in the
10 judgment of the board of licensure of such state, has required the initiation
11 of proceedings against the applicant. In the event the applicant has
12 practiced dentistry, *dental therapy* or dental hygiene in more than one
13 other state in the United States, the applicant shall file a similar certificate
14 with respect to such period or periods during which the applicant has
15 practiced in each such state.

16 (c) The Kansas dental board may direct an applicant to appear before
17 the board at a date, time and place to be determined by the Kansas dental
18 board to answer questions and provide such information concerning the
19 qualifications, background, experience and practice of the applicant as the
20 Kansas dental board may deem necessary.

21 (d) The term "applicant" as used in this section shall apply to ~~both~~
22 applicants for licensure as a dentist, *applicants for licensure as a dental*
23 *therapist* and applicants for licensure as a dental hygienist unless the
24 context otherwise indicates.

25 Sec. 18. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1436 is
26 hereby amended to read as follows: 65-1436. (a) The Kansas dental board
27 may refuse to issue the license under the dental practices act, or may take
28 any of the actions with respect to any dental, *dental therapy* or dental
29 hygiene license as set forth in subsection (b), whenever it is established,
30 after notice and opportunity for hearing in accordance with the provisions
31 of the Kansas administrative procedure act, that any applicant for a dental,
32 *dental therapy* or dental hygiene license or any licensed dentist, *dental*
33 *therapist* or dental hygienist practicing in the state of Kansas has:

34 (1) Committed fraud, deceit or misrepresentation in obtaining any
35 license, money or other thing of value;

36 (2) habitually used intoxicants or drugs ~~which~~ *that* have rendered
37 such person unfit for the practice of dentistry, *dental therapy* or dental
38 hygiene;

39 (3) been determined by the board to be professionally incompetent;

40 (4) committed gross, wanton or willful negligence in the practice of
41 dentistry, *dental therapy* or dental hygiene;

42 (5) employed, allowed or permitted any unlicensed person or persons
43 to perform any work in the licensee's office ~~which~~ *that* constitutes the

1 practice of dentistry, *dental therapy* or dental hygiene under the provisions
2 of the dental practices act;

3 (6) willfully violated the laws of this state relating to the practice of
4 dentistry, *dental therapy* or dental hygiene or the rules and regulations of
5 the secretary of health and environment or of the board regarding
6 sanitation;

7 (7) engaged in the division of fees, or agreed to split or divide the fee
8 received for dental service with any person for bringing or referring a
9 patient without the knowledge of the patient or the patient's legal
10 representative, except:

11 (A) The division of fees between dentists practicing in a partnership
12 and sharing professional fees;

13 (B) the division of fees between one licensed dentist employing
14 another; or

15 (C) the division of fees between a licensed dentist and a dental
16 franchisor;

17 (8) committed complicity in association with or allowed the use of
18 the licensed dentist's name in conjunction with any person who is engaged
19 in the illegal practice of dentistry;

20 (9) been convicted of a felony or a misdemeanor involving moral
21 turpitude in any jurisdiction and the licensee fails to show that the licensee
22 has been sufficiently rehabilitated to warrant the public trust;

23 (10) prescribed, dispensed, administered or distributed a prescription
24 drug or substance, including a controlled substance, in an excessive,
25 improper or inappropriate manner or quantity outside the scope of practice
26 of dentistry or in a manner that impairs the health and safety of an
27 individual;

28 (11) prescribed, purchased, administered, sold or given away
29 prescription drugs, including a controlled substance, for other than legal
30 and legitimate purposes;

31 (12) violated or been convicted of any federal or state law regulating
32 possession, distribution or use of any controlled substance;

33 (13) failed to pay license fees;

34 (14) used the name "clinic," "institute" or other title that may suggest
35 a public or semipublic activity except that the name "clinic" may be used
36 as authorized in K.S.A. 65-1435, and amendments thereto;

37 (15) committed, after becoming a licensee, any conduct ~~which~~ *that* is
38 detrimental to the public health, safety or welfare as defined by rules and
39 regulations of the board;

40 (16) engaged in a misleading, deceptive, untrue or fraudulent
41 misrepresentation in the practice of dentistry or on any document
42 connected with the practice of dentistry by knowingly submitting any
43 misleading, deceptive, untrue or fraudulent misrepresentation on a claim

1 form, bill or statement, including the systematic waiver of patient co-
2 payment or co-insurance;

3 (17) failed to keep adequate records;

4 (18) the licensee has had a license to practice dentistry revoked,
5 suspended or limited, has been censured or has had other disciplinary
6 action taken, has had an application for license denied, or voluntarily
7 surrendered the license after formal proceedings have been commenced by
8 the proper licensing authority or another state, territory or the District of
9 Columbia or other country, a certified copy of the record of the action of
10 the other jurisdiction being conclusive evidence thereof;

11 (19) failed to furnish the board, or its investigators or representatives
12 any information legally requested by the board; or

13 (20) assisted suicide in violation of K.S.A. 21-3406, prior to its
14 repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, as
15 established by any of the following:

16 (A) A copy of the record of criminal conviction or plea of guilty for a
17 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017
18 Supp. 21-5407, and amendments thereto;

19 (B) a copy of the record of a judgment of contempt of court for
20 violating an injunction issued under K.S.A. 60-4404, and amendments
21 thereto; or

22 (C) a copy of the record of a judgment assessing damages under
23 K.S.A. 60-4405, and amendments thereto.

24 (b) Whenever it is established, after notice and opportunity for
25 hearing in accordance with the provisions of the Kansas administrative
26 procedure act, that a licensee is in any of the circumstances or has
27 committed any of the acts described in subsection (a), the Kansas dental
28 board may take one or any combination of the following actions with
29 respect to the license of the licensee:

30 (1) Revoke the license;

31 (2) suspend the license for such period of time as may be determined
32 by the board;

33 (3) restrict the right of the licensee to practice by imposing limitations
34 upon dental, *dental therapy* or dental hygiene procedures ~~which that~~ may
35 be performed, categories of dental disease ~~which that~~ may be treated or
36 types of patients ~~which that~~ may be treated by the dentist, *dental therapist*
37 or dental hygienist. Such restrictions shall continue for such period of time
38 as may be determined by the board, and the board may require the licensee
39 to provide additional evidence at hearing before lifting such restrictions; or

40 (4) grant a period of probation during which the imposition of one or
41 more of the actions described in subsections (b)(1) through (b)(3) will be
42 stayed subject to such conditions as may be imposed by the board
43 including a requirement that the dentist, *dental therapist* or dental

1 hygienist refrain from any course of conduct ~~which~~ *that* may result in
2 further violation of the dental ~~practice~~ *practices* act or the dentist or dental
3 hygienist complete additional or remedial instruction. The violation of any
4 provision of the dental ~~practice~~ *practices* act or failure to meet any
5 condition imposed by the board as set forth in the order of the board will
6 result in immediate termination of the period of probation and imposition
7 of such other action as has been taken by the board.

8 (c) As used in this section, "professionally incompetent" means:

9 (1) One or more instances involving failure to adhere to the
10 applicable standard of dental, *dental therapy* or dental hygienist care to a
11 degree ~~which~~ *that* constitutes gross negligence, as determined by the
12 board;

13 (2) repeated instances involving failure to adhere to the applicable
14 standard of dental, *dental therapy* or dental hygienist care to a degree
15 ~~which~~ *that* constitutes ordinary negligence, as determined by the board; or

16 (3) a pattern of dental, *dental therapy* or dental hygienist practice or
17 other behavior ~~which~~ *that* demonstrates a manifest incapacity or
18 incompetence to practice dentistry.

19 (d) In addition to or in lieu of one or more of the actions described in
20 subsections (b)(1) through (b)(4) or in ~~subsection (e)~~ of K.S.A. 65-
21 1444(c), and amendments thereto, the board may assess a fine not in
22 excess of \$10,000 against a licensee. All fines collected pursuant to this
23 subsection shall be remitted to the state treasurer in accordance with the
24 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
25 each such remittance, the state treasurer shall deposit the entire amount in
26 the state treasury and of the amount so remitted, an amount equal to the
27 board's actual costs related to fine assessment and enforcement under this
28 subsection, as certified by the president of the board to the state treasurer,
29 shall be credited to the dental board fee fund and the balance shall be
30 credited to the state general fund.

31 (e) The board, upon its own motion or upon the request of any
32 licensee who is a party to a licensure action, may require a physical or
33 mental examination, or both, of such licensee either prior to a hearing to be
34 held as a part of a licensure action or prior to the termination of any period
35 of suspension or the termination of any restrictions imposed upon the
36 licensee as provided in subsection (b).

37 Sec. 19. On and after July 1, 2020, K.S.A. 65-1441 is hereby
38 amended to read as follows: 65-1441. Whoever sells or offers to sell a
39 diploma conferring a dental degree, or a license granted pursuant to this
40 act, or procures such diploma or license with intent that it be used as
41 evidence of the right to practice dentistry, *dental therapy* or dental
42 hygiene, as defined by law, by a person other than the one upon whom it
43 was conferred, or to whom such license certificate or renewal certificate

1 was granted, or with fraudulent intent alters such diploma or license
 2 certificate or renewal certificate, or uses or attempts to use it when it is so
 3 altered, shall be deemed guilty of a misdemeanor. The board may refuse to
 4 grant a license to practice dentistry, *dental therapy* or dental hygiene to
 5 any person found guilty of making a false statement, or cheating or of
 6 fraud or deception either in applying for a license or in taking any of the
 7 examinations provided for under the dental practices act.

8 Sec. 20. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1447 is
 9 hereby amended to read as follows: 65-1447. (a) On or before October 1 of
 10 each year, the Kansas dental board shall determine the amount of funds
 11 ~~which~~ *that* will be required during the ensuing fiscal year to properly
 12 administer the laws—~~which~~ *that* the board is directed to enforce and
 13 administer and shall fix fees in accordance with this section in such
 14 reasonable sums as may be necessary for such purposes, within the
 15 limitations prescribed by subsection (b).

16 (b) The board shall collect fees provided for in this act as follows:

17 Examination fee for dental applicants—not more than.....	\$200
18 Subsequent examination fee for dental applicants—not more 19 than.....	100
20 Examination fee for specialty qualifications—not more 21 than.....	200
22 Credentials/qualifications fee—not more than.....	300
23 Duplicate certificate fee—not more than.....	25
24 Certificate fee, including certificate for credentials/qualifications, 25 for dentists, <i>dental therapists</i> and dental hygienists—not 26 more than.....	25
27 Biennial license renewal fee for dentists—not more than.....	325
28 Examination fee for dental hygienist applicants—not more 29 than.....	100
30 Subsequent examination fee for dental hygienist applicants—not 31 more than.....	100
32 Biennial license renewal fee for dental hygienists—not 33 more than.....	160
34 <i>Biennial license renewal fee for dental therapists—not more than</i>	<i>200</i>
35 <i>Examination fee for dental therapist applicants—not more than</i>	<i>150</i>
36 <i>Subsequent examination fee for dental therapist applicants—not</i> 37 <i>more than.....</i>	<i>100</i>
38 Reinstatement of a revoked license—not more than.....	2,000
39 Processing fee for failure to notify of change of address—not 40 more than.....	100
41 Registration fee to operate a mobile dental facility or portable 42 dental operation—not more than.....	500
43 Biennial registration renewal fee for mobile dental facility or	

1	portable dental operation—not more than.....	350
2	Sedation permit—not more than.....	200

3 (c) The amounts of fees in effect on the day preceding the effective
 4 date of this act and the act of which this section is amendatory shall remain
 5 in effect until fixed in different amounts by the board under this section.
 6 The board may adopt rules and regulations for the proration of fees for a
 7 license issued for a period of time less than the biennial licensure period.

8 Sec. 21. On and after July 1, 2020, K.S.A. 65-1449 is hereby
 9 amended to read as follows: 65-1449. (a) Except as provided by subsection
 10 (b), no action to revoke or suspend a license shall be taken until the
 11 licensee has been furnished a statement in writing of the charges against
 12 the licensee, together with a notice of the time and place of the hearing.
 13 The statement of charges and notice shall be served upon the licensee in
 14 accordance with the provisions of the Kansas administrative procedure act.

15 (b) If the board determines that there is probable cause to revoke or
 16 suspend the license of a dentist, *dental therapist* or dental hygienist for any
 17 reason that exists pursuant to K.S.A. 65-1436, and amendments thereto,
 18 and if the licensee's continued practice would constitute an imminent
 19 danger to public health and safety, the board may initiate administrative
 20 proceedings for an emergency adjudication under the provisions of the
 21 Kansas administrative procedure act.

22 In no case shall a temporary suspension or temporary limitation of a
 23 license under this section be in effect for more than 90 days. At the end of
 24 such period of time, the licensee shall be reinstated to full licensure unless
 25 the board has revoked or suspended the license of the licensee after notice
 26 and hearing, provided in accordance with the provisions of the Kansas
 27 administrative procedure act.

28 Sec. 22. On and after July 1, 2020, K.S.A. 65-1460 is hereby
 29 amended to read as follows: 65-1460. Any person who shall practice
 30 dentistry, *dental therapy* or dental hygiene in this state within the meaning
 31 of this act without having first obtained a license from the board, or who
 32 violates any of the provisions of this act, the penalty for which is not
 33 herein specifically provided, shall be deemed guilty of a misdemeanor.
 34 Anyone convicted of a misdemeanor under this act shall be punished by a
 35 fine of not more than ~~one thousand dollars~~ \$1,000, or by imprisonment in
 36 the county jail for not more than twelve months, or by both such fine and
 37 imprisonment, in the discretion of the court.

38 Sec. 23. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1456 is
 39 hereby amended to read as follows: 65-1456. (a) The board may suspend
 40 or revoke the license of any dentist who shall permit any dental hygienist
 41 operating under such dentist's supervision to perform any operation other
 42 than ~~that those~~ permitted under ~~the provisions of~~ article 14 of chapter 65 of
 43 the Kansas Statutes Annotated, and amendments thereto, and may suspend

1 or revoke the license of any hygienist found guilty of performing any
2 operation other than those permitted under article 14 of chapter 65 of the
3 Kansas Statutes Annotated, and amendments thereto. No license of any
4 dentist or dental hygienist shall be suspended or revoked in any
5 administrative proceedings without first complying with the notice and
6 hearing requirements of the Kansas administrative procedure act.

7 (b) The practice of dental hygiene shall include those educational,
8 preventive; and therapeutic procedures ~~which~~ *that* result in the removal of
9 extraneous deposits, stains and debris from the teeth and the rendering of
10 smooth surfaces of the teeth to the depths of the gingival sulci. Included
11 among those educational, preventive and therapeutic procedures are the
12 instruction of the patient as to daily personal care, protecting the teeth
13 from dental caries, the scaling and polishing of the crown surfaces and the
14 planing of the root surfaces, in addition to the curettage of those soft
15 tissues lining the free gingiva to the depth of the gingival sulcus and such
16 additional educational, preventive and therapeutic procedures as the board
17 may establish by rules and regulations.

18 (c) Subject to such prohibitions, limitations and conditions as the
19 board may prescribe by rules and regulations, any licensed dental hygienist
20 may practice dental hygiene and may also perform such dental service as
21 may be performed by a dental assistant under the provisions of K.S.A. 65-
22 1423, and amendments thereto.

23 (d) Except as otherwise provided in this section, the practice of dental
24 hygiene shall be performed under the direct or general supervision of a
25 licensed dentist at the office of such licensed dentist. The board shall
26 designate by rules and regulations the procedures ~~which~~ *that* may be
27 performed by a dental hygienist under direct supervision and the
28 procedures ~~which~~ *that* may be performed under general supervision of a
29 licensed dentist. As used in this section: (1) "Direct supervision" means
30 ~~that the dentist is in the dental office;~~ *the supervision of tasks and*
31 *procedures with the presence of the dentist in the office or on the premises*
32 *at the time the tasks or procedures are being performed where the dentist*
33 *personally diagnoses the condition to be treated, personally authorizes the*
34 *procedure and, before dismissal of the patient, evaluates the dental*
35 *hygienist's performance;* and (2) "general supervision" means a Kansas
36 licensed dentist may delegate verbally or by written authorization the
37 performance of a service, task or procedure to a licensed dental hygienist
38 under the supervision and responsibility of the dentist, if the dental
39 hygienist is licensed to perform the function; and the supervising dentist
40 examines the patient at the time the dental hygiene procedure is
41 performed, or during the 12 calendar months preceding the performance of
42 the procedure, except that the licensed hygienist shall not be permitted to
43 diagnose a dental disease or ailment, prescribe any treatment or a regimen

1 thereof, prescribe, order or dispense medication or perform any procedure
2 ~~which that~~ is irreversible or ~~which that~~ involves the intentional cutting of
3 the soft or hard tissue by any means. A dentist is not required to be on the
4 premises at the time a hygienist performs a function delegated under ~~part~~
5 *paragraph (2) of this subsection.*

6 (e) The practice of dental hygiene may be performed at an adult care
7 home, hospital long-term care unit, state institution, local health
8 department or indigent health care clinic on a resident of a facility, client
9 or patient thereof so long as:

10 (1) A licensed dentist has delegated the performance of the service,
11 task or procedure;

12 (2) the dental hygienist is under the supervision and responsibility of
13 the dentist;

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

17 (4) the supervising dentist examines the patient at the time the dental
18 hygiene procedure is performed or has examined the patient during the 12
19 calendar months preceding performance of the procedure.

20 (f) The practice of dental hygiene may be performed, with consent of
21 the parent or legal guardian;: On children participating in residential and
22 nonresidential centers for therapeutic services;: on all children in families
23 ~~which that~~ are receiving family preservation services;: on all children in
24 the custody of the secretary for children and families or the commissioner
25 of juvenile justice authority and in an out-of-home placement residing in
26 foster care homes;: on children being served by runaway youth programs
27 and homeless shelters; ~~and~~ on children ~~birth up~~ to five years old and
28 children in public and nonpublic schools *in kindergarten or grades one*
29 ~~through grade~~ 12, regardless of the time of year and children participating
30 in youth organizations, so long as such children who are dentally
31 underserved are targeted; at any state correctional institution, local health
32 department or indigent health care clinic, as defined in K.S.A. 65-1466,
33 and amendments thereto, and at any federally qualified health center,
34 federally qualified health center look-alike or a community health center
35 that receives funding from section 330 of the health center consolidation
36 act, on a person, inmate, client or patient thereof; and on other persons as
37 may be defined by the board; so long as:

38 (1) The dental hygienist has received an "extended care permit I"
39 from the Kansas dental board specifying that the dental hygienist has
40 performed 1,200 hours of dental hygiene care within the past three years or
41 has been an instructor at an accredited dental hygiene program for two
42 academic years within the past three years;

43 (2) the dental hygienist shows proof of professional liability

1 insurance;

2 (3) the dental hygienist is sponsored by a dentist licensed in the state
3 of Kansas, including a signed agreement stating that the dentist shall
4 monitor the dental hygienist's activities, except such dentist shall not
5 monitor more than five dental hygienists with an extended care permit;

6 (4) the tasks and procedures are limited to: (A) Removal of
7 extraneous deposits, stains and debris from the teeth and the rendering of
8 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
9 application of topical anesthetic, if the dental hygienist has completed the
10 required course of instruction approved by the dental board; (C) the
11 application of fluoride; (D) dental hygiene instruction; (E) assessment of
12 the patient's apparent need for further evaluation by a dentist to diagnose
13 the presence of dental caries and other abnormalities; and (F) other duties
14 as may be delegated verbally or in writing by the sponsoring dentists
15 consistent with this act;

16 (5) the dental hygienist advises the patient and legal guardian that the
17 services are preventive in nature and do not constitute a comprehensive
18 dental diagnosis and care;

19 (6) the dental hygienist provides a copy of the findings and the report
20 of treatment to the sponsoring dentist and any other dental or medical
21 supervisor at a participating organization found in this subsection; and

22 (7) any payment to the dental hygienist for dental hygiene services is
23 received from the sponsoring dentist or the participating organization
24 found in this subsection.

25 (g) The practice of dental hygiene may be performed on persons with
26 developmental disabilities and on persons who are 65 years and older who
27 live in a residential center, an adult care home, subsidized housing,
28 hospital long-term care unit; *or* state institution or are served in a
29 community senior service center, elderly nutrition program or at the home
30 of a homebound person who qualifies for the federal home and
31 community-based service (HCBS) waiver on a resident of a facility, client
32 or patient thereof so long as:

33 (1) The dental hygienist has received an "extended care permit II"
34 from the Kansas dental board specifying that the dental hygienist has: (A)
35 Performed 1,600 hours of dental hygiene care or has been an instructor at
36 an accredited dental hygiene program for two academic years within the
37 past three years; and (B) completed six hours of training on the care of
38 special needs patients or other training as may be accepted by the board;

39 (2) the dental hygienist shows proof of professional liability
40 insurance;

41 (3) the dental hygienist is sponsored by a dentist licensed in the state
42 of Kansas, including a signed agreement stating that the dentist shall
43 monitor the dental hygienist's activities, except such dentist shall not

1 monitor more than five dental hygienists with an extended care permit II;
2 (4) the tasks and procedures are limited to: (A) Removal of
3 extraneous deposits, stains and debris from the teeth and the rendering of
4 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
5 application of topical anesthetic if the dental hygienist has completed the
6 required course of instruction approved by the dental board; (C) the
7 application of fluoride; (D) dental hygiene instruction; (E) assessment of
8 the patient's apparent need for further evaluation by a dentist to diagnose
9 the presence of dental caries and other abnormalities; and (F) other duties
10 as may be delegated verbally or in writing by the sponsoring dentist
11 consistent with this act;

12 (5) the dental hygienist advises the patient and legal guardian that the
13 services are preventive in nature and do not constitute comprehensive
14 dental diagnosis and care;

15 (6) the dental hygienist provides a copy of the findings and the report
16 of treatment to the sponsoring dentist and any other dental or medical
17 supervisor at a participating organization found in this subsection;

18 (7) any payment to the dental hygienist for dental hygiene services is
19 received from the sponsoring dentist or the participating organization
20 found in this subsection; and

21 (8) the dental hygienist completes a minimum of three hours of
22 education in the area of special needs care within the board's continuing
23 dental education requirements for relicensure.

24 (h) The expanded practice of dental hygiene may be performed, with
25 consent of the parent or legal guardian;: On children participating in
26 residential and nonresidential centers for therapeutic services; on all
27 children in families ~~which~~ *that* are receiving family preservation services;,
28 on all children in the custody of the secretary for children and families or
29 the commissioner of juvenile justice authority and in an out-of-home
30 placement residing in foster care homes; on children being served by
31 runaway youth programs and homeless shelters; and on children ~~birth up~~
32 to five *years old* and children in public and nonpublic schools *in*
33 kindergarten *or grades one* through ~~grade~~ 12, regardless of the time of
34 year and children participating in youth organizations, so long as such
35 children who are dentally underserved are targeted; at any state
36 correctional institution, local health department or indigent health care
37 clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any
38 federally qualified health center, federally qualified health center look-
39 alike or a community health center that receives funding from section 330
40 of the health center consolidation act, on a person, inmate, client or
41 patient; on persons with developmental disabilities and on persons who are
42 65 years and older who live in a residential center, an adult care home,
43 subsidized housing, hospital long-term care unit; *or* state institution or are

1 served in a community senior service center, elderly nutrition program or
2 at the home of a homebound person who qualifies for the federal home and
3 community-based service (HCBS) waiver on a resident of a facility, client
4 or patient thereof so long as:

5 (1) The dental hygienist has received an "extended care permit III"
6 from the Kansas dental board specifying that the dental hygienist has: (A)
7 Performed 2,000 hours of dental hygiene care or has been an instructor at
8 an accredited dental hygiene program for three academic years within the
9 past four years; and (B) completed a course of study of 18 seat hours
10 approved by the board—~~which~~ *that* includes, but is not limited to,
11 emergency dental care techniques, the preparation and placement of
12 temporary restorations, the adjustment of dental prostheses and appropriate
13 pharmacology;

14 (2) the dental hygienist shows proof of professional liability
15 insurance;

16 (3) the dental hygienist is sponsored by a dentist licensed in the state
17 of Kansas, including a signed agreement stating that the dentist shall
18 monitor the dental hygienist's activities, except such dentist shall not
19 monitor more than five dental hygienists with an extended care permit III;

20 (4) the tasks and procedures are limited to: (A) Removal of
21 extraneous deposits, stains and debris from the teeth and the rendering of
22 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the
23 application of topical anesthetic if the dental hygienist has completed the
24 required course of instruction approved by the dental board; (C) the
25 application of fluoride; (D) dental hygiene instruction; (E) assessment of
26 the patient's apparent need for further evaluation by a dentist to diagnose
27 the presence of dental caries and other abnormalities; (F) identification and
28 removal of decay using hand instrumentation and placing a temporary
29 filling, including glass ionomer and other palliative materials; (G)
30 adjustment of dentures, placing soft relines in dentures, checking partial
31 dentures for sore spots and placing permanent identification labeling in
32 dentures; (H) smoothing of a sharp tooth with a slow speed dental
33 handpiece; (I) use of local anesthetic, including topical, infiltration and
34 block anesthesia, when appropriate to assist with procedures where
35 medical services are available in a nursing home, health clinic or any other
36 settings if the dental hygienist has completed a course on local anesthesia
37 and nitrous oxide as required in this act; (J) extraction of deciduous teeth
38 that are partially exfoliated with class-4 3 mobility; and (K) other duties as
39 may be delegated verbally or in writing by the sponsoring dentist
40 consistent with this act;

41 (5) the dental hygienist advises the patient and legal guardian that the
42 services are palliative or preventive in nature and do not constitute
43 comprehensive dental diagnosis and care;

1 (6) the dental hygienist provides a copy of the findings and the report
2 of treatment to the sponsoring dentist and any other dental or medical
3 supervisor at a participating organization found in this subsection;

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

8 (8) any payment to the dental hygienist for dental hygiene services is
9 received from the sponsoring dentist or the participating organization
10 found in this subsection; and

11 (9) the dental hygienist completes a minimum of three hours of
12 education related to the expanded scope of dental hygiene practice in
13 subsection (h)(4) ~~of this act~~ within the board's continuing dental education
14 requirements for relicensure.

15 (i) In addition to the duties specifically mentioned in subsection (b)
16 any duly licensed dental hygienist may:

17 (1) Give fluoride treatments as a prophylactic measure, as defined by
18 the United States public health service and as recommended for use in
19 dentistry;

20 (2) remove overhanging restoration margins and periodontal surgery
21 materials by hand scaling instruments; and

22 (3) administer local block and infiltration anaesthesia and nitrous
23 oxide. (A) The administration of local anaesthesia shall be performed
24 under the direct supervision of a licensed dentist, except that topically
25 applied local anaesthesia, as defined by the board, may be administered
26 under the general supervision of a licensed dentist. (B) Each dental
27 hygienist who administers local anaesthesia, regardless of the type, shall
28 have completed courses of instruction in local anaesthesia and nitrous
29 oxide ~~which~~ *that* have been approved by the board.

30 (j) (1) The courses of instruction required in subsection (i)(3)(B) shall
31 provide a minimum of 12 hours of instruction at a teaching institution
32 accredited by the American dental association.

33 (2) The courses of instruction shall include courses ~~which~~ *that*
34 provide both didactic and clinical instruction in: (A) Theory of pain
35 control; (B) anatomy; (C) medical history; (D) pharmacology; and (E)
36 emergencies and complications.

37 (3) Certification in cardiac pulmonary resuscitation shall be required
38 in all cases.

39 (k) The board is authorized to issue to a qualified dental hygienist an
40 extended care permit I ~~or~~, extended care permit II; or extended care permit
41 III as provided in subsections (f), (g) and (h) ~~of this section~~.

42 (l) Nothing in this section shall be construed to prevent a dental
43 hygienist from providing dental hygiene instruction or visual oral health

1 care screenings or fluoride applications in a school or community-based
2 setting regardless of the age of the patient.

3 (m) As used in this section, "dentally underserved" means a person
4 who lacks resources to pay for medically necessary health care services
5 and who meets the eligibility criteria for qualification as a medically
6 indigent person established by the secretary of health and environment
7 under K.S.A. 75-6120, and amendments thereto.

8 Sec. 24. On and after July 1, 2020, K.S.A. 65-1462 is hereby
9 amended to read as follows: 65-1462. (a) No person reporting to the
10 Kansas dental board under oath and in good faith any information such
11 person may have relating to alleged incidents of malpractice or the
12 qualifications, fitness or character of a person licensed to practice dentistry
13 shall be subject to a civil action for damages as a result of reporting such
14 information.

15 (b) Any state, regional or local association of licensed dentists, *dental*
16 *therapists* or licensed dental hygienists, and the individual members of any
17 committee thereof, ~~which~~ *that* in good faith investigates or communicates
18 information pertaining to the alleged incidents of malpractice or the
19 qualifications, fitness or character of any licensee to the Kansas dental
20 board or to any committee or agent thereof, shall be immune from liability
21 in any civil action, that is based upon such investigation or transmittal of
22 information if the investigation and communication was made in good
23 faith and did not represent as true any matter not reasonably believed to be
24 true.

25 Sec. 25. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1469 is
26 hereby amended to read as follows: 65-1469. As used in this section:

27 (a) "Mobile dental facility or portable dental operation" means either
28 of the following:

29 (1) Any self-contained facility in which dentistry will be practiced,
30 ~~which~~ *that* may be moved, towed or transported from one location to
31 another.

32 (2) Any nonfacility in which dental equipment, utilized in the practice
33 of dentistry, is transported to and utilized on a temporary basis at an out-
34 of-office location, including, but not limited to: (A) Other dentists' offices;
35 (B) patients' homes; (C) schools; (D) nursing homes; or (E) other
36 institutions.

37 (b) (1) No person shall operate a mobile dental facility or portable
38 dental operation in this state unless registered in accordance with this
39 section.

40 (2) In order to operate a mobile dental facility or portable dental
41 operation, the operator shall be a person or entity that is authorized to own
42 a dental practice under Kansas law and possess a current registration
43 issued by the board.

1 (3) To become registered, the operator shall:

2 (A) Complete an application in the form and manner required by the
3 board; and

4 (B) pay a registration fee in the amount established by the board
5 pursuant to K.S.A. 65-1447, and amendments thereto.

6 (c) (1) The registration under this section shall be renewed on March
7 1 of even-numbered years in the form and manner provided by the board
8 by rules and regulations.

9 (2) The registrant shall pay a registration renewal fee in the amount
10 fixed by the board under K.S.A. 65-1447, and amendments thereto.

11 (d) The board shall adopt rules and regulations as necessary to carry
12 out the provisions of this act. The rules and regulations shall include, but
13 not be limited to, requirements relating to the official address and
14 telephone number of the mobile dental facility or portable dental
15 operation, the proper maintenance of dental records, procedures for
16 emergency follow-up care for patients, appropriate communications
17 facilities, appropriate authorizations for treatment by dental patients,
18 follow-up treatment and services, personnel and address changes, notice to
19 be provided on cessation of operation and such other matters as the board
20 deems necessary to protect the public health and welfare.

21 (e) The board may refuse to issue a registration under this section or
22 may revoke or suspend a registration upon a finding by the board that an
23 applicant or person registered under this section has failed to comply with
24 any provision of the section or any rules and regulations adopted pursuant
25 to this section. No order refusing to issue a registration or order of
26 suspension or revocation shall be made or entered except after notice and
27 opportunity for hearing in accordance with the provisions of the Kansas
28 administrative procedure act. Any final order of suspension or revocation
29 of a license shall be reviewable in accordance with the Kansas judicial
30 review act.

31 (f) (1) This section applies to each operator of a mobile dental facility
32 or portable dental operation that provides dental services except those
33 specifically exempted by ~~subsection~~ *paragraph* (2).

34 (2) This section shall not apply to:

35 (A) Dentists providing dental services for federal, state and local
36 governmental agencies;

37 (B) dentists licensed to practice in Kansas providing emergency
38 treatment for their patients of record;

39 (C) dentists who are not employed by or independently contracting
40 with a mobile dental facility or portable dental operation who provide
41 nonemergency treatment for their patients of record outside the dentist's
42 physically stationary office fewer than 30 days per calendar year;

43 (D) dental hygienists who are providing dental hygiene services as

1 authorized by the Kansas dental act and the board's rules and regulations;

2 (E) a dentist *or dental therapist* who is providing dental services as a
3 charitable health care provider under K.S.A. 75-6102, and amendments
4 thereto;

5 (F) a dental hygienist who is providing dental hygiene services as a
6 charitable health care provider under K.S.A. 75-6102, and amendments
7 thereto; and

8 (G) a not-for-profit organization providing dental services.

9 (g) This section shall be part of and supplemental to the dental
10 practices act.

11 Sec. 26. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4915 is
12 hereby amended to read as follows: 65-4915. (a) As used in this section:

13 (1) "Health care provider" means: (A) Those persons and entities
14 defined as a health care provider under K.S.A. 40-3401, and amendments
15 thereto; and (B) a dentist licensed by the Kansas dental board, *a dental*
16 *therapist licensed by the Kansas dental board*, a dental hygienist licensed
17 by the Kansas dental board, a professional nurse licensed by the board of
18 nursing, a practical nurse licensed by the board of nursing, a mental health
19 technician licensed by the board of nursing, a physical therapist licensed
20 by the state board of healing arts, a physical therapist assistant certified by
21 the state board of healing arts, an occupational therapist licensed by the
22 state board of healing arts, an occupational therapy assistant licensed by
23 the state board of healing arts, a respiratory therapist licensed by the state
24 board of healing arts, a physician assistant licensed by the state board of
25 healing arts and attendants and ambulance services certified by the
26 emergency medical services board.

27 (2) "Health care provider group" means:

28 (A) A state or local association of health care providers or one or
29 more committees thereof;

30 (B) the board of governors created under K.S.A. 40-3403, and
31 amendments thereto;

32 (C) an organization of health care providers formed pursuant to state
33 or federal law and authorized to evaluate medical and health care services;

34 (D) a review committee operating pursuant to K.S.A. 65-2840c, and
35 amendments thereto;

36 (E) an organized medical staff of a licensed medical care facility as
37 defined by K.S.A. 65-425, and amendments thereto, an organized medical
38 staff of a private psychiatric hospital licensed under K.S.A. ~~75-3307b~~
39 ~~2017 Supp. 39-2001 et seq.~~, and amendments thereto, or an organized
40 medical staff of a state psychiatric hospital or state institution for people
41 with intellectual disability, as follows: Larned state hospital, Osawatomie
42 state hospital, Rainbow mental health facility, Kansas neurological
43 institute and Parsons state hospital and training center;

- 1 (F) a health care provider;
- 2 (G) a professional society of health care providers or one or more
3 committees thereof;
- 4 (H) a Kansas corporation, whose stockholders or members are health
5 care providers or an association of health care providers, ~~which~~
6 ~~corporation~~ that evaluates medical and health care services;
- 7 (I) an insurance company, health maintenance organization or
8 administrator of a health benefits plan ~~which~~ that engages in any of the
9 functions defined as peer review under this section; or
- 10 (J) the university of Kansas medical center.
- 11 (3) "Peer review" means any of the following functions:
- 12 (A) Evaluate and improve the quality of health care services rendered
13 by health care providers;
- 14 (B) determine that health services rendered were professionally
15 indicated or were performed in compliance with the applicable standard of
16 care;
- 17 (C) determine that the cost of health care rendered was considered
18 reasonable by the providers of professional health services in this area;
- 19 (D) evaluate the qualifications, competence and performance of the
20 providers of health care or to act upon matters relating to the discipline of
21 any individual provider of health care;
- 22 (E) reduce morbidity or mortality;
- 23 (F) establish and enforce guidelines designed to keep within
24 reasonable bounds the cost of health care;
- 25 (G) conduct of research;
- 26 (H) determine if a hospital's facilities are being properly utilized;
- 27 (I) supervise, discipline, admit, determine privileges or control
28 members of a hospital's medical staff;
- 29 (J) review the professional qualifications or activities of health care
30 providers;
- 31 (K) evaluate the quantity, quality and timeliness of health care
32 services rendered to patients in the facility;
- 33 (L) evaluate, review or improve methods, procedures or treatments
34 being utilized by the medical care facility or by health care providers in a
35 facility rendering health care.
- 36 (4) "Peer review officer or committee" means:
- 37 (A) An individual employed, designated or appointed by, or a
38 committee of or employed, designated or appointed by, a health care
39 provider group and authorized to perform peer review; or
- 40 (B) a health care provider monitoring the delivery of health care at
41 correctional institutions under the jurisdiction of the secretary of
42 corrections.
- 43 (b) Except as provided by K.S.A. 60-437, and amendments thereto,

1 and by subsections (c) and (d), the reports, statements, memoranda,
2 proceedings, findings and other records submitted to or generated by peer
3 review committees or officers shall be privileged and shall not be subject
4 to discovery, subpoena or other means of legal compulsion for their release
5 to any person or entity or be admissible in evidence in any judicial or
6 administrative proceeding. Information contained in such records shall not
7 be discoverable or admissible at trial in the form of testimony by an
8 individual who participated in the peer review process. The peer review
9 officer or committee creating or initially receiving the record is the holder
10 of the privilege established by this section. This privilege may be claimed
11 by the legal entity creating the peer review committee or officer, or by the
12 commissioner of insurance for any records or proceedings of the board of
13 governors.

14 (c) Subsection (b) shall not apply to proceedings in which a health
15 care provider contests the revocation, denial, restriction or termination of
16 staff privileges or the license, registration, certification or other
17 authorization to practice of the health care provider. A licensing agency in
18 conducting a disciplinary proceeding in which admission of any peer
19 review committee report, record or testimony is proposed shall hold the
20 hearing in closed session when any such report, record or testimony is
21 disclosed. Unless otherwise provided by law, a licensing agency
22 conducting a disciplinary proceeding may close only that portion of the
23 hearing in which disclosure of a report or record privileged under this
24 section is proposed. In closing a portion of a hearing as provided by this
25 section, the presiding officer may exclude any person from the hearing
26 location except the licensee, the licensee's attorney, the agency's attorney,
27 the witness, the court reporter and appropriate staff support for either
28 counsel. The licensing agency shall make the portions of the agency record
29 in which such report or record is disclosed subject to a protective order
30 prohibiting further disclosure of such report or record. Such report or
31 record shall not be subject to discovery, subpoena or other means of legal
32 compulsion for their release to any person or entity. No person in
33 attendance at a closed portion of a disciplinary proceeding shall at a
34 subsequent civil, criminal or administrative hearing, be required to testify
35 regarding the existence or content of a report or record privileged under
36 this section ~~which~~ *that* was disclosed in a closed portion of a hearing, nor
37 shall such testimony be admitted into evidence in any subsequent civil,
38 criminal or administrative hearing. A licensing agency conducting a
39 disciplinary proceeding may review peer review committee records,
40 testimony or reports but must prove its findings with independently
41 obtained testimony or records ~~which~~ *that* shall be presented as part of the
42 disciplinary proceeding in open meeting of the licensing agency. Offering
43 such testimony or records in an open public hearing shall not be deemed a

1 waiver of the peer review privilege relating to any peer review committee
2 testimony, records or report.

3 (d) Nothing in this section shall limit the authority, which may
4 otherwise be provided by law, of the commissioner of insurance, the state
5 board of healing arts or other health care provider licensing or disciplinary
6 boards of this state to require a peer review committee or officer to report
7 to it any disciplinary action or recommendation of such committee or
8 officer; to transfer to it records of such committee's or officer's
9 proceedings or actions to restrict or revoke the license, registration,
10 certification or other authorization to practice of a health care provider; or
11 to terminate the liability of the fund for all claims against a specific health
12 care provider for damages for death or personal injury pursuant to
13 ~~subsection (i) of K.S.A. 40-3403(i)~~, and amendments thereto. Reports and
14 records so furnished shall not be subject to discovery, subpoena or other
15 means of legal compulsion for their release to any person or entity and
16 shall not be admissible in evidence in any judicial or administrative
17 proceeding other than a disciplinary proceeding by the state board of
18 healing arts or other health care provider licensing or disciplinary boards
19 of this state.

20 (e) A peer review committee or officer may report to and discuss its
21 activities, information and findings to other peer review committees or
22 officers or to a board of directors or an administrative officer of a health
23 care provider without waiver of the privilege provided by subsection (b)
24 and the records of all such committees or officers relating to such report
25 shall be privileged as provided by subsection (b).

26 (f) Nothing in this section shall be construed to prevent an insured
27 from obtaining information pertaining to payment of benefits under a
28 contract with an insurance company, a health maintenance organization or
29 an administrator of a health benefits plan.

30 Sec. 27. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4921 is
31 hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921
32 through 65-4930, and amendments thereto:

33 (a) "Appropriate licensing agency" means the agency that issued the
34 license to the individual or health care provider who is the subject of a
35 report under this act.

36 (b) "Department" means the department of health and environment.

37 (c) "Health care provider" means: (1) Those persons and entities
38 defined as a health care provider under K.S.A. 40-3401, and amendments
39 thereto; and (2) a dentist licensed by the Kansas dental board, *a dental*
40 *therapist licensed by the Kansas dental board*, a dental hygienist licensed
41 by the Kansas dental board, a professional nurse licensed by the board of
42 nursing, a practical nurse licensed by the board of nursing, a mental health
43 technician licensed by the board of nursing, a physical therapist licensed

1 by the state board of healing arts, a physical therapist assistant certified by
2 the state board of healing arts, an occupational therapist licensed by the
3 state board of healing arts, an occupational therapy assistant licensed by
4 the state board of healing arts and a respiratory therapist licensed by the
5 state board of healing arts.

6 (d) "License," "licensee" and "licensing" include comparable terms
7 ~~which~~ *that* relate to regulation similar to licensure, such as registration.

8 (e) "Medical care facility" means: (1) A medical care facility licensed
9 under K.S.A. 65-425 et seq., and amendments thereto; (2) a private
10 psychiatric hospital licensed under K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001*
11 *et seq.*, and amendments thereto; and (3) state psychiatric hospitals and
12 state institutions for people with intellectual disability, as follows: Larned
13 state hospital, Osawatomie state hospital, Rainbow mental health facility,
14 Kansas neurological institute and Parsons state hospital and training
15 center.

16 (f) "Reportable incident" means an act by a health care provider
17 ~~which~~ *that*: (1) Is or may be below the applicable standard of care and has
18 a reasonable probability of causing injury to a patient; or (2) may be
19 grounds for disciplinary action by the appropriate licensing agency.

20 (g) "Risk manager" means the individual designated by a medical
21 care facility to administer its internal risk management program and to
22 receive reports of reportable incidents within the facility.

23 (h) "Secretary" means the secretary of health and environment.

24 Sec. 28. On and after July 1, 2020, K.S.A. 2017 Supp. 65-5912 is
25 hereby amended to read as follows: 65-5912. (a) Nothing in this act shall
26 be construed to require any insurer or other entity regulated under chapter
27 40 of the Kansas Statutes Annotated, *and amendments thereto*, or any
28 other law of this state to provide coverage for or indemnify for the services
29 provided by a person licensed under this act.

30 (b) So long as the following persons do not hold themselves out to the
31 public to be dietitians or licensed dietitians or use these titles in
32 combination with other titles or use the abbreviation L.D., or any
33 combination thereof, nothing in this act shall be construed to apply:

34 (1) To any person licensed to practice the healing arts, a licensed
35 dentist, *a licensed dental therapist*, a licensed dental hygienist, a licensed
36 professional nurse, a licensed practical nurse, a licensed psychologist, a
37 licensed masters level psychologist, a licensed pharmacist or an employee
38 thereof, a physician assistant, a licensed professional counselor;

39 (2) to any unlicensed employee of a licensed adult care home or a
40 licensed medical care facility as long as such person is working under the
41 general direction of a licensee in the healing arts, nursing or a dietetic
42 services supervisor as defined in regulations adopted by the secretary of
43 health and environment or a consultant licensed under this act;

1 (3) to any dietetic technician or dietetic assistant;

2 (4) to any student enrolled in an approved academic program in
3 dietetics, home economics, nutrition, education or other like curriculum,
4 while engaged in such academic program;

5 (5) to prevent any person, including persons employed in health food
6 stores, from furnishing nutrition information as to the use of food, food
7 materials or dietary supplements, nor to prevent in any way the free
8 dissemination of information or of literature as long as no individual
9 engaged in such practices holds oneself out as being licensed under this
10 act;

11 (6) to prohibit any individual from marketing or distributing food
12 products, including dietary supplements, or to prevent any such person
13 from providing information to customers regarding the use of such
14 products;

15 (7) to prevent any employee of the state or a political subdivision who
16 is employed in nutrition-related programs from engaging in activities
17 included within the definition of dietetics practice as a part of such
18 person's employment;

19 (8) to any person who performs the activities and services of a
20 licensed dietitian or nutrition educator as an employee of the state or a
21 political subdivision, an elementary or secondary school, an educational
22 institution, a licensed institution, or a not-for-profit organization;

23 (9) to any person serving in the armed forces, the public health
24 service, the veterans administration or as an employee of the federal
25 government;

26 (10) to any person who has a degree in home economics insofar as
27 the activities of such person are within the scope of such person's
28 education and training;

29 (11) to any person who counsels or provides weight-control services
30 as a part of a franchised or recognized weight-control program or a
31 weight-control program that operates under the general direction of a
32 person licensed to practice the healing arts, nursing or a person licensed
33 under this act;

34 (12) to any person who is acting as a representative of a trade
35 association and who engages in one or more activities included within the
36 practice of dietetics as a representative of such association;

37 (13) to a licensed physical therapist who makes a dietetic or
38 nutritional assessment or gives dietetic or nutritional advice in the normal
39 practice of such person's profession or as otherwise authorized by law;

40 (14) to a dietitian licensed, registered or otherwise authorized to
41 practice dietetics in another state who is providing consultation in this
42 state;

43 (15) to any person conducting a teaching clinical demonstration

1 ~~which~~ *that* is carried out in an educational institution or an affiliated
2 clinical facility or health care agency;

3 (16) to any person conducting classes or disseminating information
4 relating to nonmedical nutrition; or

5 (17) to any person permitted to practice under K.S.A. 65-2872a, and
6 amendments thereto.

7 (c) Nothing in this act shall be construed to interfere with the
8 religious practices or observances of a bona fide religious organization,
9 nor to prevent any person from caring for the sick in accordance with
10 tenets and practices of any church or religious denomination—~~which that~~
11 teaches reliance upon spiritual means through prayer for healing.

12 Sec. 29. On and after July 1, 2020, K.S.A. 2017 Supp. 65-7304 is
13 hereby amended to read as follows: 65-7304. The following shall be
14 exempt from the requirement of a license pursuant to this act:

15 (a) A licensed practitioner;

16 (b) a person issued a postgraduate permit by the board or students
17 while in actual attendance in an accredited health care educational
18 program for radiologic technology and under the supervision of a qualified
19 instructor;

20 (c) health care providers in the United States armed forces, public
21 health services, federal facilities and other military service when acting in
22 the line of duty in this state;

23 (d) persons rendering assistance in the case of an emergency;

24 (e) a licensed dental hygienist, *a licensed dental therapist* or an
25 unlicensed person working under the supervision of a licensed dentist who
26 has been trained by a licensed dentist on the proper use of dental
27 radiographic equipment for the purpose of providing medical imaging for
28 dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and
29 amendments thereto; and

30 (f) a licensed physician assistant, a licensed nurse or an unlicensed
31 person performing radiologic technology procedures who is: (1) Working
32 under the supervision of a licensed practitioner or a person designated by a
33 hospital licensed pursuant to K.S.A. 65-425 et seq., and amendments
34 thereto; and (2) who has been trained on the proper use of equipment for
35 the purpose of performing radiologic technology procedures consistent
36 with K.S.A. 65-2001 et seq.; or K.S.A. 65-2801 et seq., and amendments
37 thereto. The board shall adopt rules and regulations to assure that persons
38 exempted from licensure under this subsection receive continuing
39 education consistent with their practice authorized herein.

40 ~~(g) This section shall take effect on and after July 1, 2005.~~

41 Sec. 30. On and after July 1, 2020, K.S.A. 2017 Supp. 74-1405 is
42 hereby amended to read as follows: 74-1405. (a) The board at its first
43 meeting day of each year shall elect from its members a president, vice-

1 president and secretary. The board shall have a common seal. The board
2 shall hold two regular meetings each year at times to be fixed by the board,
3 and special meetings at such other times as may be necessary.

4 (b) Members of the Kansas dental board attending meetings of such
5 board, or attending a subcommittee meeting thereof authorized by such
6 board, or conducting examinations for dental, *dental therapist* or dental
7 hygienists licenses or conducting inspections of dental laboratories
8 required by K.S.A. 65-1438, and amendments thereto, shall be paid
9 compensation, subsistence allowances, mileage and other expenses as
10 provided in K.S.A. 75-3223, and amendments thereto. Members of the
11 board conducting examinations for dental, *dental therapist* or dental
12 hygienists licenses may receive amounts for compensation, subsistence
13 allowances, mileage or other expenses from a nonstate agency for
14 conducting such examinations but no member receiving any such amounts
15 shall be paid any compensation, subsistence allowances, mileage or other
16 expenses under this section for conducting such examinations.

17 (c) The official office of the board shall be in Topeka. Meetings shall
18 be held in Topeka or at such other places as the board shall determine to be
19 most appropriate. Service of process may be had upon the board by
20 delivery of process to the secretary of state who shall mail the same by
21 registered or certified mail to the executive director of the board.

22 (d) The board may appoint an executive director who shall be in the
23 unclassified service of the Kansas civil service act. The executive director
24 shall receive an annual salary fixed by the board and approved by the
25 governor. The executive director shall be the legal custodian of all
26 property, money, minutes, records, and proceedings and seal of the board.

27 (e) The board in its discretion may affiliate as an active member with
28 the national association of dental examiners and any organization of one or
29 more state boards for the purpose of conducting a standard examination of
30 candidates for licensure as dentists, *dental therapists* or dental hygienists
31 and pay regular dues to such association or organization, and may send
32 members of the board to the meetings of the national association and the
33 meetings of any organization of state boards of dental examiners organized
34 for the purpose of conducting a standard examination of candidates for
35 licensure as dentists, *dental therapists* and dental hygienists.

36 (f) The executive director shall remit all moneys received by or for
37 such executive director from fees, charges or penalties to the state treasurer
38 in accordance with the provisions of K.S.A. 75-4215, and amendments
39 thereto. Upon receipt of each such remittance, the state treasurer shall
40 deposit the entire amount in the state treasury. Ten percent of each such
41 deposit shall be credited to the state general fund and the balance shall be
42 credited to the dental board fee fund. All expenditures from such fund shall
43 be made in accordance with appropriation acts upon warrants of the

1 director of accounts and reports issued pursuant to vouchers approved by
2 the president of the board or by a person or persons designated by the
3 president.

4 Sec. 31. On and after July 1, 2020, K.S.A. 74-1406 is hereby
5 amended to read as follows: 74-1406. The board shall exercise, subject to
6 the provisions of this act, the following powers and duties:

7 (a) Adopt such rules for its governance as it may deem proper.

8 (b) Adopt rules and regulations for qualification and licensing of
9 *dental therapists and dental hygienists*.

10 (c) Adopt rules and regulations regarding sanitation.

11 (d) Conduct examinations to ascertain the qualification and fitness of
12 applicants for licenses as dentists or certificates as specialists in dentistry.

13 (e) Pass upon the qualifications of applicants for reciprocal licenses.

14 (f) Prescribe rules and regulations for examination of candidates.

15 (g) Formulate rules and regulations by which dental schools and
16 colleges shall be approved.

17 (h) Grant licenses, issue license certificates as specialists in dentistry
18 and issue renewal licenses and certificates as specialists in dentistry in
19 conformity with this act to such applicants and dentists as have been found
20 qualified.

21 (i) Conduct hearings or proceedings to revoke or suspend and to
22 revoke or suspend a license, certificate or renewal license or certificate
23 granted under the authority of this act or previous acts.

24 (j) Employ such persons as it may deem necessary to assist in
25 carrying out the duties of the board in the administration and enforcement
26 of this act, and to provide offices, furniture, fixtures, supplies, printing or
27 secretarial service, and may expend such funds as may be deemed
28 necessary therefor, and may appoint an attorney to advise and assist in the
29 carrying out and enforcing of the provisions of this act.

30 (k) Investigate violations of the act that may come to the knowledge
31 of the board, and institute or cause to be instituted before the board or in a
32 proper court appropriate proceedings in connection therewith.

33 (l) Adopt rules and regulations to carry out and make effective the
34 provisions of this act and modify or repeal such rules and regulations
35 whenever in the discretion of the board it is deemed necessary.

36 Sec. 32. On and after July 1, 2020, K.S.A. 2017 Supp. 75-2935 is
37 hereby amended to read as follows: 75-2935. The civil service of the state
38 of Kansas is hereby divided into the unclassified and the classified
39 services.

40 (1) The unclassified service comprises positions held by state officers
41 or employees who are:

42 (a) Chosen by election or appointment to fill an elective office;

43 (b) members of boards and commissions, heads of departments

1 required by law to be appointed by the governor or by other elective
2 officers, and the executive or administrative heads of offices, departments,
3 divisions and institutions specifically established by law;

4 (c) except as otherwise provided under this section, one personal
5 secretary to each elective officer of this state, and in addition thereto, 10
6 deputies, clerks or employees designated by such elective officer;

7 (d) all employees in the office of the governor;

8 (e) officers and employees of the senate and house of representatives
9 of the legislature and of the legislative coordinating council and all officers
10 and employees of the office of revisor of statutes, of the legislative
11 research department, of the division of legislative administrative services,
12 of the division of post audit and the legislative counsel;

13 (f) chancellor, president, deans, administrative officers, student health
14 service physicians, pharmacists, teaching and research personnel, health
15 care employees and student employees in the institutions under the state
16 board of regents, the executive officer of the board of regents and the
17 executive officer's employees other than clerical employees, and, at the
18 discretion of the state board of regents, directors or administrative officers
19 of departments and divisions of the institution and county extension
20 agents, except that this ~~subsection (1)(f)~~ *paragraph* shall not be construed
21 to include the custodial, clerical or maintenance employees, or any
22 employees performing duties in connection with the business operations of
23 any such institution, except administrative officers and directors; as used
24 in this ~~subsection (1)(f)~~ *paragraph*, "health care employees" means
25 employees of the university of Kansas medical center who provide health
26 care services at the university of Kansas medical center and who are
27 medical technicians or technologists or respiratory therapists, who are
28 licensed professional nurses or licensed practical nurses, or who are in job
29 classes ~~which~~ *that* are designated for this purpose by the chancellor of the
30 university of Kansas upon a finding by the chancellor that such
31 designation is required for the university of Kansas medical center to
32 recruit or retain personnel for positions in the designated job classes; and
33 employees of any institution under the state board of regents who are
34 medical technologists;

35 (g) operations, maintenance and security personnel employed to
36 implement agreements entered into by the adjutant general and the federal
37 national guard bureau, and officers and enlisted persons in the national
38 guard and the naval militia;

39 (h) persons engaged in public work for the state but employed by
40 contractors when the performance of such contract is authorized by the
41 legislature or other competent authority;

42 (i) persons temporarily employed or designated by the legislature or
43 by a legislative committee or commission or other competent authority to

- 1 make or conduct a special inquiry, investigation, examination or
2 installation;
- 3 (j) officers and employees in the office of the attorney general and
4 special counsel to state departments appointed by the attorney general,
5 except that officers and employees of the division of the Kansas bureau of
6 investigation shall be in the classified or unclassified service as provided
7 in K.S.A. 75-711, and amendments thereto;
- 8 (k) all employees of courts;
- 9 (l) client, patient and inmate help in any state facility or institution;
- 10 (m) all attorneys for boards, commissions and departments;
- 11 (n) the secretary and assistant secretary of the Kansas state historical
12 society;
- 13 (o) physician specialists, dentists, *dental therapists*, dental hygienists,
14 pharmacists, medical technologists and long term care workers employed
15 by the Kansas department for aging and disability services;
- 16 (p) physician specialists, dentists and medical technologists employed
17 by any board, commission or department or by any institution under the
18 jurisdiction thereof;
- 19 (q) student employees enrolled in public institutions of higher
20 learning;
- 21 (r) administrative officers, directors and teaching personnel of the
22 state board of education and the state department of education and of any
23 institution under the supervision and control of the state board of
24 education, except that this ~~subsection (1)(r)~~ *paragraph* shall not be
25 construed to include the custodial, clerical or maintenance employees, or
26 any employees performing duties in connection with the business
27 operations of any such institution, except administrative officers and
28 directors;
- 29 (s) all officers and employees in the office of the secretary of state;
- 30 (t) one personal secretary and one special assistant to the following:
31 The secretary of administration, the secretary for aging and disability
32 services, the secretary of agriculture, the secretary of commerce, the
33 secretary of corrections, the secretary of health and environment, the
34 superintendent of the Kansas highway patrol, the secretary of labor, the
35 secretary of revenue, the secretary for children and families, the secretary
36 of transportation, the secretary of wildlife, parks and tourism and the
37 commissioner of juvenile justice;
- 38 (u) one personal secretary and one special assistant to the chancellor
39 and presidents of institutions under the state board of regents;
- 40 (v) one personal secretary and one special assistant to the executive
41 vice chancellor of the university of Kansas medical center;
- 42 (w) one public information officer and one chief attorney for the
43 following: The department of administration, the Kansas department for

1 aging and disability services, the department of agriculture, the department
2 of commerce, the department of corrections, the department of health and
3 environment, the department of labor, the department of revenue, the
4 Kansas department for children and families, the department of
5 transportation, the Kansas department of wildlife, parks and tourism and
6 the commissioner of juvenile justice;

7 (x) if designated by the appointing authority, persons in newly hired
8 positions, including any employee who is rehired into such position and
9 any current state employee who voluntarily transfers into, or is voluntarily
10 promoted or demoted into such position, on and after July 1, 2015, in any
11 state agency;

12 (y) one executive director, one general counsel and one director of
13 public affairs and consumer protection in the office of the state corporation
14 commission;

15 (z) specifically designated by law as being in the unclassified service;

16 (aa) any position that is classified as a position in the information
17 resource manager job class series, that is the chief position responsible for
18 all information resources management for a state agency, and that becomes
19 vacant on or after the effective date of this act. Nothing in this section shall
20 affect the classified status of any employee in the classified service who is
21 employed on the date immediately preceding the effective date of this act
22 in any position that is a classified position in the information resource
23 manager job class series and the unclassified status as prescribed by this
24 subsection shall apply only to a person appointed to any such position on
25 or after the effective date of this act that is the chief position responsible
26 for all information resources management for a state agency;

27 (bb) positions at state institutions of higher education that have been
28 converted to unclassified positions pursuant to K.S.A. 2017 Supp. 76-
29 715a, and amendments thereto; and

30 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
31 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
32 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
33 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
34 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
35 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
36 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
37 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
38 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
39 12a16, 76-3202 and 82a-1205 and K.S.A. 2017 Supp. 39-1911, and
40 amendments thereto, any vacant position within the classified service may
41 be converted by the appointing authority to an unclassified position.

42 (2) The classified service comprises all positions now existing or
43 hereafter created ~~which~~ *that* are not included in the unclassified service.

1 Appointments in the classified service shall be made according to merit
2 and fitness from eligible pools—~~which~~ *that* so far as practicable shall be
3 competitive. No person shall be appointed, promoted, reduced or
4 discharged as an officer, clerk, employee or laborer in the classified
5 service in any manner or by any means other than those prescribed in the
6 Kansas civil service act and the rules adopted in accordance therewith.

7 (3) For positions involving unskilled, or semiskilled duties, the
8 secretary of administration, as provided by law, shall establish rules and
9 regulations concerning certifications, appointments, layoffs and
10 reemployment—~~which~~ *that* may be different from the rules and regulations
11 established concerning these processes for other positions in the classified
12 service.

13 (4) Officers authorized by law to make appointments to positions in
14 the unclassified service, and appointing officers of departments or
15 institutions whose employees are exempt from the provisions of the
16 Kansas civil service act because of the constitutional status of such
17 departments or institutions shall be permitted to make appointments from
18 appropriate pools of eligibles maintained by the division of personnel
19 services.

20 (5) On and after the effective date of this act, any state agency that
21 has positions in the classified service within the Kansas civil service act to
22 satisfy any requirement of maintaining personnel standards on a merit
23 basis pursuant to federal law or the rules and regulations promulgated
24 thereunder by the federal government or any agency thereof, shall adopt a
25 binding statement of agency policy pursuant to K.S.A. 77-415, and
26 amendments thereto, to satisfy such requirements if the appointing
27 authority has made any such position unclassified.

28 Sec. 33. On and after July 1, 2020, K.S.A. 2017 Supp. 75-6102 is
29 hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101
30 through 75-6118, and amendments thereto, unless the context clearly
31 requires otherwise:

32 (a) "State" means the state of Kansas and any department or branch of
33 state government, or any agency, authority, institution or other
34 instrumentality thereof.

35 (b) "Municipality" means any county, township, city, school district
36 or other political or taxing subdivision of the state, or any agency,
37 authority, institution or other instrumentality thereof.

38 (c) "Governmental entity" means state or municipality.

39 (d) (1) "Employee" means: (A) Any officer, employee, servant or
40 member of a board, commission, committee, division, department, branch
41 or council of a governmental entity, including elected or appointed
42 officials and persons acting on behalf or in service of a governmental
43 entity in any official capacity, whether with or without compensation and a

1 charitable healthcare provider;

2 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
3 8818, and amendments thereto, regardless of whether the services of such
4 steward or racing judge are rendered pursuant to contract as an
5 independent contractor;

6 (C) employees of the United States marshal's service engaged in the
7 transportation of inmates on behalf of the secretary of corrections;

8 (D) a person who is an employee of a nonprofit independent
9 contractor, other than a municipality, under contract to provide educational
10 or vocational training to inmates in the custody of the secretary of
11 corrections and who is engaged in providing such service in an institution
12 under the control of the secretary of corrections provided that such
13 employee does not otherwise have coverage for such acts and omissions
14 within the scope of their employment through a liability insurance contract
15 of such independent contractor;

16 (E) a person who is an employee or volunteer of a nonprofit program,
17 other than a municipality, who has contracted with the commissioner of
18 juvenile justice or with another nonprofit program that has contracted with
19 the secretary of corrections to provide a juvenile justice program for
20 juvenile offenders in a judicial district provided that such employee or
21 volunteer does not otherwise have coverage for such acts and omissions
22 within the scope of their employment or volunteer activities through a
23 liability insurance contract of such nonprofit program;

24 (F) a person who contracts with the Kansas guardianship program to
25 provide services as a court-appointed guardian or conservator;

26 (G) an employee of an indigent healthcare clinic;

27 (H) former employees for acts and omissions within the scope of their
28 employment during their former employment with the governmental
29 entity;

30 (I) any member of a regional medical emergency response team,
31 created under the provisions of K.S.A. 48-928, and amendments thereto, in
32 connection with authorized training or upon activation for an emergency
33 response;

34 (J) any member of a regional search and rescue team or regional
35 hazardous materials response team contracting with the state fire marshal
36 pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2017 Supp.
37 75-1518, and amendments thereto, in connection with authorized training
38 or upon activation for an emergency response; and

39 (K) medical students enrolled at the university of Kansas medical
40 center who are in clinical training, on or after July 1, 2008, at the
41 university of Kansas medical center or at another healthcare institution.

42 (2) "Employee" does not include: (A) An individual or entity for
43 actions within the scope of K.S.A. 60-3614, and amendments thereto; or

1 (B) any independent contractor under contract with a governmental
2 entity except those contractors specifically listed in subsection (d)(1).

3 (e) "Charitable healthcare provider" means a person licensed by the
4 state board of healing arts as an exempt licensee or a federally active
5 licensee, a person issued a limited permit by the state board of healing arts,
6 a physician assistant licensed by the state board of healing arts, a mental
7 health practitioner licensed by the behavioral sciences regulatory board, an
8 ultrasound technologist currently registered in any area of sonography
9 credentialed through the American registry of radiology technologists, the
10 American registry for diagnostic medical sonography or cardiovascular
11 credentialing international and working under the supervision of a person
12 licensed to practice medicine and surgery, or a healthcare provider as the
13 term "healthcare provider" is defined under K.S.A. 65-4921, and
14 amendments thereto, who has entered into an agreement with:

15 (1) The secretary of health and environment under K.S.A. 75-6120,
16 and amendments thereto, who, pursuant to such agreement, gratuitously
17 renders professional services to a person who has provided information
18 ~~which~~ *that* would reasonably lead the healthcare provider to make the
19 good faith assumption that such person meets the definition of medically
20 indigent person as defined by this section or to a person receiving medical
21 assistance from the programs operated by the department of health and
22 environment, and who is considered an employee of the state of Kansas
23 under K.S.A. 75-6120, and amendments thereto;

24 (2) the secretary of health and environment and who, pursuant to such
25 agreement, gratuitously renders professional services in conducting
26 children's immunization programs administered by the secretary;

27 (3) a local health department or indigent healthcare clinic, ~~which~~ *that*
28 renders professional services to medically indigent persons or persons
29 receiving medical assistance from the programs operated by the
30 department of health and environment gratuitously or for a fee paid by the
31 local health department or indigent healthcare clinic to such provider and
32 who is considered an employee of the state of Kansas under K.S.A. 75-
33 6120, and amendments thereto. Professional services rendered by a
34 provider under this paragraph shall be considered gratuitous
35 notwithstanding fees based on income eligibility guidelines charged by a
36 local health department or indigent healthcare clinic and notwithstanding
37 any fee paid by the local health department or indigent healthcare clinic to
38 a provider in accordance with this paragraph; or

39 (4) the secretary of health and environment to provide dentistry
40 services defined by K.S.A. 65-1422 et seq., and amendments thereto,
41 *dental therapy services defined by section 10, and amendments thereto*, or
42 dental hygienist services defined by K.S.A. 65-1456, and amendments
43 thereto, that are targeted, but are not limited to, medically indigent

1 persons, and are provided on a gratuitous basis: (A) At a location
2 sponsored by a not-for-profit organization that is not the dentist or dental
3 hygienist office location; (B) at the office location of a dentist or dental
4 hygienist provided the care be delivered as part of a program organized by
5 a not-for-profit organization and approved by the secretary of health and
6 environment; or (C) as part of a charitable program organized by the
7 dentist that has been approved by the secretary of health and environment
8 upon a showing that the dentist seeks to treat medically indigent patients
9 on a gratuitous basis, except that such dentistry services and dental
10 hygienist services shall not include "oral and maxillofacial surgery" as
11 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result
12 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7.

13 (f) "Medically indigent person" means a person who lacks resources
14 to pay for medically necessary healthcare services and who meets the
15 eligibility criteria for qualification as a medically indigent person
16 established by the secretary of health and environment under K.S.A. 75-
17 6120, and amendments thereto.

18 (g) "Indigent healthcare clinic" means an outpatient medical care
19 clinic operated on a not-for-profit basis ~~which~~ that has a contractual
20 agreement in effect with the secretary of health and environment to
21 provide healthcare services to medically indigent persons.

22 (h) "Local health department" shall have the meaning ascribed to
23 such term under K.S.A. 65-241, and amendments thereto.

24 (i) "Fire control, fire rescue or emergency medical services
25 equipment" means any vehicle, firefighting tool, protective clothing,
26 breathing apparatus and any other supplies, tools or equipment used in
27 firefighting or fire rescue or in the provision of emergency medical
28 services.

29 (j) "Community mental health center" means any community mental
30 health center organized pursuant to K.S.A. 19-4001 through 19-4015, and
31 amendments thereto, or a mental health clinic organized pursuant to
32 K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in
33 accordance with K.S.A. ~~75-3307b~~ 2017 Supp. 39-2001 et seq., and
34 amendments thereto.

35 Sec. 34. On and after January 1, 2019, K.S.A. 2017 Supp. 40-2,103
36 and 40-19c09 are hereby repealed.

37 Sec. 35. On and after July 1, 2020, K.S.A. 65-1421, 65-1441, 65-
38 1449, 65-1460, 65-1462 and 74-1406 and K.S.A. 2017 Supp. 65-1424, 65-
39 1431, 65-1434, 65-1436, 65-1447, 65-1456, 65-1469, 65-4915, 65-4921,
40 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 are hereby repealed.

41 Sec. 36. This act shall take effect and be in force from and after its
42 publication in the statute book.