

**SENATE BILL No. 308**

By Committee on Public Health and Welfare

1-23

1 AN ACT concerning the Kansas dental board; relating to the practice of  
2 dental therapy; licensure of dental therapists; amending K.S.A. 65-  
3 1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404 and 74-1406 and  
4 K.S.A. 2017 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-  
5 1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-  
6 6102 and repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) No person shall practice as a dental therapist in  
10 this state until such person has passed an examination by the Kansas dental  
11 board under such rules and regulations as the board may adopt. The fee for  
12 such examination shall be fixed by the board pursuant to K.S.A. 65-1447,  
13 and amendments thereto. A license fee shall be paid to the board in the  
14 amount fixed by the board pursuant to K.S.A. 65-1447, and amendments  
15 thereto.

16 (b) (1) The board shall authorize a person to practice as a dental  
17 therapist if such person is qualified under this section, works under the  
18 direct or general supervision of a Kansas licensed dentist pursuant to a  
19 written supervising agreement, is licensed by the board and practices in  
20 compliance with this section and rules and regulations adopted by the  
21 board. Any supervising dentist of a dental therapist shall be either: (A)  
22 Employed by an indigent health care clinic; or (B) enrolled as a medicaid  
23 provider.

24 (2) A supervising agreement entered into with a dental therapist must  
25 include specific written protocols detailing the scope of practice that the  
26 supervising dentist authorizes the dental therapist to perform and the  
27 required level of supervision, and outlining a course of action when the  
28 dental therapist encounters a patient who requires treatment that exceeds  
29 the dental therapist's authorized scope of practice. The supervising dentist  
30 must ensure that a dentist is available, in person or through distance  
31 technology, to the dental therapist for timely consultation if needed.

32 (c) To be qualified to practice under this section, such person shall be  
33 a licensed dental hygienist and shall:

34 (1) (A) Be a graduate of a dental therapist education program  
35 approved by the board that requires the study of dental therapy and that the  
36 board determines has standards of education not less than that required for

1 accreditation by the commission on dental accreditation of the American  
2 dental association or its equivalent or, prior to such accreditation process  
3 for dental therapy programs, is approved by a licensing entity of another  
4 state or federal jurisdiction; and

5 (B) if the person's dental therapist training program did not include  
6 training on any individual competency listed in section 2(c), and  
7 amendments thereto, the person shall provide documentation to the board's  
8 satisfaction that such person has successfully completed additional training  
9 on that competency;

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

13 (3) have practiced under direct supervision of a supervising dentist  
14 for at least 500 hours before practicing under general supervision; and

15 (4) obtain a policy of professional liability insurance and show proof  
16 of such insurance as required by rules and regulations.

17 (d) Any person practicing as a dental therapist in violation of the  
18 provisions of this act shall be guilty of a misdemeanor, and the board may  
19 revoke or suspend such 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. 2. (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 1 through 4, and amendments thereto:

37 (1) "Direct supervision" means that the dentist in the dental office  
38 personally diagnoses the condition to be treated, personally authorizes the  
39 procedure and, before dismissal of the patient, evaluates the dental  
40 therapist's performance; and (2) "general supervision" means the  
41 supervision of tasks or procedures without the presence of the dentist in  
42 the office or on the premises at the time the tasks or procedures are being  
43 performed, and pursuant to a written supervising agreement, so long as

1 those tasks and procedures are within the scope of practice for a dental  
2 therapist.

3 (c) A licensed dental therapist may perform dental services as  
4 authorized under this section, limited to the following services under direct  
5 or general supervision, unless restricted or prohibited in the supervising  
6 agreement:

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

10 (2) comprehensive charting of the oral cavity;

11 (3) oral health instruction and disease prevention education, including  
12 nutritional counseling and dietary analysis;

13 (4) exposure of radiographic images;

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

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

17 (7) pulp vitality testing;

18 (8) application of desensitizing medication or resin;

19 (9) fabrication of athletic mouthguards;

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

22 (11) fabrication of soft occlusal guards;

23 (12) tissue conditioning and soft reline;

24 (13) changing of periodontal dressings;

25 (14) tooth reimplantation and stabilization;

26 (15) administration of local anesthetic, if the dental therapist has  
27 completed a course on local anesthesia as required in this act;

28 (16) administration of nitrous oxide, if the dental therapist has  
29 completed a course on nitrous oxide as required in this act;

30 (17) dispensing and administering by the oral or topical route, or  
31 both, non-narcotic analgesics, anti-inflammatory and antibiotic  
32 medications as prescribed by a licensed health care provider;

33 (18) diagnosis of dental decay and periodontal disease;

34 (19) the formulation of an individualized treatment plan limited to the  
35 procedures in this section;

36 (20) extractions of primary teeth;

37 (21) nonsurgical extractions of periodontally diseased permanent  
38 teeth with tooth mobility of +3 or +4. The dental therapist shall not extract  
39 a tooth for any patient if the tooth is unerupted, impacted or needs to be  
40 sectioned for removal;

41 (22) emergency palliative treatment of dental pain limited to the  
42 procedures in this section, not including the prescription of medication;

43 (23) the placement and removal of space maintainers;

- 1 (24) preparation and placement of direct restoration in primary and  
2 permanent teeth;
- 3 (25) fabrication and placement of single-tooth temporary crowns;
- 4 (26) preparation and placement of preformed crowns on primary  
5 teeth;
- 6 (27) pulpotomies on primary teeth;
- 7 (28) indirect and direct pulp capping on permanent teeth;
- 8 (29) indirect pulp capping on primary teeth;
- 9 (30) suture removal;
- 10 (31) brush biopsies;
- 11 (32) minor adjustments and repairs on removable prostheses;
- 12 (33) re-cementing of permanent crowns; and
- 13 (34) prevention of, identification and management of dental and  
14 medical emergencies, not including the prescription of medication.
- 15 (d) Any dental therapist is authorized to supervise any dental  
16 hygienist or dental assistant unless restricted or prohibited in the  
17 supervising agreement with the supervising dentist.
- 18 (e) Any dental therapist shall maintain current basic cardiac life  
19 support certification from the American heart association, or an equivalent  
20 certification approved by the Kansas dental board.
- 21 (f) The standard of care for a dental therapist providing services  
22 authorized by this section shall be the standard of care that protects  
23 patients and that is the same standard of care as for a licensed dentist  
24 providing the same services.
- 25 (g) This section shall be part of and supplemental to the dental  
26 practices act.
- 27 (h) This section shall take effect on and after July 1, 2020.
- 28 New Sec. 3. (a) The Kansas dental board shall revoke or suspend the  
29 license of any licensed dental therapist who is found guilty of using or  
30 attempting to use in any manner whatsoever any prophylactic lists, call  
31 lists, records, reprints or copies of same, or information gathered  
32 therefrom, of the names of patients whom the dental therapist might have  
33 served in the office of a prior employer, unless such names appear upon  
34 the bona fide call or prophylactic list of the dental therapist's present  
35 employer and were caused to so appear through the legitimate practice of  
36 dentistry as provided for in this act.
- 37 (b) The board shall suspend or revoke the license of any licensed  
38 dentist who is found guilty of aiding or abetting or encouraging a dental  
39 therapist employed by such dentist to make use of a so-called prophylactic  
40 call list, or the calling by telephone or by use of written letters transmitted  
41 through the mails to solicit patronage from patients served in the office of  
42 any dentist formerly employing such dental therapist.
- 43 (c) No order of suspension or revocation provided in this section shall

1 be made or entered except after notice and opportunity for hearing in  
2 accordance with the provisions of the Kansas administrative procedure act.  
3 Any final order of suspension or revocation of a license shall be  
4 reviewable in accordance with the Kansas judicial review act.

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

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

8 New Sec. 4. Prior to July 1, 2020, the Kansas dental board shall adopt  
9 rules and regulations as may be necessary to administer the provisions of  
10 this act regarding the licensure of dental therapists. Prior to July 1, 2020,  
11 the board shall have such rules and regulations: Proposed; submitted to the  
12 secretary of administration and to the attorney general for approval as  
13 required by K.S.A. 77-420, and amendments thereto; and notice of the  
14 proposed rules and regulations given and a hearing held thereon in the  
15 manner provided by K.S.A. 77-421, and amendments thereto.

16 Sec. 5. On and after July 1, 2020, K.S.A. 65-1421 is hereby amended  
17 to read as follows: 65-1421. It shall be unlawful for any person to practice  
18 dentistry, *dental therapy* or dental hygiene in the state of Kansas, except:

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

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

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

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

26 Sec. 6. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1424 is  
27 hereby amended to read as follows: 65-1424. (a) As used in this act:

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

30 (2) "Dental franchisor" means any person or entity, pursuant to a  
31 written agreement, who provides a licensed dentist any dental practice  
32 management consulting services, ~~which may include~~ *including* marketing  
33 or advertising services, signage or branding consulting, or places in  
34 possession of a licensed dentist such dental material or equipment as may  
35 be necessary for the management of a dental office on the basis of a lease  
36 or any other agreement for compensation. A person or entity is not a dental  
37 franchisor if the agreement with the dentist:

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

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

43 (3) "Unlicensed proprietor" means any person or entity not authorized

1 to own or operate a dental practice that enters into an agreement with a  
2 dentist, *dental therapist* or dental hygienist related to the practice of  
3 dentistry, *dental therapy* or dental hygiene ~~which that~~:

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

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

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

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

22 Sec. 7. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1431 is  
23 hereby amended to read as follows: 65-1431. (a) Each license to practice  
24 as a dentist, *dental therapist* or dental hygienist issued by the board, shall  
25 expire on December 1 of the year specified by the board for the expiration  
26 of the license and shall be renewed on a biennial basis. Each application  
27 for renewal shall be made on a form prescribed and furnished by the  
28 board. Every licensed dentist, *dental therapist* or dental hygienist shall pay  
29 to the board a renewal fee fixed by the board as provided in K.S.A. 65-  
30 1447, and amendments thereto.

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

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

43 (d) (1) The board shall require every licensee to submit with the

1 renewal application evidence of satisfactory completion of a program of  
2 continuing education required by the board. The board by duly adopted  
3 rules and regulations shall establish the requirements for such program of  
4 continuing education as soon as possible after the effective date of this act.

5 (2) A dentist who is a charitable healthcare provider in Kansas who  
6 has signed an agreement to provide gratuitous services pursuant to K.S.A.  
7 75-6102 and 75-6120, and amendments thereto, may fulfill one hour of  
8 continuing education credit by the performance of two hours of gratuitous  
9 services to medically indigent persons up to a maximum of six continuing  
10 education credits per licensure period.

11 (e) Upon fixing the biennial license renewal fee, the board shall  
12 immediately notify all licensees of the amount of the fee for the ensuing  
13 licensure period. Upon receipt of such fee and upon receipt of evidence  
14 that the licensee has satisfactorily completed a program of continuing  
15 education required by the board, the licensee shall be issued a renewal  
16 license authorizing the licensee to continue to practice in this state for a  
17 period of no more than two years.

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

22 (2) Any licensee whose license is required to be renewed for the next  
23 biennial period may obtain renewal, prior to February 1, by submitting to  
24 the board the required renewal application, payment of the biennial  
25 renewal fee and proof that such licensee has satisfactorily completed a  
26 program of continuing education required by the board. Any licensee  
27 whose license is required to be renewed for the next biennial period may  
28 obtain renewal, between February 1 and March 1, by submitting to the  
29 board the required renewal application, payment of the biennial renewal  
30 fee, payment of a penalty fee of not to exceed \$500 as fixed by rules and  
31 regulations by the board and proof that such licensee has satisfactorily  
32 completed a program of continuing education required by the board. The  
33 penalty fee in effect immediately prior to the effective date of this act shall  
34 continue in effect until rules and regulations establishing a penalty fee  
35 under this section become effective.

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

43 (h) The board may waive the payment of biennial fees and the

1 continuing education requirements for the renewal of licenses without the  
2 payment of any fee for a person who has held a Kansas license to practice  
3 dentistry, *dental therapy* or dental hygiene if such licensee has retired from  
4 such practice or has become temporarily or permanently disabled and such  
5 licensee files with the board a certificate stating either of the following:

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

11 (2) a disabled licensee shall certify to the board that such licensee is  
12 no longer engaged in the provision of dental services, the performance of  
13 any *dental therapy or* dental operation or the provision of any dental  
14 hygiene services as defined by the statutes of the state of Kansas by reason  
15 of any physical disability, whether permanent or temporary, and shall  
16 describe the nature of such disability.

17 (i) The waiver of fees under subsection (h) shall continue so long as  
18 the retirement or physical disability exists. Except as provided in K.S.A.  
19 65-1466, and amendments thereto, in the event the licensee returns to the  
20 practice for which such person is licensed, the requirement for payment of  
21 fees and continuing education requirements shall be reimposed  
22 commencing with and continuing after the date the licensee returns to such  
23 active practice. Except as provided in K.S.A. 65-1466, and amendments  
24 thereto, the performance of any dental service, including consulting  
25 service, or the performance of any *dental therapy or* dental hygiene  
26 service, including consulting service, shall be deemed the resumption of  
27 such service, requiring payment of license fees.

28 (j) The Kansas dental board may adopt such rules and regulations  
29 requiring the examination and providing means for examination of those  
30 persons returning to active practice after a period of retirement or  
31 disability as the board shall deem necessary and appropriate for the  
32 protection of the people of the state of Kansas except that for an applicant  
33 to practice *dental therapy or* dental hygiene who is returning to active  
34 practice after a period of retirement or disability, the board shall authorize  
35 as an alternative to the requirement for an examination that the applicant  
36 successfully complete a refresher course as defined by the board in an  
37 approved dental hygiene school *or dental therapy program*.

38 Sec. 8. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1434 is  
39 hereby amended to read as follows: 65-1434. (a) The board, without  
40 examination, may issue a license as a dentist, *dental therapist* or dental  
41 hygienist to an applicant holding a license in another state upon  
42 compliance with the requirements of professional qualification and  
43 experience set forth in subsection (b). The board shall prepare and adopt a



1 form of application to be submitted by an applicant for a license to be  
2 issued under this section. On the receipt of any such application, the board  
3 shall conduct such review, verification or other investigation of the  
4 applicant and the professional qualifications, background, experience and  
5 practice of the applicant as the board deems necessary to assure full  
6 compliance with the requirements of this section. Any license so issued  
7 may be revoked by the board upon evidence that an applicant has obtained  
8 a license under this section through misrepresentation or omission of a  
9 material fact in the application or other information submitted to the board.

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

12 (1) Each applicant for licensure as a dentist under this section must  
13 meet the requirements set forth in K.S.A. 65-1426, and amendments  
14 thereto. *Each applicant for licensure as a dental therapist must meet all*  
15 *applicable requirements set forth in section 1, and amendments thereto.*  
16 Each applicant for licensure as a dental hygienist must meet any applicable  
17 requirements set forth in K.S.A. 65-1455, and amendments thereto.

18 (2) Each applicant shall show evidence of having successfully  
19 completed both a national board examination or an equivalent examination  
20 accepted by the state in which the applicant has been previously licensed,  
21 and a clinical examination, administered by any state or clinical dental  
22 testing agency, of equivalent merit to the clinical examination accepted by  
23 the board at the time such applicant completed such examinations.

24 (3) Each applicant for licensure as a dentist under this section shall  
25 have held a license to practice dentistry in one or more other states of the  
26 United States for the five-year period immediately preceding the date of  
27 application and shall have engaged in the active practice of dentistry for at  
28 least five years prior to the date of application. *Each applicant for*  
29 *licensure as a dental therapist under this section shall have held a license*  
30 *to practice dental therapy in another state of the United States for a three-*  
31 *year period immediately preceding the date of application and shall have*  
32 *engaged in the active practice of dental therapy for at least three years*  
33 *prior to the date of application.* Each applicant for licensure as a dental  
34 hygienist under this section shall have held a license to practice dental  
35 hygiene in another state of the United States for the three-year period  
36 immediately preceding the date of application and shall have engaged in  
37 the active practice of dental hygiene for at least three years prior to the  
38 date of application. Successive and continuous periods of active practice in  
39 other states will comply with the active practice requirements of this  
40 paragraph-(3). For the purpose of determining the period of practice,  
41 periods of military service will be considered to the extent approved by the  
42 Kansas dental board. Service as a full-time faculty member in a school of  
43 dentistry will be considered the practice of dentistry to the extent service

1 involved full-time instruction in dentistry including clinical dentistry.  
2 Service as a faculty member in a school of dental hygiene will be  
3 considered the practice of dental hygiene to the extent such service  
4 involved instruction in dental hygiene including clinical dental hygiene. To  
5 be considered for the purposes of this statute, any such school of dentistry,  
6 *dental therapy* or dental hygiene must be approved by the Kansas dental  
7 board within the meaning of K.S.A. 65-1426, and amendments thereto.

8 (4) Each such applicant shall show evidence that the applicant has  
9 fully complied with all continuing education requirements imposed by the  
10 state or states in which the applicant has been licensed and has practiced  
11 during the ~~five years~~ *applicable time period* immediately preceding the  
12 date of the application. In the event the state or states in which the  
13 applicant has been licensed and practiced has no such requirement, the  
14 applicant shall provide such information concerning continuing education  
15 received by the applicant during the ~~five-year~~ *applicable time* period  
16 preceding application as may be required by the board. All applicants must  
17 have completed continuing education sufficient to comply with that  
18 continuing education required of Kansas licensees during the ~~twenty-four~~  
19 24-month period prior to the date of the application for licensure unless the  
20 Kansas dental board determines, for good cause shown, that the  
21 requirement will work an undue hardship upon the applicant and the  
22 requirement is not necessary for the protection of the people of Kansas  
23 based upon the training and experience of the applicant.

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

28 (6) Each applicant shall provide a certificate of the executive director  
29 of the board or other agency governing licensure of dentists, *dental*  
30 *therapists* or dental hygienists of the state in which the applicant has been  
31 licensed and has practiced during the required period preceding the date of  
32 the application. Such certificate shall state that: (A) The applicant is  
33 licensed to practice dentistry, *dental therapy* or dental hygiene in the state;  
34 (B) the license of the applicant has never been suspended or revoked; (C)  
35 the applicant has never been the subject of any proceeding for suspension,  
36 revocation or other disciplinary action initiated by the board of licensure of  
37 any such state during the period the applicant has held a license to practice  
38 dentistry, *dental therapy* or dental hygiene in such state; and (D) no  
39 complaint has been filed against the applicant of such substance as, in the  
40 judgment of the board of licensure of such state, has required the initiation  
41 of proceedings against the applicant. In the event the applicant has  
42 practiced dentistry, *dental therapy* or dental hygiene in more than one  
43 other state in the United States, the applicant shall file a similar certificate

1 with respect to such period or periods during which the applicant has  
2 practiced in each such state.

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

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

12 Sec. 9. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1436 is  
13 hereby amended to read as follows: 65-1436. (a) The Kansas dental board  
14 may refuse to issue the license under the dental practices act, or may take  
15 any of the actions with respect to any dental, *dental therapy* or dental  
16 hygiene license as set forth in subsection (b), whenever it is established,  
17 after notice and opportunity for hearing in accordance with the provisions  
18 of the Kansas administrative procedure act, that any applicant for a dental,  
19 *dental therapy* or dental hygiene license or any licensed dentist, *dental*  
20 *therapist* or dental hygienist practicing in the state of Kansas has:

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

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

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

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

29 (5) employed, allowed or permitted any unlicensed person or persons  
30 to perform any work in the licensee's office ~~which~~ *that* constitutes the  
31 practice of dentistry, *dental therapy* or dental hygiene under the provisions  
32 of the dental practices act;

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

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

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

43 (B) the division of fees between one licensed dentist employing

1 another; or

2 (C) the division of fees between a licensed dentist and a dental  
3 franchisor;

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

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

10 (10) prescribed, dispensed, administered or distributed a prescription  
11 drug or substance, including a controlled substance, in an excessive,  
12 improper or inappropriate manner or quantity outside the scope of practice  
13 of dentistry or in a manner that impairs the health and safety of an  
14 individual;

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

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

20 (13) failed to pay license fees;

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

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

27 (16) engaged in a misleading, deceptive, untrue or fraudulent  
28 misrepresentation in the practice of dentistry or on any document  
29 connected with the practice of dentistry by knowingly submitting any  
30 misleading, deceptive, untrue or fraudulent misrepresentation on a claim  
31 form, bill or statement, including the systematic waiver of patient co-  
32 payment or co-insurance;

33 (17) failed to keep adequate records;

34 (18) the licensee has had a license to practice dentistry revoked,  
35 suspended or limited, has been censured or has had other disciplinary  
36 action taken, has had an application for license denied, or voluntarily  
37 surrendered the license after formal proceedings have been commenced by  
38 the proper licensing authority or another state, territory or the District of  
39 Columbia or other country, a certified copy of the record of the action of  
40 the other jurisdiction being conclusive evidence thereof;

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

43 (20) assisted suicide in violation of K.S.A. 21-3406, prior to its

1 repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, as  
2 established by any of the following:

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

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

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

11 (b) Whenever it is established, after notice and opportunity for  
12 hearing in accordance with the provisions of the Kansas administrative  
13 procedure act, that a licensee is in any of the circumstances or has  
14 committed any of the acts described in subsection (a), the Kansas dental  
15 board may take one or any combination of the following actions with  
16 respect to the license of the licensee:

17 (1) Revoke the license;

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

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

27 (4) grant a period of probation during which the imposition of one or  
28 more of the actions described in subsections (b)(1) through (b)(3) will be  
29 stayed subject to such conditions as may be imposed by the board  
30 including a requirement that the dentist, *dental therapist* or dental  
31 hygienist refrain from any course of conduct ~~which that~~ may result in  
32 further violation of the dental ~~practice~~ *practices* act or the dentist or dental  
33 hygienist complete additional or remedial instruction. The violation of any  
34 provision of the dental ~~practice~~ *practices* act or failure to meet any  
35 condition imposed by the board as set forth in the order of the board will  
36 result in immediate termination of the period of probation and imposition  
37 of such other action as has been taken by the board.

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

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

43 (2) repeated instances involving failure to adhere to the applicable

1 standard of dental, *dental therapy* or dental hygienist care to a degree  
2 ~~which that~~ constitutes ordinary negligence, as determined by the board; or

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

6 (d) In addition to or in lieu of one or more of the actions described in  
7 subsections (b)(1) through (b)(4) or in ~~subsection (e)~~ of K.S.A. 65-  
8 1444(c), and amendments thereto, the board may assess a fine not in  
9 excess of \$10,000 against a licensee. All fines collected pursuant to this  
10 subsection shall be remitted to the state treasurer in accordance with the  
11 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
12 each such remittance, the state treasurer shall deposit the entire amount in  
13 the state treasury and of the amount so remitted, an amount equal to the  
14 board's actual costs related to fine assessment and enforcement under this  
15 subsection, as certified by the president of the board to the state treasurer,  
16 shall be credited to the dental board fee fund and the balance shall be  
17 credited to the state general fund.

18 (e) The board, upon its own motion or upon the request of any  
19 licensee who is a party to a licensure action, may require a physical or  
20 mental examination, or both, of such licensee either prior to a hearing to be  
21 held as a part of a licensure action or prior to the termination of any period  
22 of suspension or the termination of any restrictions imposed upon the  
23 licensee as provided in subsection (b).

24 Sec. 10. On and after July 1, 2020, K.S.A. 65-1441 is hereby  
25 amended to read as follows: 65-1441. Whoever sells or offers to sell a  
26 diploma conferring a dental degree, or a license granted pursuant to this  
27 act, or procures such diploma or license with intent that it be used as  
28 evidence of the right to practice dentistry, *dental therapy* or dental  
29 hygiene, as defined by law, by a person other than the one upon whom it  
30 was conferred, or to whom such license certificate or renewal certificate  
31 was granted, or with fraudulent intent alters such diploma or license  
32 certificate or renewal certificate, or uses or attempts to use it when it is so  
33 altered, shall be deemed guilty of a misdemeanor. The board may refuse to  
34 grant a license to practice dentistry, *dental therapy* or dental hygiene to  
35 any person found guilty of making a false statement, or cheating or of  
36 fraud or deception either in applying for a license or in taking any of the  
37 examinations provided for under the dental practices act.

38 Sec. 11. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1447 is  
39 hereby amended to read as follows: 65-1447. (a) On or before October 1 of  
40 each year, the Kansas dental board shall determine the amount of funds  
41 ~~which that~~ will be required during the ensuing fiscal year to properly  
42 administer the laws—~~which that~~ the board is directed to enforce and  
43 administer and shall fix fees in accordance with this section in such

1 reasonable sums as may be necessary for such purposes, within the  
 2 limitations prescribed by subsection (b).  
 3 (b) The board shall collect fees provided for in this act as follows:  
 4 Examination fee for dental applicants—not more than..... \$200  
 5 Subsequent examination fee for dental applicants—not more  
 6 than.....100  
 7 Examination fee for specialty qualifications—not more  
 8 than.....200  
 9 Credentials/qualifications fee—not more than.....300  
 10 Duplicate certificate fee—not more than.....25  
 11 Certificate fee, including certificate for credentials/qualifications,  
 12 for dentists, *dental therapists* and dental hygienists—not  
 13 more than.....25  
 14 Biennial license renewal fee for dentists—not more than.....325  
 15 Examination fee for dental hygienist applicants—not more  
 16 than.....100  
 17 Subsequent examination fee for dental hygienist applicants—not  
 18 more than.....100  
 19 Biennial license renewal fee for dental hygienists—not  
 20 more than.....160  
 21 *Biennial license renewal fee for dental therapists—not more than 200*  
 22 *Examination fee for dental therapist applicants—not more than...150*  
 23 *Subsequent examination fee for dental therapist applicants—not*  
 24 *more than.....100*  
 25 Reinstatement of a revoked license—not more than.....2,000  
 26 Processing fee for failure to notify of change of address—not  
 27 more than.....100  
 28 Registration fee to operate a mobile dental facility or portable  
 29 dental operation—not more than.....500  
 30 Biennial registration renewal fee for mobile dental facility or  
 31 portable dental operation—not more than.....350  
 32 Sedation permit—not more than.....200  
 33 (c) The amounts of fees in effect on the day preceding the effective  
 34 date of this act and the act of which this section is amendatory shall remain  
 35 in effect until fixed in different amounts by the board under this section.  
 36 The board may adopt rules and regulations for the proration of fees for a  
 37 license issued for a period of time less than the biennial licensure period.  
 38 Sec. 12. On and after July 1, 2020, K.S.A. 65-1449 is hereby  
 39 amended to read as follows: 65-1449. (a) Except as provided by subsection  
 40 (b), no action to revoke or suspend a license shall be taken until the  
 41 licensee has been furnished a statement in writing of the charges against  
 42 the licensee, together with a notice of the time and place of the hearing.  
 43 The statement of charges and notice shall be served upon the licensee in

1 accordance with the provisions of the Kansas administrative procedure act.

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

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

15 Sec. 13. On and after July 1, 2020, K.S.A. 65-1460 is hereby  
16 amended to read as follows: 65-1460. Any person who shall practice  
17 dentistry, *dental therapy* or dental hygiene in this state within the meaning  
18 of this act without having first obtained a license from the board, or who  
19 violates any of the provisions of this act, the penalty for which is not  
20 herein specifically provided, shall be deemed guilty of a misdemeanor.  
21 Anyone convicted of a misdemeanor under this act shall be punished by a  
22 fine of not more than ~~one thousand dollars~~ \$1,000, or by imprisonment in  
23 the county jail for not more than twelve months, or by both such fine and  
24 imprisonment, in the discretion of the court.

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

32 (b) Any state, regional or local association of licensed dentists, *dental*  
33 *therapists* or licensed dental hygienists, and the individual members of any  
34 committee thereof, ~~which~~ *that* in good faith investigates or communicates  
35 information pertaining to the alleged incidents of malpractice or the  
36 qualifications, fitness or character of any licensee to the Kansas dental  
37 board or to any committee or agent thereof, shall be immune from liability  
38 in any civil action, that is based upon such investigation or transmittal of  
39 information if the investigation and communication was made in good  
40 faith and did not represent as true any matter not reasonably believed to be  
41 true.

42 Sec. 15. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1469 is  
43 hereby amended to read as follows: 65-1469. As used in this section:



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

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

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

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

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

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

19 (A) Complete an application in the form and manner required by the  
20 board; and

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

23 (c) (1) The registration under this section shall be renewed on March  
24 1 of even-numbered years in the form and manner provided by the board  
25 by rules and regulations.

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

28 (d) The board shall adopt rules and regulations as necessary to carry  
29 out the provisions of this act. The rules and regulations shall include, but  
30 not be limited to, requirements relating to the official address and  
31 telephone number of the mobile dental facility or portable dental  
32 operation, the proper maintenance of dental records, procedures for  
33 emergency follow-up care for patients, appropriate communications  
34 facilities, appropriate authorizations for treatment by dental patients,  
35 follow-up treatment and services, personnel and address changes, notice to  
36 be provided on cessation of operation and such other matters as the board  
37 deems necessary to protect the public health and welfare.

38 (e) The board may refuse to issue a registration under this section or  
39 may revoke or suspend a registration upon a finding by the board that an  
40 applicant or person registered under this section has failed to comply with  
41 any provision of the section or any rules and regulations adopted pursuant  
42 to this section. No order refusing to issue a registration or order of  
43 suspension or revocation shall be made or entered except after notice and

1 opportunity for hearing in accordance with the provisions of the Kansas  
2 administrative procedure act. Any final order of suspension or revocation  
3 of a license shall be reviewable in accordance with the Kansas judicial  
4 review act.

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

8 (2) This section shall not apply to:

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

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

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

17 (D) dental hygienists who are providing dental hygiene services as  
18 authorized by the Kansas dental act and the board's rules and regulations;

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

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

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

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

28 Sec. 16. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4915 is  
29 hereby amended to read as follows: 65-4915. (a) As used in this section:

30 (1) "Health care provider" means: (A) Those persons and entities  
31 defined as a health care provider under K.S.A. 40-3401, and amendments  
32 thereto; and (B) a dentist licensed by the Kansas dental board, *a dental*  
33 *therapist licensed by the Kansas dental board*, a dental hygienist licensed  
34 by the Kansas dental board, a professional nurse licensed by the board of  
35 nursing, a practical nurse licensed by the board of nursing, a mental health  
36 technician licensed by the board of nursing, a physical therapist licensed  
37 by the state board of healing arts, a physical therapist assistant certified by  
38 the state board of healing arts, an occupational therapist licensed by the  
39 state board of healing arts, an occupational therapy assistant licensed by  
40 the state board of healing arts, a respiratory therapist licensed by the state  
41 board of healing arts, a physician assistant licensed by the state board of  
42 healing arts and attendants and ambulance services certified by the  
43 emergency medical services board.

- 1 (2) "Health care provider group" means:
- 2 (A) A state or local association of health care providers or one or  
3 more committees thereof;
- 4 (B) the board of governors created under K.S.A. 40-3403, and  
5 amendments thereto;
- 6 (C) an organization of health care providers formed pursuant to state  
7 or federal law and authorized to evaluate medical and health care services;
- 8 (D) a review committee operating pursuant to K.S.A. 65-2840c, and  
9 amendments thereto;
- 10 (E) an organized medical staff of a licensed medical care facility as  
11 defined by K.S.A. 65-425, and amendments thereto, an organized medical  
12 staff of a private psychiatric hospital licensed under K.S.A. ~~75-3307b~~  
13 *2017 Supp. 39-2001 et seq.*, and amendments thereto, or an organized  
14 medical staff of a state psychiatric hospital or state institution for people  
15 with intellectual disability, as follows: Larned state hospital, Osawatomic  
16 state hospital, Rainbow mental health facility, Kansas neurological  
17 institute and Parsons state hospital and training center;
- 18 (F) a health care provider;
- 19 (G) a professional society of health care providers or one or more  
20 committees thereof;
- 21 (H) a Kansas corporation whose stockholders or members are health  
22 care providers or an association of health care providers, ~~which~~  
23 ~~corporation~~ *that* evaluates medical and health care services;
- 24 (I) an insurance company, health maintenance organization or  
25 administrator of a health benefits plan ~~which~~ *that* engages in any of the  
26 functions defined as peer review under this section; or
- 27 (J) the university of Kansas medical center.
- 28 (3) "Peer review" means any of the following functions:
- 29 (A) Evaluate and improve the quality of health care services rendered  
30 by health care providers;
- 31 (B) determine that health services rendered were professionally  
32 indicated or were performed in compliance with the applicable standard of  
33 care;
- 34 (C) determine that the cost of health care rendered was considered  
35 reasonable by the providers of professional health services in this area;
- 36 (D) evaluate the qualifications, competence and performance of the  
37 providers of health care or to act upon matters relating to the discipline of  
38 any individual provider of health care;
- 39 (E) reduce morbidity or mortality;
- 40 (F) establish and enforce guidelines designed to keep within  
41 reasonable bounds the cost of health care;
- 42 (G) conduct of research;
- 43 (H) determine if a hospital's facilities are being properly utilized;

1 (I) supervise, discipline, admit, determine privileges or control  
2 members of a hospital's medical staff;

3 (J) review the professional qualifications or activities of health care  
4 providers;

5 (K) evaluate the quantity, quality and timeliness of health care  
6 services rendered to patients in the facility;

7 (L) evaluate, review or improve methods, procedures or treatments  
8 being utilized by the medical care facility or by health care providers in a  
9 facility rendering health care.

10 (4) "Peer review officer or committee" means:

11 (A) An individual employed, designated or appointed by, or a  
12 committee of or employed, designated or appointed by, a health care  
13 provider group and authorized to perform peer review; or

14 (B) a health care provider monitoring the delivery of health care at  
15 correctional institutions under the jurisdiction of the secretary of  
16 corrections.

17 (b) Except as provided by K.S.A. 60-437, and amendments thereto,  
18 and by subsections (c) and (d), the reports, statements, memoranda,  
19 proceedings, findings and other records submitted to or generated by peer  
20 review committees or officers shall be privileged and shall not be subject  
21 to discovery, subpoena or other means of legal compulsion for their release  
22 to any person or entity or be admissible in evidence in any judicial or  
23 administrative proceeding. Information contained in such records shall not  
24 be discoverable or admissible at trial in the form of testimony by an  
25 individual who participated in the peer review process. The peer review  
26 officer or committee creating or initially receiving the record is the holder  
27 of the privilege established by this section. This privilege may be claimed  
28 by the legal entity creating the peer review committee or officer, or by the  
29 commissioner of insurance for any records or proceedings of the board of  
30 governors.

31 (c) Subsection (b) shall not apply to proceedings in which a health  
32 care provider contests the revocation, denial, restriction or termination of  
33 staff privileges or the license, registration, certification or other  
34 authorization to practice of the health care provider. A licensing agency in  
35 conducting a disciplinary proceeding in which admission of any peer  
36 review committee report, record or testimony is proposed shall hold the  
37 hearing in closed session when any such report, record or testimony is  
38 disclosed. Unless otherwise provided by law, a licensing agency  
39 conducting a disciplinary proceeding may close only that portion of the  
40 hearing in which disclosure of a report or record privileged under this  
41 section is proposed. In closing a portion of a hearing as provided by this  
42 section, the presiding officer may exclude any person from the hearing  
43 location except the licensee, the licensee's attorney, the agency's attorney,

1 the witness, the court reporter and appropriate staff support for either  
2 counsel. The licensing agency shall make the portions of the agency record  
3 in which such report or record is disclosed subject to a protective order  
4 prohibiting further disclosure of such report or record. Such report or  
5 record shall not be subject to discovery, subpoena or other means of legal  
6 compulsion for their release to any person or entity. No person in  
7 attendance at a closed portion of a disciplinary proceeding shall at a  
8 subsequent civil, criminal or administrative hearing, be required to testify  
9 regarding the existence or content of a report or record privileged under  
10 this section ~~which~~ *that* was disclosed in a closed portion of a hearing, nor  
11 shall such testimony be admitted into evidence in any subsequent civil,  
12 criminal or administrative hearing. A licensing agency conducting a  
13 disciplinary proceeding may review peer review committee records,  
14 testimony or reports but must prove its findings with independently  
15 obtained testimony or records ~~which~~ *that* shall be presented as part of the  
16 disciplinary proceeding in open meeting of the licensing agency. Offering  
17 such testimony or records in an open public hearing shall not be deemed a  
18 waiver of the peer review privilege relating to any peer review committee  
19 testimony, records or report.

20 (d) Nothing in this section shall limit the authority, ~~which~~ *that* may  
21 otherwise be provided by law, of the commissioner of insurance, the state  
22 board of healing arts or other health care provider licensing or disciplinary  
23 boards of this state to require a peer review committee or officer to report  
24 to it any disciplinary action or recommendation of such committee or  
25 officer; to transfer to it records of such committee's or officer's  
26 proceedings or actions to restrict or revoke the license, registration,  
27 certification or other authorization to practice of a health care provider; or  
28 to terminate the liability of the fund for all claims against a specific health  
29 care provider for damages for death or personal injury pursuant to  
30 ~~subsection (i) of K.S.A. 40-3403(i), and amendments thereto.~~ Reports and  
31 records so furnished shall not be subject to discovery, subpoena or other  
32 means of legal compulsion for their release to any person or entity and  
33 shall not be admissible in evidence in any judicial or administrative  
34 proceeding other than a disciplinary proceeding by the state board of  
35 healing arts or other health care provider licensing or disciplinary boards  
36 of this state.

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

43 (f) Nothing in this section shall be construed to prevent an insured

1 from obtaining information pertaining to payment of benefits under a  
2 contract with an insurance company, a health maintenance organization or  
3 an administrator of a health benefits plan.

4 Sec. 17. On and after July 1, 2020, K.S.A. 2017 Supp. 65-4921 is  
5 hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921  
6 through 65-4930, and amendments thereto:

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

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

11 (c) "Health care provider" means: (1) Those persons and entities  
12 defined as a health care provider under K.S.A. 40-3401, and amendments  
13 thereto; and (2) a dentist licensed by the Kansas dental board, *a dental*  
14 *therapist licensed by the Kansas dental board*, a dental hygienist licensed  
15 by the Kansas dental board, a professional nurse licensed by the board of  
16 nursing, a practical nurse licensed by the board of nursing, a mental health  
17 technician licensed by the board of nursing, a physical therapist licensed  
18 by the state board of healing arts, a physical therapist assistant certified by  
19 the state board of healing arts, an occupational therapist licensed by the  
20 state board of healing arts, an occupational therapy assistant licensed by  
21 the state board of healing arts and a respiratory therapist licensed by the  
22 state board of healing arts.

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

25 (e) "Medical care facility" means: (1) A medical care facility licensed  
26 under K.S.A. 65-425 et seq., and amendments thereto; (2) a private  
27 psychiatric hospital licensed under K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001*  
28 *et seq.*, and amendments thereto; and (3) state psychiatric hospitals and  
29 state institutions for people with intellectual disability, as follows: Larned  
30 state hospital, Osawatomie state hospital, Rainbow mental health facility,  
31 Kansas neurological institute and Parsons state hospital and training  
32 center.

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

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

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

41 Sec. 18. On and after July 1, 2020, K.S.A. 2017 Supp. 65-5912 is  
42 hereby amended to read as follows: 65-5912. (a) Nothing in this act shall  
43 be construed to require any insurer or other entity regulated under chapter

1 40 of the Kansas Statutes Annotated, *and amendments thereto*, or any  
2 other law of this state to provide coverage for or indemnify for the services  
3 provided by a person licensed under this act.

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

8 (1) To any person licensed to practice the healing arts, a licensed  
9 dentist, *a licensed dental therapist*, a licensed dental hygienist, a licensed  
10 professional nurse, a licensed practical nurse, a licensed psychologist, a  
11 licensed masters level psychologist, a licensed pharmacist or an employee  
12 thereof, a physician assistant, a licensed professional counselor;

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

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

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

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

28 (6) to prohibit any individual from marketing or distributing food  
29 products, including dietary supplements, or to prevent any such person  
30 from providing information to customers regarding the use of such  
31 products;

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

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

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

43 (10) to any person who has a degree in home economics insofar as

1 the activities of such person are within the scope of such person's  
2 education and training;

3 (11) to any person who counsels or provides weight-control services  
4 as a part of a franchised or recognized weight-control program or a  
5 weight-control program that operates under the general direction of a  
6 person licensed to practice the healing arts, nursing or a person licensed  
7 under this act;

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

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

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

17 (15) to any person conducting a teaching clinical demonstration  
18 ~~which~~ that is carried out in an educational institution or an affiliated  
19 clinical facility or health care agency;

20 (16) to any person conducting classes or disseminating information  
21 relating to nonmedical nutrition; or

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

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

29 Sec. 19. On and after July 1, 2020, K.S.A. 2017 Supp. 65-7304 is  
30 hereby amended to read as follows: 65-7304. The following shall be  
31 exempt from the requirement of a license pursuant to this act:

32 (a) A licensed practitioner;

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

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

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

41 (e) a licensed dental hygienist, *a licensed dental therapist* or an  
42 unlicensed person working under the supervision of a licensed dentist who  
43 has been trained by a licensed dentist on the proper use of dental



1 radiographic equipment for the purpose of providing medical imaging for  
2 dental diagnostic purposes consistent with K.S.A. 65-1422 et seq., and  
3 amendments thereto; and

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

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

15 Sec. 20. On and after July 1, 2020, K.S.A. 74-1404 is hereby  
16 amended to read as follows: 74-1404. (a) In order to accomplish the  
17 purpose and to provide for the enforcement of this act, there is hereby  
18 created the Kansas dental board. The board shall be vested with authority  
19 to carry out the purposes and enforce the provisions of this act. The board  
20 shall consist of the following: (1) Six licensed and qualified resident  
21 dentists; (2) *two licensed and qualified resident dental therapists, subject*  
22 *to the requirements of subsection (c); (3) two licensed and qualified*  
23 *resident dental hygienists; and* ~~(3) (4) one representative of the general~~  
24 *public. At least 30 days before the expiration of any term, other than that*  
25 *of the member appointed from the general public or a member who is a*  
26 *dental hygienist or a dental therapist, the Kansas dental association or its*  
27 *successor shall submit to the governor a list of three names of persons of*  
28 *recognized ability who have the qualifications prescribed for the dentist*  
29 *board members. At least 30 days before the initial appointment and*  
30 *expiration of the term of a dental therapist member of the board, the*  
31 *Kansas dental hygienists' association shall submit to the governor a list of*  
32 *three names of persons of recognized ability who have the qualifications*  
33 *prescribed for the dental therapist members. At least 30 days before the*  
34 *expiration of the term of the a dental hygienist member of the board, the*  
35 *Kansas dental hygiene hygienists' association shall submit to the governor*  
36 *a list of three names of persons of recognized ability who have the*  
37 *qualifications prescribed for the dental hygienist member members. For*  
38 *the four new members to be appointed under this act, such names shall be*  
39 *submitted within 10 days after the effective date of this act. The governor*  
40 *shall consider such list of persons in making the appointment to the board.*

41 (b) The members shall be appointed by the governor in the manner  
42 hereinafter prescribed for terms of four years and until their successors are  
43 appointed and qualified. Of the six licensed dentists on the board, one shall

1 be appointed from each congressional district and two shall be appointed  
2 from the state at large. On and after the effective date of this act, no person  
3 shall be appointed for more than two consecutive four-year terms. No  
4 person in any way connected with a dental supply or dental laboratory  
5 business shall be eligible for appointment to the board. No person shall be  
6 eligible for appointment to the board who has been convicted of a  
7 violation of any of the provisions of this or any other prior dental ~~practie~~  
8 *practices* act or who has been convicted of a felony. A dentist who is an  
9 officer of the Kansas dental association shall not be eligible for  
10 appointment to the Kansas dental board. A dental hygienist *or a dental*  
11 *therapist* who is an officer of the Kansas dental hygienists' association  
12 shall not be eligible for appointment to the Kansas dental board. No  
13 dentist, *dental therapist* or dental hygienist shall be appointed to the board  
14 who has not been engaged in the active practice of dentistry, *dental*  
15 *therapy* or dental hygiene in the state of Kansas for at least five years next  
16 preceding appointment. Whenever a vacancy occurs it shall be filled by  
17 appointment for the remainder of the unexpired term in the same manner  
18 as an original appointment is made. *Upon expiration of terms of office of*  
19 *members, successors shall be appointed for terms of four years in the*  
20 *same manner as original appointments.*

21 ~~(c) Upon the effective date of this act, in order to expand the~~  
22 ~~membership to the prescribed six dentists and two dental hygienists, the~~  
23 ~~governor shall appoint three additional dentists and one additional~~  
24 ~~hygienist to the board in the manner described in this section. Of the three~~  
25 ~~new dental members, one shall serve until April 30, 2000, one shall serve~~  
26 ~~until April 30, 2001 and one shall serve until April 30, 2002, as designated~~  
27 ~~by the governor. Thereafter, all terms shall be four-year terms beginning~~  
28 ~~May 1 of the appointment year and expiring April 30 four years later.~~  
29 ~~When the terms of the existing dentist members which expire May 1,~~  
30 ~~2000, and May 1, 2001 conclude, then successors shall be appointed for~~  
31 ~~four-year terms beginning May 1 and expiring April 30 four years later.~~  
32 ~~The additional dental hygienist appointed upon the effective date of this~~  
33 ~~act shall serve until April 30, 2002, and thereafter the successor shall serve~~  
34 ~~a four-year term beginning May 1 and expiring April 30 four years later.~~  
35 ~~Upon the expiration of terms of office of members, successors shall be~~  
36 ~~appointed in the same manner as original appointments for terms of four~~  
37 ~~years~~ *Upon the licensure of 100 dental therapists by the Kansas dental*  
38 *board, in order to expand the membership of the board to include the*  
39 *prescribed two dental therapist members, the governor shall appoint two*  
40 *dental therapist members in the manner described in this section. Of the*  
41 *two new dental therapist members, one shall serve a two-year term*  
42 *beginning on May 1 following the licensure of 100 dental therapists by the*  
43 *board, and thereafter the successor shall serve a four-year term, and one*

1 *shall serve a four-year term beginning on May 1 following the licensure of*  
2 *100 dental therapists by the board, and thereafter the successor shall*  
3 *serve a four-year term. Prior to the appointment of two dental therapists*  
4 *to the board, the governor shall appoint an individual involved in the*  
5 *education, employment or establishment of dental therapists in Kansas to*  
6 *the board who shall serve as a nonvoting member. Such nonvoting*  
7 *member, and thereafter any successors, shall serve a four-year term, but*  
8 *the nonvoting member's term shall expire upon the appointment of two*  
9 *dental therapists to the board and thereafter no successor shall be*  
10 *appointed.*

11 Sec. 21. On and after July 1, 2020, K.S.A. 2017 Supp. 74-1405 is  
12 hereby amended to read as follows: 74-1405. (a) The board at its first  
13 meeting day of each year shall elect from its members a president, vice-  
14 president and secretary. The board shall have a common seal. The board  
15 shall hold two regular meetings each year at times to be fixed by the board,  
16 and special meetings at such other times as may be necessary.

17 (b) Members of the Kansas dental board attending meetings of such  
18 board, or attending a subcommittee meeting thereof authorized by such  
19 board, or conducting examinations for dental, *dental therapist* or dental  
20 hygienists licenses or conducting inspections of dental laboratories  
21 required by K.S.A. 65-1438, and amendments thereto, shall be paid  
22 compensation, subsistence allowances, mileage and other expenses as  
23 provided in K.S.A. 75-3223, and amendments thereto. Members of the  
24 board conducting examinations for dental, *dental therapist* or dental  
25 hygienists licenses may receive amounts for compensation, subsistence  
26 allowances, mileage or other expenses from a nonstate agency for  
27 conducting such examinations but no member receiving any such amounts  
28 shall be paid any compensation, subsistence allowances, mileage or other  
29 expenses under this section for conducting such examinations.

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

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

40 (e) The board in its discretion may affiliate as an active member with  
41 the national association of dental examiners and any organization of one or  
42 more state boards for the purpose of conducting a standard examination of  
43 candidates for licensure as dentists, *dental therapists* or dental hygienists

1 and pay regular dues to such association or organization, and may send  
2 members of the board to the meetings of the national association and the  
3 meetings of any organization of state boards of dental examiners organized  
4 for the purpose of conducting a standard examination of candidates for  
5 licensure as dentists, *dental therapists* and dental hygienists.

6 (f) The executive director shall remit all moneys received by or for  
7 such executive director from fees, charges or penalties to the state treasurer  
8 in accordance with the provisions of K.S.A. 75-4215, and amendments  
9 thereto. Upon receipt of each such remittance, the state treasurer shall  
10 deposit the entire amount in the state treasury. Ten percent of each such  
11 deposit shall be credited to the state general fund and the balance shall be  
12 credited to the dental board fee fund. All expenditures from such fund shall  
13 be made in accordance with appropriation acts upon warrants of the  
14 director of accounts and reports issued pursuant to vouchers approved by  
15 the president of the board or by a person or persons designated by the  
16 president.

17 Sec. 22. On and after July 1, 2020, K.S.A. 74-1406 is hereby  
18 amended to read as follows: 74-1406. The board shall exercise, subject to  
19 the provisions of this act, the following powers and duties:

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

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

23 (c) Adopt rules and regulations regarding sanitation.

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

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

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

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

30 (h) Grant licenses, issue license certificates as specialists in dentistry  
31 and issue renewal licenses and certificates as specialists in dentistry in  
32 conformity with this act to such applicants and dentists as have been found  
33 qualified.

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

37 (j) Employ such persons as it may deem necessary to assist in  
38 carrying out the duties of the board in the administration and enforcement  
39 of this act, and to provide offices, furniture, fixtures, supplies, printing or  
40 secretarial service, and may expend such funds as may be deemed  
41 necessary therefor, and may appoint an attorney to advise and assist in the  
42 carrying out and enforcing of the provisions of this act.

43 (k) Investigate violations of the act that may come to the knowledge

1 of the board, and institute or cause to be instituted before the board or in a  
2 proper court appropriate proceedings in connection therewith.

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

6 Sec. 23. On and after July 1, 2020, K.S.A. 2017 Supp. 75-2935 is  
7 hereby amended to read as follows: 75-2935. The civil service of the state  
8 of Kansas is hereby divided into the unclassified and the classified  
9 services.

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

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

13 (b) members of boards and commissions, heads of departments  
14 required by law to be appointed by the governor or by other elective  
15 officers, and the executive or administrative heads of offices, departments,  
16 divisions and institutions specifically established by law;

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

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

21 (e) officers and employees of the senate and house of representatives  
22 of the legislature and of the legislative coordinating council and all officers  
23 and employees of the office of revisor of statutes, of the legislative  
24 research department, of the division of legislative administrative services,  
25 of the division of post audit and the legislative counsel;

26 (f) chancellor, president, deans, administrative officers, student health  
27 service physicians, pharmacists, teaching and research personnel, health  
28 care employees and student employees in the institutions under the state  
29 board of regents, the executive officer of the board of regents and the  
30 executive officer's employees other than clerical employees, and, at the  
31 discretion of the state board of regents, directors or administrative officers  
32 of departments and divisions of the institution and county extension  
33 agents, except that this ~~subsection (1)(f) paragraph~~ shall not be construed  
34 to include the custodial, clerical or maintenance employees, or any  
35 employees performing duties in connection with the business operations of  
36 any such institution, except administrative officers and directors; as used  
37 in this ~~subsection (1)(f) paragraph~~, "health care employees" means  
38 employees of the university of Kansas medical center who provide health  
39 care services at the university of Kansas medical center and who are  
40 medical technicians or technologists or respiratory therapists, who are  
41 licensed professional nurses or licensed practical nurses, or who are in job  
42 classes ~~which~~ *that* are designated for this purpose by the chancellor of the  
43 university of Kansas upon a finding by the chancellor that such

1 designation is required for the university of Kansas medical center to  
2 recruit or retain personnel for positions in the designated job classes; and  
3 employees of any institution under the state board of regents who are  
4 medical technologists;

5 (g) operations, maintenance and security personnel employed to  
6 implement agreements entered into by the adjutant general and the federal  
7 national guard bureau, and officers and enlisted persons in the national  
8 guard and the naval militia;

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

12 (i) persons temporarily employed or designated by the legislature or  
13 by a legislative committee or commission or other competent authority to  
14 make or conduct a special inquiry, investigation, examination or  
15 installation;

16 (j) officers and employees in the office of the attorney general and  
17 special counsel to state departments appointed by the attorney general,  
18 except that officers and employees of the division of the Kansas bureau of  
19 investigation shall be in the classified or unclassified service as provided  
20 in K.S.A. 75-711, and amendments thereto;

21 (k) all employees of courts;

22 (l) client, patient and inmate help in any state facility or institution;

23 (m) all attorneys for boards, commissions and departments;

24 (n) the secretary and assistant secretary of the Kansas state historical  
25 society;

26 (o) physician specialists, dentists, *dental therapists*, dental hygienists,  
27 pharmacists, medical technologists and long term care workers employed  
28 by the Kansas department for aging and disability services;

29 (p) physician specialists, dentists and medical technologists employed  
30 by any board, commission or department or by any institution under the  
31 jurisdiction thereof;

32 (q) student employees enrolled in public institutions of higher  
33 learning;

34 (r) administrative officers, directors and teaching personnel of the  
35 state board of education and the state department of education and of any  
36 institution under the supervision and control of the state board of  
37 education, except that this ~~subsection (1)(r)~~ *paragraph* shall not be  
38 construed to include the custodial, clerical or maintenance employees, or  
39 any employees performing duties in connection with the business  
40 operations of any such institution, except administrative officers and  
41 directors;

42 (s) all officers and employees in the office of the secretary of state;

43 (t) one personal secretary and one special assistant to the following:

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

8 (u) one personal secretary and one special assistant to the chancellor  
9 and presidents of institutions under the state board of regents;

10 (v) one personal secretary and one special assistant to the executive  
11 vice chancellor of the university of Kansas medical center;

12 (w) one public information officer and one chief attorney for the  
13 following: The department of administration, the Kansas department for  
14 aging and disability services, the department of agriculture, the department  
15 of commerce, the department of corrections, the department of health and  
16 environment, the department of labor, the department of revenue, the  
17 Kansas department for children and families, the department of  
18 transportation, the Kansas department of wildlife, parks and tourism and  
19 the commissioner of juvenile justice;

20 (x) if designated by the appointing authority, persons in newly hired  
21 positions, including any employee who is rehired into such position and  
22 any current state employee who voluntarily transfers into, or is voluntarily  
23 promoted or demoted into such position, on and after July 1, 2015, in any  
24 state agency;

25 (y) one executive director, one general counsel and one director of  
26 public affairs and consumer protection in the office of the state corporation  
27 commission;

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

29 (aa) any position that is classified as a position in the information  
30 resource manager job class series, that is the chief position responsible for  
31 all information resources management for a state agency, and that becomes  
32 vacant on or after the effective date of this act. Nothing in this section shall  
33 affect the classified status of any employee in the classified service who is  
34 employed on the date immediately preceding the effective date of this act  
35 in any position that is a classified position in the information resource  
36 manager job class series and the unclassified status as prescribed by this  
37 subsection shall apply only to a person appointed to any such position on  
38 or after the effective date of this act that is the chief position responsible  
39 for all information resources management for a state agency;

40 (bb) positions at state institutions of higher education that have been  
41 converted to unclassified positions pursuant to K.S.A. 2017 Supp. 76-  
42 715a, and amendments thereto; and

43 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-

1 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-  
2 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-  
3 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,  
4 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-  
5 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,  
6 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-  
7 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,  
8 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-  
9 12a16, 76-3202 and 82a-1205 and K.S.A. 2017 Supp. 39-1911, and  
10 amendments thereto, any vacant position within the classified service may  
11 be converted by the appointing authority to an unclassified position.

12 (2) The classified service comprises all positions now existing or  
13 hereafter created ~~which~~ *that* are not included in the unclassified service.  
14 Appointments in the classified service shall be made according to merit  
15 and fitness from eligible pools ~~which~~ *that* so far as practicable shall be  
16 competitive. No person shall be appointed, promoted, reduced or  
17 discharged as an officer, clerk, employee or laborer in the classified  
18 service in any manner or by any means other than those prescribed in the  
19 Kansas civil service act and the rules adopted in accordance therewith.

20 (3) For positions involving unskilled, or semiskilled duties, the  
21 secretary of administration, as provided by law, shall establish rules and  
22 regulations concerning certifications, appointments, layoffs and  
23 reemployment ~~which~~ *that* may be different from the rules and regulations  
24 established concerning these processes for other positions in the classified  
25 service.

26 (4) Officers authorized by law to make appointments to positions in  
27 the unclassified service, and appointing officers of departments or  
28 institutions whose employees are exempt from the provisions of the  
29 Kansas civil service act because of the constitutional status of such  
30 departments or institutions shall be permitted to make appointments from  
31 appropriate pools of eligibles maintained by the division of personnel  
32 services.

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

41 Sec. 24. On and after July 1, 2020, K.S.A. 2017 Supp. 75-6102 is  
42 hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101  
43 through 75-6118, and amendments thereto, unless the context clearly



1 requires otherwise:

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

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

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

9 (d) (1) "Employee" means: (A) Any officer, employee, servant or  
10 member of a board, commission, committee, division, department, branch  
11 or council of a governmental entity, including elected or appointed  
12 officials and persons acting on behalf or in service of a governmental  
13 entity in any official capacity, whether with or without compensation and a  
14 charitable healthcare provider;

15 (B) any steward or racing judge appointed pursuant to K.S.A. 74-  
16 8818, and amendments thereto, regardless of whether the services of such  
17 steward or racing judge are rendered pursuant to contract as an  
18 independent contractor;

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

21 (D) a person who is an employee of a nonprofit independent  
22 contractor, other than a municipality, under contract to provide educational  
23 or vocational training to inmates in the custody of the secretary of  
24 corrections and who is engaged in providing such service in an institution  
25 under the control of the secretary of corrections provided that such  
26 employee does not otherwise have coverage for such acts and omissions  
27 within the scope of their employment through a liability insurance contract  
28 of such independent contractor;

29 (E) a person who is an employee or volunteer of a nonprofit program,  
30 other than a municipality, who has contracted with the commissioner of  
31 juvenile justice or with another nonprofit program that has contracted with  
32 the secretary of corrections to provide a juvenile justice program for  
33 juvenile offenders in a judicial district provided that such employee or  
34 volunteer does not otherwise have coverage for such acts and omissions  
35 within the scope of their employment or volunteer activities through a  
36 liability insurance contract of such nonprofit program;

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

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

40 (H) former employees for acts and omissions within the scope of their  
41 employment during their former employment with the governmental  
42 entity;

43 (I) any member of a regional medical emergency response team,

1 created under the provisions of K.S.A. 48-928, and amendments thereto, in  
2 connection with authorized training or upon activation for an emergency  
3 response;

4 (J) any member of a regional search and rescue team or regional  
5 hazardous materials response team contracting with the state fire marshal  
6 pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2017 Supp.  
7 75-1518, and amendments thereto, in connection with authorized training  
8 or upon activation for an emergency response; and

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

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

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

16 (e) "Charitable healthcare provider" means a person licensed by the  
17 state board of healing arts as an exempt licensee or a federally active  
18 licensee, a person issued a limited permit by the state board of healing arts,  
19 a physician assistant licensed by the state board of healing arts, a mental  
20 health practitioner licensed by the behavioral sciences regulatory board, an  
21 ultrasound technologist currently registered in any area of sonography  
22 credentialed through the American registry of radiology technologists, the  
23 American registry for diagnostic medical sonography or cardiovascular  
24 credentialing international and working under the supervision of a person  
25 licensed to practice medicine and surgery, or a healthcare provider as the  
26 term "healthcare provider" is defined under K.S.A. 65-4921, and  
27 amendments thereto, who has entered into an agreement with:

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

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

40 (3) a local health department or indigent healthcare clinic, ~~which~~ *that*  
41 renders professional services to medically indigent persons or persons  
42 receiving medical assistance from the programs operated by the  
43 department of health and environment gratuitously or for a fee paid by the

1 local health department or indigent healthcare clinic to such provider and  
2 who is considered an employee of the state of Kansas under K.S.A. 75-  
3 6120, and amendments thereto. Professional services rendered by a  
4 provider under this paragraph shall be considered gratuitous  
5 notwithstanding fees based on income eligibility guidelines charged by a  
6 local health department or indigent healthcare clinic and notwithstanding  
7 any fee paid by the local health department or indigent healthcare clinic to  
8 a provider in accordance with this paragraph; or

9 (4) the secretary of health and environment to provide dentistry  
10 services defined by K.S.A. 65-1422 et seq., and amendments thereto,  
11 *dental therapy services defined by section 3, and amendments thereto*, or  
12 dental hygienist services defined by K.S.A. 65-1456, and amendments  
13 thereto, that are targeted, but are not limited to, medically indigent  
14 persons, and are provided on a gratuitous basis: (A) At a location  
15 sponsored by a not-for-profit organization that is not the dentist or dental  
16 hygienist office location; (B) at the office location of a dentist or dental  
17 hygienist provided the care be delivered as part of a program organized by  
18 a not-for-profit organization and approved by the secretary of health and  
19 environment; or (C) as part of a charitable program organized by the  
20 dentist that has been approved by the secretary of health and environment  
21 upon a showing that the dentist seeks to treat medically indigent patients  
22 on a gratuitous basis, except that such dentistry services and dental  
23 hygienist services shall not include "oral and maxillofacial surgery" as  
24 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result  
25 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7.

26 (f) "Medically indigent person" means a person who lacks resources  
27 to pay for medically necessary healthcare services and who meets the  
28 eligibility criteria for qualification as a medically indigent person  
29 established by the secretary of health and environment under K.S.A. 75-  
30 6120, and amendments thereto.

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

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

37 (i) "Fire control, fire rescue or emergency medical services  
38 equipment" means any vehicle, firefighting tool, protective clothing,  
39 breathing apparatus and any other supplies, tools or equipment used in  
40 firefighting or fire rescue or in the provision of emergency medical  
41 services.

42 (j) "Community mental health center" means any community mental  
43 health center organized pursuant to K.S.A. 19-4001 through 19-4015, and

1 amendments thereto, or a mental health clinic organized pursuant to  
2 K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in  
3 accordance with K.S.A. ~~75-3307b~~ *2017 Supp. 39-2001 et seq.*, and  
4 amendments thereto.

5 Sec. 25. On and after July 1, 2020, K.S.A. 65-1421, 65-1441, 65-  
6 1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2017 Supp. 65-  
7 1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921,  
8 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 are hereby repealed.

9 Sec. 26. This act shall take effect and be in force from and after its  
10 publication in the statute book.