

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 103

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

SB 103 would make several amendments to the Dental Practices Act (Act)

- Require dentists to provide certain practice ownership information;
- Remove the minimum personal presence requirements of licensed dentists regarding dental offices using a licensee's name;
- Permit the Kansas Dental Board (Board) to refuse to license or to take action upon a licensee under the Act who directed or pressured another dental professional to perform dentistry that failed to adhere to the standard of dental care or that would violate the Act; and
- Prohibit dentists or a contract for dental services from requiring a patient sign an agreement that attempts to limit a patient's ability to file a complaint with the Board.

The bill would also make technical amendments.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Treating Dentist Information (Section 1)

The bill would require a treating dentist to provide to a patient upon request basic information about the dentist and the dental practice ownership to include, but not be limited to the following:

- Full name;
- After-hours emergency contact information; and
- Kansas license number for both the dental practice owner and treating dentist.

The bill would also provide that if the dentist fails to provide the information, the dentist would be subject to disciplinary action by the Board.

Practice Requirements (Section 2)

The bill would remove requirements regarding the naming of dental practice that included a licensed dentist and the requirement that any named licensee had to be present in any physical office with the licensee's name at least 20 percent of the time patients were being treated. The bill would also remove the limitations regarding the number and location of dental offices that a licensee was permitted to own.

Licensure (Section 3)

The bill would permit the Board to refuse to issue a license under the Act or to take action regarding a licensee that directed or pressured another dentist who is an employee, associate, or subordinate to perform dentistry that fails to adhere to the applicable standard of dental care or that violates the Act.

Patient's Right to File a Complaint (Section 4)

The bill would prohibit a dentist or a contract for dental services from requiring a patient sign an agreement that attempts to limit the ability of the patient to file a complaint with the Board.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of a representative of the Association of Dental Support Organizations and the Kansas Dental Association.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing on February 8, 2023, representatives of the Association of Dental Support Organizations, Heartland Dental, and the Kansas Dental Association provided **proponent** testimony stating generally that the creation of dental support organizations (DSOs) has allowed allowed dentists to maximize their actual clinical practice time with the support of professional office management. The Kansas Dental Association representative stated the association held a neutral position on the removal of the 20 percent provision but supported the addition of the patient protection provision.

Written-only proponent testimony was provided by representatives of the Kansas Justice Institute and Periodontal Specialists, P.A.

No other testimony was provided at the February 8, 2023, hearing.

In the Senate Committee hearing on February 1, 2024, representatives of the Association of Dental Support Organizations, Heartland Dental, the Kansas Chamber, and

Periodontal Specialists, P.A. provided **proponent** testimony stating generally that Kansas is unique in its practice limitations regarding dental practice ownership.

Written-only proponent testimony was provided by representatives of Americans for Prosperity and Americans for Tax Reform.

Representatives of the Kansas Dental Association and three dentists provided **opponent** testimony stating generally that the position of the Kansas Dental Association had changed from last year and the practicing dentists who testified were concerned about the corporate practice of dentistry.

Written-only neutral testimony was provided by a representative of Oral Health Kansas.

Written-only opponent testimony was provided by a representative of the Kansas Academy of General Dentistry.

Fiscal Note

According to the fiscal note prepared by the Division of the Budget, the Board indicates that enactment of the bill would have no fiscal effect on its operations.

Health; Kansas Dental Board; dentists; health professions; licensure; disclosure to patients