

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on March 14, 2011, in Room 546-S of the Capitol.

All members were present except:

Senator David Haley, excused

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes

Katherine McBride, Office of the Revisor of Statutes

Melissa Calderwood, Kansas Legislative Research Department

Iraida Orr, Kansas Legislative Research Department

Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

John Federico

Lawless Barrintos, Comfort Dental

Kevin Robertson, Kansas Dental Association

Randy Forbes, Kansas Dental Board

Others attending:

See attached list.

The Chair opened the hearing on **HB 2241—Kansas dental practices act; franchising of dental practices**. John Federico, working with Comfort Dental, said this legislation would find a solution to the problem of allowing the franchise practice of dentistry. He stated that Kansas was the only state that had specific statutory language prohibiting franchise dentistry. The goal of this bill is to permit the franchise arrangement while being careful not to open the door to the corporate practice of dentistry; preserve the authority of the Kansas Dental Board to provide regulatory oversight; and to ensure adequate patient protection measures (Attachment #1).

Lawless Barrientos, representing Comfort Dental, stated that it was critically important to note that Comfort Dental practices are privately owned and operated by dentists who are licensed in the state in which they practice. They feel this legislation helps their mission of providing quality, affordable dental care to all economic classes. They feel strongly that local communities and most importantly the consumer would benefit greatly from a dental practice owned and operated by highly trained licensed dentists which embrace transparency in their pricing and maintain extended weekday and weekend hours (Attachment #2).

Speaking on behalf of the Kansas Dental Association, Kevin Robertson stated that dental franchisors like Comfort Dental and administrative services managers like Church Street can play a positive role in encouraging dentists to locate throughout Kansas to help ensure that all Kansans have access to a dentist and as such is a piece of a larger puzzle to help reduce barriers to quality dental care (Attachment #3).

Randall Forbes, General Counsel for the Kansas Dental Board, stated that **HB 2241** makes two significant changes to the Kansas Dental Practices Act. First it removes the long-standing definition of proprietor and secondly it removes the long-standing prohibition against the franchise practice of dentistry. They believe that if the Dental Act is to be changed to allow unlicensed proprietors and unlicensed franchisors to enter into agreements with dentists related to the dentist's professional practice, that some minimal safe guards are appropriate. The amendments would make clear that the changes are not intended to allow dentists and non-licensed persons or entities to enter into agreements that have provisions that either allow the unlicensed person or entity to affect the professional judgment of the dentist or otherwise violate the Kansas Dental Law (Attachment #4).

There being no further conferees, the hearing on **HB 2241** was closed.

The Chair called for Final Action on **HB 2082—Inspections of medical gas piping systems in hospitals**. It was moved by Senator Kelsey, seconded by Senator Steineger that **HB 2082** be moved out favorable and placed on the consent calendar. Motion passed.

CONTINUATION SHEET

The minutes of the Public Health and Welfare Committee at 1:30 a.m. on March 14, 2011, in Room 546-S of the Capitol.

The Chair called for Final Action on **HB 2182—Concerning mail service pharmacies.** It was moved by Senator Steineger, seconded by Senator Kelly that HB 2182 be moved out favorably and placed on the consent calendar. Motion passed.

The next meeting is scheduled for March 15, 2011.

The meeting was adjourned at 2:30 p.m.