

## SENATE BILL No. 326

By Committee on Public Health and Welfare

1-24

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1 AN ACT concerning dental hygiene; relating to services for school  
2 children; amending K.S.A. 2011 Supp. 65-1456 and repealing the  
3 existing section.  
4

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

6 Section 1. K.S.A. 2011 Supp. 65-1456 is hereby amended to read as  
7 follows: 65-1456. (a) The board may suspend or revoke the license of any  
8 dentist who shall permit any dental hygienist operating under such dentist's  
9 supervision to perform any operation other than that permitted under the  
10 provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, ~~or~~  
11 ~~acts amendatory thereof and amendments thereto~~, and may suspend or  
12 revoke the license of any hygienist found guilty of performing any  
13 operation other than those permitted under article 14 of chapter 65 of the  
14 Kansas Statutes Annotated, ~~or acts amendatory thereof and amendments~~  
15 ~~thereto~~. No license of any dentist or dental hygienist shall be suspended or  
16 revoked in any administrative proceedings without first complying with  
17 the notice and hearing requirements of the Kansas administrative  
18 procedure act.

19 (b) The practice of dental hygiene shall include those educational,  
20 preventive, and therapeutic procedures which result in the removal of  
21 extraneous deposits, stains and debris from the teeth and the rendering of  
22 smooth surfaces of the teeth to the depths of the gingival sulci. Included  
23 among those educational, preventive and therapeutic procedures are the  
24 instruction of the patient as to daily personal care, protecting the teeth  
25 from dental caries, the scaling and polishing of the crown surfaces and the  
26 planing of the root surfaces, in addition to the curettage of those soft  
27 tissues lining the free gingiva to the depth of the gingival sulcus and such  
28 additional educational, preventive and therapeutic procedures as the board  
29 may establish by rules and regulations.

30 (c) Subject to such prohibitions, limitations and conditions as the  
31 board may prescribe by rules and regulations, any licensed dental hygienist  
32 may practice dental hygiene and may also perform such dental service as  
33 may be performed by a dental assistant under the provisions of K.S.A. 65-  
34 1423, and amendments thereto.

35 (d) Except as otherwise provided in this section, the practice of dental  
36 hygiene shall be performed under the direct or general supervision of a

1 licensed dentist at the office of such licensed dentist. The board shall  
2 designate by rules and regulations the procedures which may be performed  
3 by a dental hygienist under direct supervision and the procedures which  
4 may be performed under general supervision of a licensed dentist. As used  
5 in this section: (1) "Direct supervision" means that the dentist is in the  
6 dental office, personally diagnoses the condition to be treated, personally  
7 authorizes the procedure and before dismissal of the patient evaluates the  
8 performance; and (2) "general supervision" means a Kansas licensed  
9 dentist may delegate verbally or by written authorization the performance  
10 of a service, task or procedure to a licensed dental hygienist under the  
11 supervision and responsibility of the dentist, if the dental hygienist is  
12 licensed to perform the function, and the supervising dentist examines the  
13 patient at the time the dental hygiene procedure is performed, or during the  
14 12 calendar months preceding the performance of the procedure, except  
15 that the licensed hygienist shall not be permitted to diagnose a dental  
16 disease or ailment, prescribe any treatment or a regimen thereof, prescribe,  
17 order or dispense medication or perform any procedure which is  
18 irreversible or which involves the intentional cutting of the soft or hard  
19 tissue by any means. A dentist is not required to be on the premises at the  
20 time a hygienist performs a function delegated under part (2) of this  
21 subsection.

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

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

28 (2) the dental hygienist is under the supervision and responsibility of  
29 the dentist;

30 (3) either the supervising dentist is personally present or the services,  
31 tasks and procedures are limited to the cleaning of teeth, education and  
32 preventive care; *and*

33 (4) the supervising dentist examines the patient at the time the dental  
34 hygiene procedure is performed or has examined the patient during the 12  
35 calendar months preceding performance of the procedure; ~~and.~~

36 (f) The practice of dental hygiene may be performed with consent of  
37 the parent or legal guardian, on children participating in residential and  
38 nonresidential centers for therapeutic services, on all children in families  
39 which are receiving family preservation services, on all children in the  
40 custody of the secretary of social and rehabilitation services or the  
41 commissioner of juvenile justice authority and in an out-of-home  
42 placement residing in foster care homes, on children being served by  
43 runaway youth programs and homeless shelters; and on children birth to

1 five and children in public and nonpublic schools kindergarten through  
2 grade 12 regardless of the time of year and children participating in youth  
3 organizations, so long as such children birth to five, in public or nonpublic  
4 schools or participating in youth organizations also meet the requirements  
5 of medicaid, healthwave, or ~~free or reduced lunch programs~~ or Indian  
6 health services *or have not been seen by a dentist during the previous 12*  
7 *months for dental examination*; at any state correctional institution, local  
8 health department or indigent health care clinic, as defined in K.S.A. 65-  
9 1466, and amendments thereto, and at any federally qualified health center,  
10 federally qualified health center look-alike or a community health center  
11 that receives funding from section 330 of the health center consolidation  
12 act, on a person, inmate, client or patient thereof and on other persons as  
13 may be defined by the board; so long as:

14 (1) The dental hygienist has received an "extended care permit" from  
15 the Kansas dental board specifying that the dental hygienist has performed  
16 1,200 hours of dental hygiene care within the past three years or has been  
17 an instructor at an accredited dental hygiene program for two academic  
18 years within the past three years;

19 (2) the dental hygienist shows proof of professional liability  
20 insurance;

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

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

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

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

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

1 (g) The practice of dental hygiene may be performed on persons with  
2 developmental disabilities and on persons who are 65 years and older who  
3 live in a residential center, an adult care home, subsidized housing,  
4 hospital long-term care unit, state institution or are served in a community  
5 senior service center, elderly nutrition program or at the home of a  
6 homebound person who qualifies for the federal home and community  
7 based service (HCBS) waiver on a resident of a facility, client or patient  
8 thereof so long as:

9 (1) The dental hygienist has received an "extended care permit II"  
10 from the Kansas dental board specifying that the dental hygienist has: (A)  
11 Performed 1,800 hours of dental hygiene care or has been an instructor at  
12 an accredited dental hygiene program for two academic years within the  
13 past three years; and (B) completed six hours of training on the care of  
14 special needs patients or other training as may be accepted by the board;

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

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

21 (4) the tasks and procedures are limited to: (A) Removal of  
22 extraneous deposits, stains and debris from the teeth and the rendering of  
23 smooth surfaces of the teeth to the depths of the gingival sulci; (B) the  
24 application of topical anesthetic if the dental hygienist has completed the  
25 required course of instruction approved by the dental board; (C) the  
26 application of fluoride; (D) dental hygiene instruction; (E) assessment of  
27 the patient's apparent need for further evaluation by a dentist to diagnose  
28 the presence of dental caries and other abnormalities; and (F) other duties  
29 as may be delegated verbally or in writing by the sponsoring dentist  
30 consistent with this act;

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

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

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

40 (8) the dental hygienist completes a minimum of six hours of  
41 education in the area of special needs care within the board's continuing  
42 dental education requirements for relicensure.

43 (h) In addition to the duties specifically mentioned in subsection (b)

1 of K.S.A. ~~65-1456, and amendments thereto~~, any duly licensed dental  
2 hygienist may:

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

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

8 (3) administer local block and infiltration anaesthesia and nitrous  
9 oxide. (A) The administration of local anaesthesia shall be performed  
10 under the direct supervision of a licensed dentist except that topically  
11 applied local anaesthesia, as defined by the board, may be administered  
12 under the general supervision of a licensed dentist. (B) Each dental  
13 hygienist who administers local anaesthesia regardless of the type shall  
14 have completed courses of instruction in local anaesthesia and nitrous  
15 oxide which have been approved by the board.

16 (i) (1) The courses of instruction required in subsection (h)(3)(B)  
17 shall provide a minimum of 12 hours of instruction at a teaching institution  
18 accredited by the American dental association.

19 (2) The courses of instruction shall include courses which provide  
20 both didactic and clinical instruction in: (A) Theory of pain control; (B)  
21 anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and  
22 complications.

23 (3) Certification in cardiac pulmonary resuscitation shall be required  
24 in all cases.

25 (j) The board is authorized to issue to a qualified dental hygienist an  
26 extended care permit or extended care permit II as provided in subsections  
27 (f) and (g) of this section.

28 (k) Nothing in this section shall be construed to prevent a dental  
29 hygienist from providing dental hygiene instruction or visual oral health  
30 care screenings or fluoride applications in a school or community based  
31 setting regardless of the age of the patient.

32 Sec. 2. K.S.A. 2010 Supp. 65-1456 is hereby repealed.

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

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