

January 28, 2013

Senator Mary Pilcher-Cook, Chair
Senate Standing Committee
Public Health and Welfare
Statehouse, Room 441-E
Topeka, Kansas 66612

RE: Kansas Dental Board

Dear Senator Pilcher-Cook:

As the Executive Director of the Kansas Dental Board (Board), I am pleased to provide the Senate Standing Committee on Public Health and Welfare an overview of the Board. An understanding of the Board necessarily requires the review of the following topics: (1) Structure of the Board; (2) structure of the Board's staff; (3) structure of the Board's support; and (4) structure of the Board's budget. Each issue shall be briefly addressed in turn.

1. Structure of the Board.

Established in 1943, the mission of the Board is to protect the public health, safety, and welfare by regulation of the dental and dental hygiene professions through licensure, regulation, inspection, and investigation consistent with the Kansas Dental Practices Act (Dental Act), K.S.A. 65-1421 *et seq.*

a. Membership and Meetings.

The Board consists of six dentists (four of whom represent each Congressional District and two at-large members), two registered dental hygienists, and one public member. The Governor appoints each Board member to a 4-year term. Board members may only serve up to a maximum of two 4-year terms. The Board holds approximately five open public meetings per year to conduct its business.

b. Powers and Duties.

Subject to the provisions of the Dental Act, the Board has a number of delineated powers and duties, including the authority to grant and regulate licenses, specialty licenses, and permits. The Board regulates dentists and registered dental hygienists biennially. Currently, there are 4,794 total licensees, which include all active, retired, and disabled practitioners. Of those licensees, 3,432 (1,477 dentists and 1,955 registered dental hygienists) maintain an active Kansas practice location.

Among the most prevalent of the Board's duties is to perform disciplinary investigations and take disciplinary actions consistent with both the Dental Act and the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* By and large, the most common disciplinary actions center on drug and substance abuse, difficult dental results, discipline in another state, deceit, and disastrous personal decisions.

In addition to regulating and disciplining licensees, the Board also implements legislation and promulgates regulations in accordance with the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.* Recently, the Board implemented legislation permitting franchise dentistry and extending the time from 12 months up to 30 months for the estate of a deceased or substantially disabled dentist to sell or close a dental practice. Moreover, the Board is currently implementing the 2012 legislative directive to begin issuing an Extended Care Permit III to qualified registered dental hygienists.

2. Structure of the Board's Staff.

The Board has 3.0 FTE, which includes the Executive Director, an Administrative Officer, and a Senior Administrative Assistant. The Executive Director is charged with overseeing the day-to-day operations of the Board and, under the Dental Act, is the legal custodian of the Board's property, money, minutes, records, and proceedings. Among many other duties, the Administrative Officer is the Board's budget and investigation analyst. The Board's Senior Administrative Assistant performs a wide range of general office duties and acts as the licensing and continuing education specialist.

3. Structure of the Board's Support.

Historically, the Board has acquired the services of a contract attorney, whose contract is regularly bid out under the Professional Services Sunshine Act, K.S.A. 75-37,130 *et seq.* The contract attorney acts as general counsel and disciplinary counsel during investigations and disciplinary actions. The Board also contracts with a licensed dentist, who performs sanitation inspections and whose dental expertise is required to process investigations and disciplinary actions.

4. Structure of the Board's Budget.

The Board is a fee-funded agency. As such, it is financed by fees that are assessed for licensure and registration. While no state general fund resources are used for Board operations, 90% of the fees the Board generates are deposited into the Board's fee fund and 10% of the fees are deposited into the state general fund. The Board's budget requires approval of the Governor and Legislature during the course of the state's wider budgeting process.

If you have any questions or require additional information, please do not hesitate to contact me. Your time and attention to this matter is greatly appreciated. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Lane Hemsley". The signature is fluid and cursive, with a large initial "B" and "L" that are connected to the rest of the name.

B. Lane Hemsley
Executive Director

cc: Randi Walters
Committee Assistant