

REVIEW OF SB No. 312 (Am by SC)
by Norm Furse, Revisor's Office

Summary: This bill creates the practice of dental therapy. To qualify as a dental therapist a person must be a licensed dental hygienist, a graduate of a dental therapist education program approved by the board, pass a comprehensive, competency-based clinical examination approved by the board, pass an examination by the Kansas dental board, work under the direct or general supervision of a Kansas licensed dentist and obtain a policy of professional liability insurance. A supervising dentist of a dental therapist may supervise no more than three dental therapists and must be employed by an indigent health care clinic or enrolled as a medicaid provider. Sections 1 through 3 take effect on July 1, 2020.

Section 1 sets out the specific qualifications for licensure for a person to practice as a dental therapist and provides that a person practicing as a dental therapist in violation of the provisions of sections 1 through 3 is guilty of a misdemeanor and subject to licensure revocation or suspension.

Section 2 provides that the Kansas dental board may suspend or revoke the license of any dentist who directs a dental therapist to perform a service not permitted under the act and may suspend or revoke the license of a dental therapist who is performing a service which is not authorized under the act. The section also defines "direct supervision" and "general supervision." A licensed dental therapist may perform dental hygiene tasks and procedures that may be performed by a licensed dental hygienist, except that location or premises limitations on a dental hygienist shall not apply to a licensed dental therapist. Section 2 (d) lists the services a licensed dental therapist may perform under general supervision (e.g., identification of conditions, charting of the oral cavity, oral health instruction, application of topical agents, fabrication of various mouth guards, emergency palliative treatment of pain, fabrication and placement of temporary crowns, formulation of care plans, etc.) and (e) lists the services which may be performed under direct supervision (e.g., extractions, crowns and capping). A dental therapist may supervise a dental hygienist or unlicensed person. A dental therapist is to maintain current basic cardiac life support certification from the American heart association.

Section 3 sets out an anti-competition clause for licensed dental therapists. This language prohibits a dental therapist from "in any manner whatsoever" using or attempting to use call lists, records, reprints, copies or information of the names of patients of a prior employer. In addition, dentists are prohibited from aiding or abetting or encouraging a dental therapist employed by the dentist from making use of such information to solicit patronage from patients served by the prior employer of the dental therapist. See, also, 65-1458 for similar language relating to dental hygienists, enacted originally in 1943.

Section 4 directs the Kansas dental board to adopt rules and regulations necessary to administer the provisions of sections 1 through 3 prior to July 1, 2020.

Section 5 requires the department of health and environment and the Kansas dental board to submit a joint report to the legislature on or before the first day of the 2030 regular session of the

House Health and Human Services

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Attachment #: 1

legislature that details the effects that enactment of sections 1 through 3 have on access to dental care in rural Kansas.

Sections 6 through 14 and 16 through 25 amend current statutes to include dental therapists in language similar to current references to dental hygienists.

Section 12 (65-1447) provides the fees the board may charge licensees. For dental therapists the board may charge not more than \$200 for a biennial license renewal fee, not more than \$150 for an examination fee and not more than \$100 for a subsequent examination fee.

Section 15, p. 17, lines 26-32, amended by the Senate Committee on Public Health and Welfare relates to the definition of direct supervision as it pertains to dental hygienists. Currently the law defines direct supervision by a dentist of a dental hygienist to mean that the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and , before dismissal of the patient, evaluates the hygienist's performance. The amendment changes to the "presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed" and maintains the balance of the language.