

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 12, 2018, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 38 senators present.
Senators Holland and Kelly were excused.
Invocation by Reverend Cecil T. Washington:

Gracious, Merciful God of Heaven and earth, Your goodness toward us has kept us through the weekend, returning us to these sacred duties. Keep us mindful Lord, that we're serving in Your stead; making decisions to represent Your guidance.

Give us the same determination found in the Apostle Paul who You used to write most of the Scriptures in the New Testament.

Inspired by Your Holy Spirit, in Romans 1:13-16 he expressed an indebtedness...a sense of obligation to serve and bless all people regardless of their status. He said he was ready and eager to bless everyone whether rich or poor, educated or uneducated. And because of how it would benefit people, he would not be ashamed of what he had to say or how he would live. There was to be no shame in his game.

Lord, You're the only One that knows how many people or people groups have been touched through that man's dedication.

We stand here today, like Paul, needing inspiration from You, to be a blessing. So, move us, to sense that same obligation to serve, to be ready and eager to serve and not be ashamed of the positions we take or how we serve, knowing that our guidance is coming from You.

I offer this prayer in the blessed Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 418, AN ACT concerning public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 and repealing the existing section, by Committee on Federal and State Affairs.

SB 419, AN ACT concerning the Kansas appraisal management company registration act; AMC ownership limitations and removal of appraisers; amending K.S.A. 2017 Supp. 58-4704, 58-4708, 58-4709 and 58-4721 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 420, AN ACT concerning the Kansas 911 act; relating to emergency services; concerning 911 fees, collection and distribution; amending K.S.A. 2017 Supp. 12-5363,

12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378 and 12-5380 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 12-5327, 12-5338 and 12-5361, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2492**.

Federal and State Affairs: **HB 2438**, **HB 2441**, **HB 2502**.

Financial Institutions and Insurance: **SB 417**; **HB 2469**.

Ways and Means: **HB 2446**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2531**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2531 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 320**, **SB 330**, **SB 331** be passed.

Committee on **Federal and State Affairs** recommends **SB 328** be amended on page 1, in line 6, after "(a)" by inserting "(1)"; in line 8, after the first "any" by inserting "security"; also in line 8, by striking "or facilities"; in line 14, after the second "any" by inserting "security"; also in line 14, by striking "facility" and inserting "job classifications and duties associated with a security operation"; following line 15, by inserting:

"(2) For the purposes of this section, "security operations" shall include the supervision of inmates in a correctional institution or juvenile correctional facility by a corrections officer or warden as those terms are defined in K.S.A. 75-5202, and amendments thereto, or any other position that is part of security operations as identified in rules and regulations adopted by the secretary.

(3) The secretary of corrections may adopt rules and regulations to identify job classifications and duties that are part of the security operations of a correctional institution or juvenile correctional facility.";

Also on page 1, in the title, in line 2, after "any" by inserting "security"; in line 3, by striking all before "thereof"; and the bill be passed as amended.

Also, **HB 2437** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **SB 221** be amended on page 1, in line 8, by striking "2016" and inserting "2017"; in line 21, by striking "2016" and inserting "2017"; in line 35, by striking "2016" and inserting "2017";

On page 2, in line 6, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 22, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017"; in line 29, by striking "2016" and inserting "2017"; in line 40, by striking

"2016" and inserting "2017";

On page 3, in line 18, by striking "2016" and inserting "2017";

On page 4, in line 5, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; in line 37, by striking "2016" and inserting "2017";

On page 5, in line 31, by striking "2016" and inserting "2017"; in line 35, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 6, following line 17, by inserting:

"Sec. 2. On and after July 1, 2019, K.S.A. 2017 Supp. 38-2202, as amended by section 1 of this act, is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2017 Supp. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2017 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected,

or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2017 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2017 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child's home.

(j) "Educational institution" means all schools at the elementary and secondary levels.

(k) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) "Harm" means physical or psychological injury or damage.

(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2017 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law

and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) "Kinship care placement" means the placement of a child in the home of an adult with whom the child or the child's parent already has close emotional ties.

(r) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 2017 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2017 Supp. 38-2217(a)(2), and amendments thereto.

(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(w) "Permanency goal" means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto.

(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) "Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(bb) "Relative" means a person related by blood, marriage or adoption.

(cc) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(dd) "Secretary" means the secretary for children and families or the secretary's designee.

(ee) "Secure facility" means a facility, other than a staff secure facility or juvenile detention facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(ff) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or

(2) be subjected to aggravated human trafficking, as defined in K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6419 or 21-6422, and amendments thereto.

(gg) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(hh) "Staff secure facility" means a facility described in K.S.A. 2017 Supp. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(ii) "Transition plan" means, when used in relation to a youth in the custody of the

secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(jj) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.;"

Also on page 6, in line 18, by striking "2016" and inserting "2017";

On page 7, in line 2, by striking "2016" and inserting "2017"; in line 3, by striking "2016" and inserting "2017";

On page 8, in line 2, by striking "2016" and inserting "2017"; in line 4, by striking "2016" and inserting "2017"; in line 6, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 9, in line 6, by striking "2016" and inserting "2017"; in line 16, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 20, by striking "2016" and inserting "2017"; in line 21, by striking "2016" and inserting "2017";

On page 10, in line 19, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017"; in line 42, by striking "2016" and inserting "2017";

On page 11, in line 3, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017";

On page 12, in line 27, by striking "2016" and inserting "2017";

On page 13, in line 32, by striking "2016" and inserting "2017";

On page 14, in line 13, by striking "2016" and inserting "2017"; in line 14, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 22, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 35, by striking "2016" and inserting "2017";

On page 15, in line 43, by striking "2016" and inserting "2017";

On page 17, in line 10, by striking "2016" and inserting "2017";

On page 19, in line 41, by striking "2016" and inserting "2017";

On page 21, in line 21, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; following line 26, by inserting:

"Sec. 11. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 Session Laws of Kansas, and K.S.A. 2017 Supp. 38-2202, as amended by section 1 of this act, are hereby repealed.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking "2016" and inserting "2017"; also in line 4, after the first comma by inserting "38-2202, as amended by section 1 of this act,,"; in line 5, after "sections" by inserting "; also repealing K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 Session Laws of Kansas"; and the bill be passed as amended.

Also, **SB 312** be amended on page 1, in line 36, by striking "2(c)" and inserting "2(d) or (e)";

On page 2, in line 30, by striking "that the dentist in the dental office" and inserting "the supervision of tasks and procedures with the presence of the dentist in the office or

on the premises at the time the tasks or procedures are being performed where the dentist";

Also on page 2, in line 38, after "(c)" by inserting "Subject to prohibitions, limitations and conditions imposed by rules and regulations adopted by the Kansas dental board, a licensed dental therapist may perform dental hygiene tasks and procedures that may be performed by a licensed dental hygienist under K.S.A. 65-1456, and amendments thereto, except that restrictions imposed by K.S.A. 65-1456, and amendment thereto, that limit the locations or premises where a licensed dental hygienist may perform extended care permit III dental hygiene tasks and procedures shall not apply to a licensed dental therapist.

(d)";

On page 3, in line 1, by striking "and" and inserting a comma; also in line 1, by striking ", including" and inserting "and oral health-related"; in line 2, by striking "counseling"; also in line 2, by striking "analysis" and inserting "instruction";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 16, following line 19, by inserting:

"Sec. 15. On and after July 1, 2020, K.S.A. 2017 Supp. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license of any dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than ~~that those~~ permitted under ~~the provisions of~~ article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No license of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

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

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

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall designate by rules and regulations the procedures ~~which that~~ may be performed by a dental hygienist under direct supervision and the procedures ~~which that~~ may be performed under general supervision of a licensed dentist. As used in this section: (1) "Direct supervision" means ~~that the dentist is in the dental office, the supervision of tasks and procedures with the presence of the dentist in~~

the office or on the premises at the time the tasks or procedures are being performed where the dentist personally diagnoses the condition to be treated, personally authorizes the procedure and, before dismissal of the patient, evaluates the dental hygienist's performance; and (2) "general supervision" means a Kansas licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function; and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure ~~which that~~ is irreversible or ~~which that~~ involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under ~~part paragraph (2) of this subsection.~~

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

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

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

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

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

(f) The practice of dental hygiene may be performed, with consent of the parent or legal guardian; On children participating in residential and nonresidential centers for therapeutic services; on all children in families ~~which that~~ are receiving family preservation services; on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes; on children being served by runaway youth programs and homeless shelters; ~~and~~ on children birth up to to five years old and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient thereof; and on other persons as may be defined by the board; so long as:

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

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

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

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

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

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

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

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

(1) The dental hygienist has received an "extended care permit II" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 1,600 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for two academic years within the past three years; and (B) completed six hours of training on the care of special needs patients or other training as may be accepted by the board;

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

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

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

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

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

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

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

(h) The expanded practice of dental hygiene may be performed, with consent of the parent or legal guardian; On children participating in residential and nonresidential centers for therapeutic services; on all children in families ~~which that~~ are receiving family preservation services; on all children in the custody of the secretary for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes; on children being served by runaway youth programs and homeless shelters; and on children ~~birth up to five years old~~ and children in public and nonpublic schools in kindergarten or grades one through grade 12, regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient; on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit; or state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community-based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

(1) The dental hygienist has received an "extended care permit III" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 2,000 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for three academic years within the past four years; and (B) completed a course of study of 18 seat hours approved by the board ~~which that~~ includes, but is not limited to, emergency dental care techniques, the preparation and placement of temporary restorations, the adjustment of dental prostheses and appropriate pharmacology;

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

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

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; (F) identification and removal of decay using

hand instrumentation and placing a temporary filling, including glass ionomer and other palliative materials; (G) adjustment of dentures, placing soft relines in dentures, checking partial dentures for sore spots and placing permanent identification labeling in dentures; (H) smoothing of a sharp tooth with a slow speed dental handpiece; (I) use of local anesthetic, including topical, infiltration and block anesthesia, when appropriate to assist with procedures where medical services are available in a nursing home, health clinic or any other settings if the dental hygienist has completed a course on local anesthesia and nitrous oxide as required in this act; (J) extraction of deciduous teeth that are partially exfoliated with class-4 mobility; and (K) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

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

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

(7) the dental hygienist notifies the patient or the patient's parent or legal guardian of such patient's need for treatment by a dentist, when the dental hygienist finds an apparent need for evaluation to diagnose the presence of dental caries and other abnormalities;

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

(9) the dental hygienist completes a minimum of three hours of education related to the expanded scope of dental hygiene practice in subsection (h)(4) of this act within the board's continuing dental education requirements for relicensure.

(i) In addition to the duties specifically mentioned in subsection (b) any duly licensed dental hygienist may:

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

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

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

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

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

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

(k) The board is authorized to issue to a qualified dental hygienist an extended care permit I ~~or~~, extended care permit II; or extended care permit III as provided in

subsections (f), (g) and (h) ~~of this section.~~

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

(m) As used in this section, "dentally underserved" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.;"

On page 34, in line 6, after the fourth comma by inserting "65-1456,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "the practice of dental hygiene;" in line 4, after the fifth comma by inserting "65-1456,"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 323** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 323," as follows:

"Substitute for SENATE BILL NO. 323

By Committee on Utilities

"AN ACT concerning utilities; relating to the retail electric suppliers act; concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services; amending K.S.A. 12-8,111 and 66-1,176 and K.S.A. 2017 Supp. 66-104d and repealing the existing sections.";

And the substitute bill be passed.

Also, **SB 279** be amended on page 1, in line 16, by striking "and regulatory assets"; in line 36, by striking "existing" and inserting "obsolete";

On page 2, in line 20, by striking all after "(h)"; by striking all in lines 21 through 34; in line 35, by striking all before the semicolon and inserting "'obsolete facility" means a facility: (1) Comprised of materials that are no longer produced or supported by the manufacturer; (2) that shows signs of physical deterioration; or (3) does not meet current safety codes or industry standards. "Obsolete facility" includes the cost-effective replacement of other facilities that are not considered obsolete when the replacement of such is done in conjunction with the replacement of an obsolete facility";

On page 6, in line 16, by striking "or regulatory assets"; in line 26, by striking "or regulatory assets"; in line 31, before "its", by inserting "January 1, 2019, and"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 262 reported correctly enrolled, properly signed and presented to the Governor on February 12, 2018.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 13, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

