

MINUTES OF THE SENATE PUBLIC HEALTH & WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 18, 2003 in Room 231-N of the Capitol.

All members were present except: Senator Karin Brownlee

Committee staff present: Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Mr. Ron Gaches for Ms. Lisa Ross, Legislative Affairs
Chair, KS Dental Hygienists Association
Mr. Kevin Robertson, CAE, Executive Director,
KS Dental Association
Ms. Maggie Smet, Registered Dental Hygienist

Others attending: See attached guest list

Hearing on HB 2161 - an act regarding dentists and dentistry; relating to dental hygienists

Hearing on HB 2155 - an act concerning dentists and dentistry, regarding temporary licensure of out-of-state dentists and hygienists.

Upon calling the meeting to order, the Chair announced that there would be hearing on **HB2161**, an act regarding dentists and dentistry; relating to dental hygienists and **HB2155**, an act concerning dentists and dentistry; regarding temporary licensure of out-of-state dentists and hygienists. She asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of both bills first. Highlights of his overview of **HB2161** are shown on his handout (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The only question for Mr. Furse came from the Chair who asked if the dentist is making the payment, but has his/her own liability insurance, who is liable if there is a problem? Mr. Furse stated that, under the extended practice, the dentist has the liability, and under extended care permit 2 (ECPII), the dental hygienist would have professional liability insurance.

Mr. Furse's overview on **HB2155** included that the bill had been introduced by House and Human Services and it concerns temporary licensure of out-of-state dentists and much simpler than the one just discussed.

- 1) The changes on page one relate to the original language of the bill, which was amended out by the House Committee.
- 2) On page two, the language relates to a temporary license for dentists providing they have met the qualifications listed, not licensed to practice in Kansas, but is in the state from which they are applying and have not failed an exam for licensure to practice in Kansas. (Basically the change here is to get wording changed around a little bit to make it consistent with the lead in language and also cites the specific subsection in K.S.A. 75-6102 which is referred to in Section 1.)
- 3) Section 2 does the same thing as Section 1. only it relates to dental hygienists and authorizes this temporary permit for a maximum of 14 days.

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4) In regards to the two technical amendments:

A) Page 1, line 32, (1) is a refresher course relating to this temporary permit, so it needs to be paragraphed with a subsection, and when that's the case, (1) and (2) need to be deleted because that is just a continuation of line 31; and,

B) On line 10 of page 3, the word "calendar" should be inserted between "14" and "days" to be consistent with language on page 2, line 8.

The Chair then asked if there were any technical amendments in **HB2161**. Mr. Furse responded by saying it is not necessary, but on page 5, sub (k), lines 20 through 22, there is language that might be repeated in two other places in this same section. (Page 3, lines 36 through 38 and page 4, lines 33 through 35, could be deleted.)

The Chair then recognized the first proponent for the first bill (**HB2161**), Mr. Ron Gaches who was testifying for Ms. Lisa Ross, Legislative Affairs Chair for the Kansas Dental Hygienists Association. Mr. Gaches stated the bill will allow the licensed dental hygienists in Kansas the opportunity to access those that have been unable to get dental services elsewhere and while working in the specified areas noted within the bill, allows them to perform preventive services such as dental prophylaxis and fluorides, and also to educate those children on how to prevent dental problems. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Mr. Kevin Robertson, CAE, Executive Director, Kansas Dental Association, was the second proponent. He stated the bill is a culmination of some 12 months, a handful of meetings, numerous emails, and other communications between representative of the KDS and Kansas Dental Hygienists' Association (KDHA), and they both agree that dental hygienists can be important players in helping meet the preventive dental needs of many Kansans outside the dental office setting. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The final proponent was Ms. Maggie Smet, Registered Dental Hygienist, who gave a brief history of the Health Ministries Clinic of Harvey County, a facility she volunteered time at and stated that the bill will relax the stipulation of a patient (in specific situations) being required to see the dentist first. And, she stated, not every private dental practice accepts medicare/medicaid or Healthwave reimbursement, but with the passage of the bill, please imagine all of the people they could help. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no neutral proponents, written testimony was provided from Ms. Debra Zehr, Vice President, Kansas Association of Homes and Services for the Aging. A copy of her testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Senator Barnett asked the only question regarding this bill asking Mr. Robertson how he saw public schools for instance, paying for this and would they be setting up the office? (Ex. Dental chairs)

As there was no further discussion of the bill, the Chair then called upon Mr. Robertson, as he was the only proponent for **HB2155**. Mr. Robertson provided a video on the Kansas Mission of Mercy, a dental outreach program that is being funded entirely through the generosity of Kansas dentists and private funders, and touched briefly on the second project scheduled for Wyandotte County in November 2003. A copy of his testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

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As there were no neutral or written testimony, Senators Harrington and Wagle asked if any screening was or is done, are surveys available, if they wanted to work in Garden City and Wyandotte would they have to get two different permits, and is there a charge?

Action on HB2155 - an act concerning dentists and dentistry; regarding temporary licensure of out-of-state dentists and hygienists

As there were no further questions, the Chair then asked the Committee if there was any objection to working these two bills. As there was none, the Chair asked the Committee to look at HB215 stating she did feel the language was problematic regarding the failing an examination. Senator Barnett asked for clarification from Mr. Furse regarding the technical amendments/changes (inserting "calendar" on page 3, line 10, on page 2, line 1, there should be a "d" in "(") before the word "any" and re-letter subsequent subsections and on page 1. The language on lines 30 and 31, (1) and (2) should be deleted and (d) should be made a subsection. Senator Barnett made a motion to move the above two technical amendments and inserting the word "calendar" on page 3, line 10. It was seconded by Senator Jordan and the motion carried.

Senator Barnett then moved that the Committee deletes language on page 2, line 6 (has not failed an examination for license to practice dentistry in Kansas, and also repeated on page 3, line 8 and deleting (d)) Senator Harrington seconded and the motion carried. Senator Haley asked if there was a limit of temporary licenses an applicant can have? The Chair address both KDA and KDHA by stating that this would be subject to rules (and making sure someone doesn't come into the state and get a permit, after, permit, after permit). Mr. Furse stated they would have to do it for purposes of practice as a charitable healthcare provider.

Senator Harrington made a motion to pass the bill out favorably as amended. Senator Barnett seconded and the motion carried.

Action on HB2161 - an act regarding dentists and dentistry; relating to dental hygienists

The Chair then clarified this bill by saying it needed nothing in the section removed except line 36 through 38 on page 3, and line 33 through 35 on page 4 which were duplicated on lines 20 through 22 on page 5. Senator Brungardt made a motion to remove the above-mentioned duplications. Senator Barnett seconded and the motion carried

Senator Brungardt made a motion to pass the bill out favorably as amended. Senator Haley seconded and the motion carried.

Adjournment

As it was past 2:30 p.m., time for Senate Session, the Chair adjourned the meeting and announced to the Committee that they would meet March 19, 2003. The time was 2:36 p.m.