

SENATE BILL No. 432

By Committee on Government Efficiency

2-2

1 AN ACT concerning health professions and practices; relating to the
2 regulation of dentists; eliminating the minimum personal presence
3 requirement of a licensee in a dental office owned by such licensee;
4 amending K.S.A. 65-1435 and repealing the existing section.
5

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

7 Section 1. K.S.A. 65-1435 is hereby amended to read as follows: 65-
8 1435. (a) Except as otherwise provided in this section, it shall be unlawful
9 for any person or persons to practice or offer to practice dentistry under
10 any name except such person's own name, which shall be the name used
11 on the license granted to such person as a dentist as provided in the dental
12 practices act.

13 (b) A licensed dentist may use the name of any association,
14 corporation, clinic, trade name or business name in connection with the
15 practice of dentistry, as defined in the dental practices act, except that such
16 name may not misrepresent the dentist to the public as determined by the
17 Kansas dental board.

18 (c) ~~Nothing herein contained~~ *This section shall not* be construed to
19 prevent two or more licensed dentists *from*:

20 (1) ~~From~~-Associating together for the practice of dentistry, each
21 *practice* in such person's own proper name;~~or~~

22 (2) ~~from~~-associating together for the practice of dentistry, each as
23 owners, in a professional corporation; organized pursuant to the
24 professional corporation law of Kansas; or, ~~each as owners, in a~~ limited
25 liability company organized pursuant to the Kansas revised limited
26 liability company act; and using a name that may or may not contain the
27 proper name of any such person or persons, except that such name may not
28 misrepresent the dentist to the public~~and from or in~~ employing nonowning
29 licensees; or

30 (3) ~~from~~-associating together with persons licensed to practice
31 medicine and surgery in a clinic or professional association under a name
32 that may ~~or~~ ~~may not~~ contain the proper name of any such person or
33 persons and may contain the word "clinic."

34 (d) ~~It shall be unlawful, and a licensee may have a license suspended
35 or revoked, for any licensee to conduct a dental office in the name of the
36 licensee, or to advertise the licensee's name in connection with any dental~~

1 office or offices, or to associate together for the practice of dentistry with
2 other licensed dentists in a professional corporation or limited liability
3 company, under a name that may or may not contain the proper name of
4 any such person or persons or to associate together with persons licensed
5 to practice medicine and surgery in a clinic or professional association
6 under a name that may or may not contain the proper name of any such
7 person or persons and may contain the word "clinic," unless such licensee
8 is personally present in the office operating as a dentist or personally
9 overseeing such operations as are performed in the office or each of the
10 offices at least 20% of the time patients are being treated in the office or
11 each of the offices.

12 (e) The violation of any of the provisions of this section by any
13 dentist shall subject such dentist to suspension or revocation of a license.

14 (f) Notwithstanding the provisions of subsection (d), a licensee shall
15 be permitted to own two dental offices in addition to the licensee's primary
16 office location under the following conditions:

17 (1) The licensee's secondary dental office is located within a 125-mile
18 radius of the licensee's primary office; and

19 (2) the licensee's secondary dental office is located in a county with a
20 population of less than 10,000 according to the 2000 United States census.

21 Sec. 2. K.S.A. 65-1435 is hereby repealed.

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