

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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January 26, 2012

BRIEF COMPARISON OF HB 2280, SB 192, AND SB 132

RELATING TO ENHANCING DENTAL SERVICES IN UNDERSERVED AREAS

<u>ISSUE OR PROVISION</u>	<u>HB 2280 (AND SB 192)*</u>	<u>SB 132*</u>
Area(s) to be served	Both rural and urban medically underserved areas (pursuant to 42 USC Section 254c).	Bridging Loan Program – Rural counties (excludes specific counties). Hygienist Extended Care Permit III (ECP III) – Specified populations (Subsection (h), Pages 6 and 7 of the bill). UMKC loan subsidy program – in underserved areas of Kansas.
Establishment of new dentistry professional level	Yes – registered dental practitioner.	Yes – Dental Hygienist ECP III.
*Supervision or monitoring by dentist	Direct (on-site) or general supervision.	Monitoring is required.
*Services authorized under new level of dentistry	34 specific, numbered services (Pages 3 and 4 of the bill).	11 specific services (Paragraph (4), Pages 7 and 8).
Establishment of loan program	No	Yes – Bridging Loan Program – for dental surgery or dental medicine doctoral candidates who agree to serve in specific counties for a specified time period.

*See attached bill summaries for details

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HB 2280 (AND SB 192)

HB 2280 would establish the new position of "registered dental practitioner" as one licensed and regulated by the Kansas Dental Board and make related requirements. It would:

- Require the registered dental practitioner to also be a licensed dental hygienist and to have graduated from a registered dental practitioner education program of not more than 18 months which is provided by an accredited post secondary institution. The curriculum of the program must be approved by the Kansas Board of Regents (KBOR).
- Require registered dental practitioners to practice in federally-designated professional workforce shortage areas (pursuant to 42 USC Section 254c), indigent health care clinics, nursing homes, Head Start programs, federal and state correctional institutions, or in private practice where at least 20 percent of total patient revenues are Medicaid-derived.
- Allow registered dental practitioners to practice also as dental hygienists (pursuant to KSA 65-1456) with an extended care permit I and extended care permit II. Registered dental practitioners also could practice in any other areas or sites where the Kansas Dental Board determines registered dental practitioners will improve access to dental care.
- Require a registered dental practitioner to be supervised by a licensed dentist under direct or general supervision.
 - "Direct supervision" means the dentist personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the practitioner's performance.
 - "General supervision" means the dentist supervises without actually being present when the practitioner performs the tasks or procedures. Such supervision must be pursuant to a written supervising agreement and must be within the scope of practice for a registered dental practitioner.
- Set forth the practice requirements and limitations of a registered dental practitioner.

- Allow the Kansas Dental Board to suspend or revoke the license of any dentist who directs a registered dental practitioner to perform outside the authorized scope of practice permitted in this Act.
- Require the Kansas Dental Board to suspend or revoke the license of any registered dental practitioner found guilty of using or attempting to use any prophylactic lists, call lists, records, reprints, or other information related to the names or patients whom the registered dental practitioner might have serviced in the office of a prior employer, unless these names or information items appear on lists kept by the practitioner's present employer.
- Require the Kansas Dental Board to suspend or revoke the license of any dentist found guilty of aiding or abetting or encouraging a registered dental practitioner employed by the dentist in question to make use of call lists of the practitioner's former employer(s).
- Require the Kansas Dental Board to adopt rules and regulations as needed to administer the provisions of this Act.
- Make conforming changes to existing law.

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SB 132

SB 132 would establish the Kansas Comprehensive Oral Health Initiative Act. The Act would (a) provide incentives for dentists to practice in rural areas via "dentistry bridging loan agreements," (b) allow dental hygienists to serve in specified locations or settings if they have achieved a newly established "extended care permit III", and (c) establish other provisions.

Dentistry Bridging Loan Agreements

With respect to dentistry bridging loan agreements, the bill would:

- Establish the Kansas dentistry bridging loan program within the Kansas Department of Health and Environment Division of Health, Bureau of Oral Health (Bureau), which is to be administered by the Bureau in order to provide encouragement, opportunities and incentives for persons who have successfully completed a Doctor of Dental Surgery or Doctor of Dental Medicine degree from a dental school approved by the Kansas Dental Board, and **[who]** locate their dental practice in rural Kansas communities when their education is completed.
- Authorize the Secretary of Health and Environment (or designee) to enter into loan agreements with anyone who has successfully completed the first year of study in an approved Doctor of Dental Medicine or Doctor of Dental Surgery degree program. The person entering into a loan agreement under the program would receive \$10,000 annually while enrolled in an approved dental school or residency program. Each loan agreement is to require that the person receiving the loan:
 - Engage in full-time dentistry practice in any Kansas county other than Butler, Douglas, Johnson, Leavenworth, Reno, Riley, Saline, Sedgwick, Shawnee, or Wyandotte, for a period of not less than the length of the course of instruction for which the loan was awarded; and
 - Commence this full-time practice within 90 days after completing a dental residency program or receiving a license to practice dentistry in Kansas.
- Require repayment of a loan under the program if a loan recipient fails to comply with the provisions of the loan agreement; such person would have to pay KDHE within 90 days the amount equal to the amount received, less credits earned, plus interest at the annual rate of 15 percent from the date the money was received.
- Specify the conditions of postponement or satisfaction of the loan agreement.

- Permit KDHE to adopt rules and regulations as necessary

Dental Hygienist Extended Care Permit III

With respect to certain dental hygienist extend care permits, the bill would:

- Establish a new, expanded-practice level of service for dental hygienists by way of an Extended Care Permit III (ECPIII)
- Limit the ECPIII hygienist's practice to the following populations:
 - Children with parental or guardian consent, in the following circumstances: (a) Those participating in residential and nonresidential centers for therapeutic services; (b) all children in families receiving Family Preservation services; (c) all children in the custody of the Secretary of Social and Rehabilitation Services (SRS) or the Commissioner of Juvenile Justice Authority and in an out-of-home placement residing in foster homes; (d) children being served by runaway youth programs and homeless shelters; (e) children from birth to five years of age and children in public and private schools serving kindergarten through Grade 12, regardless of the time of year and children participating in youth organizations who meet Medicaid, HealthWave or Indian Health Services requirements or have not been seen by a dentist during the previous 12 months for a dental exam
 - Persons, inmates, clients or patients in any state correctional institution, local health department or indigent health care clinic, and those at any federally qualified health center, federally qualified health center look-alike or certain community health centers.
 - Persons with developmental disabilities and those age 65 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.
- Require dental hygienists performing this expanded dental hygiene practice to have an ECPIII, which is granted by the Kansas Dental Board if specified conditions are met by an applicant, including the following: (a) the dental hygienist has performed 2,000 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for three of the past four academic years, and the hygienist has completed an approved course of study of 18 seat hours which meets specified course requirements, and the hygienist completes at least three hours of education related to the bill's authorized expanded scope of practice; (b) the hygienist is sponsored by a Kansas licensed dentist, that sponsorship being accompanied by a signed agreement with specified content; (c) the hygienist's tasks and procedures are limited as specified in the bill; and (d) the hygienist advises the patient and legal guardian that the services are preventive and do not constitute comprehensive dental diagnosis and care.

Additional Provisions

Additional provisions of the bill would be:

- Require the Kansas Health Policy Authority (KHPA - now the Kansas Department of Health and Environment, or KDHE) to provide dental coverage for persons otherwise covered by Kansas' Medicaid program.
- Require KHPA (KDHE) to appoint a commission to study issues related to barriers in Medicaid that may affect dental participation.
- Require KHPA (KDHE) to provide, subject to appropriations, sufficient funding for the support and maintenance of the donated dental services program.
- Authorize KHPA (KDHE) to receive and expend donations or gifts to support the Act's training and dental services.
- Require dental students who receive state tuition subsidies pursuant to an agreement between the Kansas Board of Regents (KBOR) and the University of Missouri-Kansas City (UMKC) School of Dentistry to provide services in underserved areas of Kansas for a minimum of four years after graduation.