

KANSAS DENTAL BOARD

September 2007

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...Our mission is to protect the public

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Total Dentists	2016
Practicing in KS	1370
Total Hygienists	2146
Practicing in KS	1574

Statistics

23 Level I Sedation Permits
51 Level II Sedation Permits
27 Extended Care I Permits
37 Extended Care II Permits

LEGISLATION

There were revisions to the Dental Practices Act in 2007. The latest version of the act is on our website. The following statutes were revised:

KSA 65-1431 was changed in order to allow the board to renew licensees in a staggered fashion. This is explained later in the newsletter.

KSA 65-1456 was revised to decrease some requirements in obtaining an extended care permit, and will allow extended care permit holders (ECPs) to see more types of patients. It also expanded the practice of all dental hygienists

(EXTENDED CARE PERMIT I)

(f) The practice of dental hygiene may be performed with consent of the parent or legal guardian, on children participating in residential and non-residential centers for therapeutic services, on all children in families which are receiving family preservation services, on all children in the custody of the secretary of social and rehabilitation services 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 to five and children in public and nonpublic schools kindergarten through grade 12 regardless of the time of year and children participating in youth organizations, so long as such children birth to five, in public or nonpublic schools or participating in youth organizations also meet the requirements of medicaid, healthwave, or free or reduced lunch programs or Indian health services; 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" 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 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.

(Extended Care PERMIT II)

65-1456 (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, 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 1,800 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;

ALL LICENSED DENTAL HYGIENISTS

(h) In addition to the duties specifically mentioned in subsection (b) of K.S.A. 65-1456, and amendments thereto, 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 anesthesia 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 anesthesia regardless of the type shall have completed courses of instruction in local anesthesia and nitrous oxide which have been approved by the board.***

(k) 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.

New Sec 5. A dental hygienist who meets the requirements of subsections (f)(1) or (g)(1)(A) of K.S.A. 65-1456, and amendments thereto, prior to a period of retirement or disability, but not within the past three years, and is returning to active practice after such period of retirement or disability under K.S.A. 65-1431(i), and amendments thereto, or who has retained a license to practice but has not practiced in the past three or more years may qualify for an extended care permit by completing a refresher course approved by the board under K.A.R. 71-3-8 or performing 200 hours of dental hygiene care within the last 12 months under the supervision of dentists licensed in the state of Kansas and provides the board with a letter of endorsement from one of the supervising dentists.

NOTE: BOARD'S POSITION ON ORAQIX since the above legislation change.....

In the newsletter of Fall 2006 the board's position was that Oraqix could be applied by a hygienist who has a certificate of completion of local anesthesia training and an updated CPR card under direct supervision of the dentist. Due to the recent change in the law, underlined above, Oraqix can be applied under the general supervision of a dentist, if the hygienist has completed course of instruction in local anesthesia and nitrous oxide approved by the board. Both extended care permit holders can apply a topical anesthetic if they have completed the required course of instruction in local anesthesia.

KSA 65-1444 was revised to define the board's authority regarding sedation permits.

KSA 65-1447 limits the fee for a sedation permit to not more than \$200.

BOARD ACTIONS SINCE LAST NEWSLETTER (May 2007)

Board Orders are posted on the website. Below are Stipulations and Final Agency Orders from the April 2007 meeting:

Kenneth A. Hansen, DDS Abilene, KS – The order is based upon the lack of treatment of a chronic periodontal problem. He was fined \$1000 and is required to take 24 hours of CE in periodontal treatment and 8 hours of CE in risk management.

Robert Wood, DDS, Topeka, KS – He shall not dispense any controlled substance listed in schedules III – V other than by direct administration to the patient or by prescribing. He may not dispense any controlled substance listed in Schedule II. He has an agreement with the DEA in regard to limitations because of an incident in his office in which drugs were stolen

and were found in the residence of a deceased person. He did not have a proper inventory and had controlled substances after he had surrendered his DEA registration.

Eric Youvan, DDS Pittsburg, KS – He will enter into the HAPN program. He owned a dental practice in 2003 while he had a retired license. He was fined \$1500.

From the board meeting of June 2007:

Henry Passaro , DDS, Merriam, Ks - He surrendered his license. Dr. Passaro did not wish to enter the HAPN program and chose to surrender his license instead.

Bradley R. Jenkins, DDS, Wakeeney, Ks - Three complaints were resolved, two regarding substandard care on root canals, and one case involving a crown preparation that was below the standard of care. He was fined \$500 and is required to take 12 hours of CE on the topic of crown and bridge and a minimum of 2 CE hours in risk management.

BOARD INTERPRETATIONS

Board meeting April 20, 2007

The board considered whether a hygienist licensed in another state could come to Kansas for a continuing education clinical hands-on patient care setting. It was determined that KSA 65-1423(a)(5) allows an out of state dentist to do that, however the statute does not address hygienists. A revision of the statutes was suggested to allow a hygienist this ability.

HOW TO DO ONLINE RENEWALS NOW! – FOR HYGIENISTS

Paper renewal forms will be mailed soon to hygienists. You will be able to renew online by a link on our website: www.kansas.gov/kdb or directly from www.kansas.gov/kdb/renewal. You will enter your license number and last four digits of your social security number to begin. Renewing online is quick and easy, you may pay by credit card (Mastercard, Visa or Discover) or a check handy so you can create an electronic check payment. You will not be able to renew online if you have had a settlement, discipline in another state, conviction or are in the military, because you will need to supply documentation. IF YOU ARE BEING AUDITED, your paper form will instruct you to send in your Continuing Education certificates and you can not renew online. To avoid computer problems, be sure your computer is updated with the daylight savings time change and date or you may have timing out issues with your application. If you choose not to renew online, return the paper form with a check or Discover. All renewals begin on October 1, 2007. The cost of a license renewal and the transaction fees online are as follows:

Hygienist with even number, \$75 for 1 year with \$4.00 convenience fee. After 2/1/08 late fee \$575 plus \$22.00.

Hygienist with odd number, \$150 for 2 years with \$7.00 convenience fee. After 2/1/08 late fee \$650 plus \$24.00.

EXPLANATION OF STAGGERED RENEWALS

This year we begin the process of staggering our renewals. The following table will demonstrate how the license renewals will be processed. The changes are necessary to create a consistent revenue stream each year. The method used is to eventually renew all licensees with odd numbers in the odd years, and even numbers in the even years. We will be renewing the even numbered hygienists for one year this renewal, and odd numbered dentists for one year in the renewal next year. By 2009, all licensees will be renewing every two years as usual. The schedule on the next page will describe for all licensees the schedule:

RENEWAL AND CE SCHEDULES 2007 - 2010

2007 Renewals

RDHs with **odd** license numbers will renew for two years 2007-2009

They will need 30 hours CE = 12/1/2005 to 12/1/2007

RDHs with **even** license numbers will renew for one year 2007-2008

They will need 30 hours of CE = 12/1/2005 to 12/1/2007

2008 Renewals

DDS/DMDs with **even** license numbers will renew two years 2008-2010

They will need 60 hours of CE = 12/1/2006 to 12/1/2008

DDS/DMDs with **odd** license numbers will renew one year 2008-2009

They will need 60 hours of CE = 12/1/2006 to 12/1/2008

RDHs with **even** license numbers will renew for two years 2008-2010
They will need 15 hours of CE = 12/1/2007 to 12/1/2008

2009 Renewal

RDHs with **odd** license numbers will renew for two years 2009-2011
They will need 30 hours of CE = 12/1/2007 to 12/1/2009

DDS/DMDs with **odd** license numbers will renew for two years 2009-2011
They will need 30 hours of CE = 12/1/2008 to 12/1/2009

2010 Renewal

RDHs with **even** license numbers will renew for two years 2010-2012
They will need 30 hours of CE = 12/1/2008 to 12/1/2010

DDS/DMDs with **even** license numbers will renew for two years 2010-2012
They will need 60 hours of CE = 12/1/2008 to 12/1/2010

NEW REGULATIONS IN PROCESS

At the June 22, 2007 meeting the board approved new regulations on sedation and for dental and dental hygiene externships. The proposed regulations must be reviewed by the department of administration and the attorney general's office before a meeting will be held for public comment.

COMPLIANCE TIPS

Claims of superiority can cost you money because the board will make you change your signs, advertisements and stationery. It is a violation of the dental practices act to claim to be the most advanced, the most modern, or the best dentist in an advertisement or name.

The **majority presence rule** is alive and well. Did you know that if you own, or partly own a dental practice or professional association, you must be in the practice a majority of the time it is open? This means that if you own two or more practices, or own shares in two or more dental practices, you must physically be there, in each practice a majority of the time it is in operation. If the practice is only open when you are there, you would not be in violation, but, if your businesses are in operation, and you have dentist employees, you must assure that you can demonstrate you are in each location most of the time it is open.

The Kansas Dental Well Being Program is sponsored by the Kansas Dental Board with the support and cooperation of the Kansas Dental Association and Kansas Dental Hygienists Association. If you are a dental professional struggling with drugs, alcohol or a mental issue that could impair your ability to practice safely, call 913-236-7575.

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