

CHAPTER 142**(SB 153)**

AN ACT relating to the practice of dentistry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

- (1) The board may grant a temporary license to a dentist or dental hygienist who holds a currently valid license from another state, district, possession, or territory of the United States for the sole purpose of providing medical care to indigent populations who may not otherwise be able to obtain such services, without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer. The health care services shall be provided to charitable organizations only. The license shall be valid for a seven (7) day period.*
- (2) To obtain the temporary license issued under subsection (1) of this section, the dentist or dental hygienist shall:*
 - (a) Apply to the Board of Dentistry at least thirty (30) days prior to providing the health care services under subsection (1) of this section;*
 - (b) Include in the application a letter from the jurisdiction in which the dentist or dental hygienist is licensed that indicates the applicant's license number and a statement that indicates that the dentist or the dental hygienist is in good standing in the licensing jurisdiction; and*
 - (c) Pay a twenty-five dollars (\$25) registration fee.*
- (3) Prior to beginning the services permitted under subsection (1) of this section, the dentist or dental hygienist shall notify the appropriate agent in the Cabinet for Health Services.*
- (4) A dentist or dental hygienist working under this section may perform all preventive procedures and treatments including, but not limited to, scaling, prophylaxis, radiographs, sealants, and fluoride application.*
- (5) In addition to the procedures permitted under subsection (4) of this section, a dentist may perform those procedures or treatments considered to be routine in nature and that are typically performed and completed in one (1) appointment. The procedures include simple extractions and basic restorative procedures. All procedures performed other than those provided in this subsection and subsection (4) of this section shall be performed by a dentist holding a currently valid license in the Commonwealth.*
- (6) A dentist or dental hygienist working under this section who registers as a charitable health care provider under Section 2 of this Act shall be eligible for the provision of medical malpractice insurance procured under KRS 304.40-075.*
- (7) The board shall promulgate administrative regulations that are reasonably necessary to administer this section.*

Section 2. KRS 216.941 is amended to read as follows:

- (1) Notwithstanding any provision of law to the contrary, no additional license or certificate otherwise required under the provisions of KRS Chapters 211, 216, 311, 312, ~~313,~~ or 314 shall be necessary for the voluntary provision of health care services by any person who:*

- (a) Is a charitable health care provider as defined in KRS 216.940; or
 - (b) Does not regularly practice in the Commonwealth.
- (2) No person whose license or certificate is suspended or revoked under disciplinary proceedings in any jurisdiction, nor any person who renders services outside of the scope of practice authorized by his or her licensure or certification or exception to license or certification shall be allowed to participate with any sponsoring organization as a charitable health care provider.
- (3) Before providing charitable health care services in this state, a charitable health care provider or sponsoring organization shall register with the Cabinet for Health Services by filing a registration form that shall contain the following information:
- (a) The name, address, and phone number of the charitable health care provider;
 - (b) Written and verifiable documentation of a current Kentucky license including, if applicable, a license granted to an individual under a reciprocal agreement with another state or country;
 - (c) The name, principal office address, phone number, and principal officer of any sponsoring organization;
 - (d) The dates, locations, types of services, and intended recipients of any charitable health care services to be performed in the state;
 - (e) Information as to any medical malpractice insurance procured under KRS 304.40-075 or otherwise; and
 - (f) Other information as the cabinet may require by administrative regulation.
- (4) The cabinet shall provide, upon request of the charitable health care provider or sponsoring organization, any information available as to declared emergencies, underserved populations, and lack of access to health care in the state that will assist the charitable health care provider or sponsoring organization in the provision of these services.
- (5) Boards of health created under KRS Chapter 212 may submit requests for charitable health care providers in their jurisdictions to be listed in any information provided.
- (6) Each sponsoring organization shall maintain a list of health care providers associated with its provision of charitable health care services. For each health care provider, the sponsoring organization shall maintain a copy of a current license, certificate, or statement of exemption from licensure or certification and shall require each health care provider to attest in writing that his or her license or certificate is not suspended or revoked under disciplinary proceedings in any jurisdiction. The sponsoring organization shall maintain its records of charitable health care providers for at least five (5) years after the provision of charitable health care services, including actual dates, types of services, and recipients of charitable health care services, and shall furnish these records upon the request of the Cabinet for Health Services. Compliance with this section shall be prima facie evidence that the sponsoring organization has exercised due care in selecting charitable health care providers.
- (7) The cabinet may revoke the registration of any charitable health care provider or sponsoring organization for failure to comply with the provisions of KRS 216.940 to 216.945, in accordance with the provisions of KRS Chapter 13B.

- (8) The cabinet shall report to the General Assembly the name and location of individuals registered with the cabinet as charitable health care providers, by October 1 of each year.

Section 3. KRS 216.942 is amended to read as follows:

With regard to a person who provides charitable health care services under KRS 216.941, the provisions of KRS Chapters 211, 216, 311, 312,~~313,~~ or 314 shall not apply with respect to itinerant providers, licensing, or certification and all requirements regarding display of a license or certification shall be satisfied by the presentation for inspection, upon request, of a photocopy of the applicable license, certificate, or statement of exemption from the state, territory, district, or possession of the United States in which the provider is licensed, certified, or exempt.

Approved April 2, 2002