

CHAPTER 53

(SB 26)

AN ACT relating to dental services.

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

Section 1. KRS 313.240 is amended to read as follows:

~~{(1)—}~~ No person shall practice or offer to practice dentistry or dental surgery under the name of any company, association, or corporation, except the name of a professional service corporation established under KRS Chapter 274, ***or as provided under Section 2 of this Act.*** Any person practicing or offering to practice dentistry or dental surgery shall practice under his ***or her*** own name, ~~{or}~~ the name of the professional service corporation which includes his ***or her*** name, ***or the name of a deceased or incapacitated dentist for whom the person practicing dentistry has contracted to perform continuing operations.*** No such person shall conduct a dental office in his ***or her*** name nor advertise his ***or her*** name in connection with any dental office unless he ***or she*** personally performs services as a dentist or dental surgeon in such office or personally supervises such services as are performed in such office during a portion of the time such office is operated by him ***or her*** only, and shall not use his ***or her*** name in connection with that of any other dentist, ***except as provided for deceased or incapacitated dentists in Section 2 of this Act.***

~~{(2)—}~~ No person shall be an incorporator, director, officer, or shareholder in more than three (3) professional service corporations rendering dental or dental surgery services. No dentist or dental surgeon or group of dentists or dental surgeons shall practice in more than three (3) locations.

SECTION 2. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

- (1) ***The executor or administrator of a deceased dentist's estate, or the legal guardian or authorized representative of a dentist who has become incapacitated, may contract with another dentist or dentists to continue the operations of the deceased or incapacitated dentist's practice if the practice of the deceased or incapacitated dentist is a:***
 - (a) ***Sole proprietorship;***
 - (b) ***Corporation in which the deceased or incapacitated dentist is the sole shareholder; or***
 - (c) ***Limited liability company in which the deceased or incapacitated dentist is the sole member.***
- (2) ***Contracts to continue the operations of a deceased or incapacitated dentist's practice may extend until the practice is sold.***
- (3) ***Prior to contracting with another dentist or dentists to continue operations of a deceased or incapacitated dentist's practice the executor, administrator, guardian, or authorized representative shall file a notification of intent to contract for continuation of practice with the Board of Dentistry on a form prescribed by the board. The notification shall include the following information:***
 - (a) ***The name and license number of the deceased or incapacitated dentist;***
 - (b) ***The name and address of the dental practice;***
 - (c) ***The name, address, and tax identification number of the estate;***
 - (d) ***The name and license number of each dentist who will provide services in the dental practice;***
 - (e) ***An affirmation, under penalty of perjury, that the information provided is true and correct and that the executor, administrator, guardian, or authorized representative understands that any interference by the executor, administrator, guardian, or authorized agent or any agent or assignee of the executor, administrator, guardian, or authorized representative with the contracting dentist's or dentists' practice of dentistry or professional judgment or any other violation of this chapter is grounds for an immediate termination of the operations of the dental practice; and***
 - (f) ***Any other information the board deems necessary for the administration of this chapter.***
- (4) ***Within thirty (30) days after the death or incapacitation of a dentist, the executor, administrator, guardian, or authorized representative shall send notification of the death or incapacitation by mail to the last known address of each patient of record that has received treatment by the deceased or incapacitated dentist within the previous twelve (12) months, with an explanation of how copies of the practitioner's records may be***

obtained. This notice may also contain any other relevant information concerning the continuation of dental practice.

- (5) *The provisions of this section and Section 1 of this Act shall not be interpreted to relieve any person providing dental services from the requirements of KRS 313.020 or 313.190.*

Approved March 21, 2007.