

AN ACT relating to oral health care and making an appropriation therefor.

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) It is the declared policy of the General Assembly of Kentucky that the practice of dentistry should be regulated and controlled as provided by this chapter and by the administrative regulations of the board in order to protect and safeguard the health and safety of the citizens of the Commonwealth of Kentucky.

(2) It is the intent of the General Assembly that, as of the effective date of this Act:

(a) The denturist profession shall be governed by a peer-reviewed, practitioner-based body; and

(b) The board established in Section 3 of this Act is the best means to carry out this purpose.

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

As used in Sections 1 to 15 of this Act, unless the context requires otherwise:

(1) "Board" means the Kentucky Denturist Board;

(2) "Dental prosthetic" means any removable full or partial upper or lower prosthetic dental appliance to be worn in the human mouth;

(3) "Denturist" means a person licensed to engage in the practice of dentistry and who is authorized within the person's scope of practice to provide to the public removable nonorthodontic dental appliances intended to be worn in the human mouth; and

(4) "Practice of dentistry" means:

(a) Serving individuals with prosthetic oral appliances after:

1. Examination of the patient's oral cavity by the denturist; and

2. Immediate referral of the patient to a physician or dentist if the

denturist has reasonable cause to believe that there is an abnormality of disease process requiring medical or dental treatment;

(b) Taking impressions, constructing, repairing, relining, reproducing, duplicating, supplying, seating, fitting or altering a replacement or immediate full or partial denture or other removable nonorthodontic dental appliance intended to be worn in the human mouth in respect of which a service is performed under paragraph (c) of this subsection; and

(c) The following services when performed for a purpose listed in paragraph (a) of this subsection:

1. Examining the patient's oral cavity;
2. The taking of impressions;
3. The taking of bite registration;
4. Try-ins of dentures or other removable nonorthodontic dental appliances intended to be worn in the human mouth; and
5. Insertions of dentures or other removable nonorthodontic dental appliance intended to be worn in the human mouth.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

(1) The Kentucky Denturity Board is hereby created to be composed of seven (7) members appointed by the Governor. Five (5) members shall be active licensed denturists and two (2) members shall be individuals at-large from the general public with no family or business relation to dental care but with an interest in the rights of consumers of dental services. At least one (1) at-large member shall be a concerned senior citizen who is at least fifty-five (55) years old. Appointments may be made from a list of nominees submitted to the Governor by the Kentucky Denturist Association.

(2) Each member of the board shall serve for a term of four (4) years, except that for

initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3) years, three (3) shall be for two (2) years, and one (1) shall be for one (1) year. Vacancies shall be filled in the manner of the original appointment for the length of the unexpired portion of the term only. Appointment to a vacancy for more than two (2) years shall constitute a full term of appointment.

(3) The board shall organize annually and elect by majority one (1) of its members as chair and one (1) of its members as secretary for a one (1) year term. A vice chair shall be elected by the board to preside over board meetings in the chair's absence. The board shall meet at least annually and upon the call of the chair or at the request of four (4) or more members to the secretary of the board.

(4) The board chair shall establish an agenda to conduct business for each meeting.

(5) A majority of the board members shall constitute a quorum for the transaction of necessary business.

(6) Upon recommendation by a majority of the board members and after notice and a hearing, the Governor may remove any member for failure to maintain the qualifications as a board member, incompetence, neglect of duty, or malfeasance in office. Any board member removed under this subsection shall be entitled to appeal the removal in the Franklin Circuit Court.

(7) There shall be no liability on the part of, and no action for damages against, any current or former board member, representative, agent, or employee of the board, when the person is acting with ordinary care, is functioning within the scope of board duties, is acting without malice, and has the reasonable belief that the actions taken by him or her are warranted by law.

(8) Each member of the board shall receive in addition to travel, hotel, and other necessary expenses, a reasonable amount as determined by the board through the promulgation of administrative regulations for each day the member is engaged in the discharge of official duties at scheduled or called meetings of the board.

The compensation of members and employees of the board shall be paid from the revolving fund established in Section 6 of this Act.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

The board shall:

- (1) Administer and enforce Sections 1 to 15 of this Act. The board alone shall have this authority;*
- (2) Promulgate administrative regulations to administer and enforce Sections 1 to 15 of this Act;*
- (3) Issue and renew the licenses of duly qualified applicants, following procedures established by the board through the promulgation of administrative regulations;*
- (4) Determine and enforce continuing education requirements and establish guidelines for approval of continuing education;*
- (5) Approve denturist educational programs and monitor compliance with the educational standards as recognized by the board;*
- (6) Designate funds for scholarships, program development, or continued education;*
- (7) Investigate suspected or alleged violations of this chapter, conduct hearings and record minutes, resolve the allegations, and, if appropriate, impose sanctions or penalties;*
- (8) Submit an annual report to the Governor and the Legislative Research Commission by July 1 that provides information concerning the board's work regarding licensure of professionals under this chapter and that lists all hearings conducted by the board and the decisions rendered;*
- (9) Establish fees by administrative regulation for the following:*
 - (a) Application;*
 - (b) License;*
 - (c) License renewal;*

(d) License restoration;

(e) Replacement or duplicate license;

(f) Delinquency;

(g) Disciplinary actions; and

(h) Provision of copies of official documents or records and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the record; and

(10) Select the subject matter and standards of proficiency for examinations related to issuance of licenses or registrations issued under Sections 1 to 15 of this Act or administrative regulations promulgated thereunder.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

(1) The board may issue advisory opinions and declaratory rulings related to Sections 1 to 15 of this Act and the administrative regulations promulgated thereunder as established by administrative regulation.

(2) The board may utilize materials, services, or facilities as may be made available to it by other state agencies or may contract for materials, services, or facilities.

(3) The board shall develop a proposed biennial budget for all administrative and operational functions and duties.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

(1) On behalf of the board, the board chair shall receive and account for all moneys collected pursuant to the provisions of Sections 1 to 15 of this Act, or the administrative regulations promulgated thereunder, and shall deposit all these moneys into the State Treasury, to be credited to a revolving fund which is hereby created for the purpose of defraying the costs and expenses of the administration of Sections 1 to 15 of this Act.

- (2) This fund shall be administered by the board and shall be used for the reimbursement of board members for actual and necessary expenses incurred in the performance of their official duties, the compensation of all of the employees of the board, and payment of all other operational expenses incurred in fulfilling the board's duties as described in Sections 1 to 15 of this Act and administrative regulations, and are hereby appropriated for those purposes.
- (3) No part of this fund shall revert to the general fund of the Commonwealth.
- (4) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in Sections 1 to 15 of this Act.
- (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

- (1) Unless a person holds a valid license issued under Section 9, 10, or 11 of this Act, the person shall not:
- (a) Engage, or offer to engage, in the practice of dentistry; or
- (b) Use in connection with the name of the person the word "denturist" or any other words, terms, letters or abbreviations or insignia tending to indicate that such person is engaged in the practice of dentistry.
- (2) The prohibitions of subsection (1) of this section do not apply to:
- (a) Any activity by a person acting under the supervision of a denturist;
- (b) The practice of dentistry or medicine by persons authorized to do so by this state; and
- (c) A student of dentistry who is enrolled in an approved school program or is in pursuit of clinical studies under an approved school program or internship program, or a person having met the formal educational

requirements, who is operating, for no more than two (2) years, under the direct supervision of a dentist in pursuit of practical clinical experience as required for completion of such education or internship program.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

Upon application and payment of required fees, the board shall issue a license to practice dentistry to any applicant who:

(1) Submits satisfactory evidence to the board that the applicant has successfully completed a program in dentistry, or the equivalent in formal, post-secondary education, approved by the agency in consultation with the National Denturist Association. The educational program shall adhere to the criteria set forth in the Denturist Education Certification Program, and shall include, at a minimum:

(a) Satisfactory evidence that the applicant has successfully completed, during or after post-secondary study, a minimum of one thousand (1,000) hours in the practice of dentistry under the supervision of an approved school or has completed the equivalent supervised experience, as determined by the National Denturist Association; and

(b) Performs to the satisfaction of the board on a written and a practical examination prescribed, recognized, or approved by the National Denturist Association and administered at least annually. An applicant who fails the practical examination may be required to complete additional hours of clinical and laboratory training in an approved work experience program, as determined by the board, to qualify for reexamination.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

The board may issue a license to practice dentistry, without examination, to any person who:

- (1) Submits an application and pays the required fees;
- (2) Has satisfied the educational requirements established by board; and
- (3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada, or a commonwealth or a territory of the United States, if the standards for licensing of denturists in the licensing jurisdiction are determined by the board to be substantially equivalent to Kentucky's or if the applicant has passed a National Denturist Association certified written and practical exam.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

- (1) (a) A license to practice denturity issued by board shall expire one (1) year from the date of issuance unless renewed on or before the expiration date by payment of the required renewal fee and submission of satisfactory evidence of completion of continuing education courses.
- (b) The board may vary the renewal date of a license by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.
- (2) A license that has expired less than one (1) year before the date of application for renewal may be renewed upon application for renewal and payment of the required renewal fee and delinquency fee upon submission of satisfactory evidence of completion of continuing education.
- (3) A license that has expired more than one (1) year before the date of application for renewal but less than three (3) years may be renewed upon application for renewal, payment of the required renewal fee and restoration fee, and submission of satisfactory evidence of completion of continuing education.
- (4) A license that has expired more than three (3) years before the date of application for renewal may be reinstated upon payment of the required license fee and submission of satisfactory evidence of completion of continuing education.

(5) The board may refuse to issue or renew a license of an applicant whose license has been denied, suspended, or revoked and not renewed for up to one (1) year from the date of the denial, suspension or revocation.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

The board may deny, revoke, or suspend the license of an individual who:

(1) Has engaged in conduct relating to his or her profession that is likely to deceive, defraud, or harm the public;

(2) Has engaged in alcohol and other drug abuse as defined in KRS 222.005;

(3) Develops a physical or mental disability or other condition that makes continued practice or performance of his or her duties potentially dangerous to patients or the public;

(4) Performs procedures under or represents as valid to any person a license:

(a) Not issued by the board;

(b) Containing unauthorized alterations; or

(c) Containing changes that are inconsistent with board records regarding its issuance;

(5) Has been convicted of a crime that is a felony under the laws of this state or convicted of a felony in a federal court, unless the individual has had all civil rights restored;

(6) Exhibits significant or repeated failure in the performance of professional duties;
or

(7) Fails to comply with any administrative regulation of the board.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

(1) The board shall notify any licensee of alleged offenses. The notice shall include sufficient detail to reasonably apprise the person of the allegations, the nature of

the offense charged, or both.

- (2) The board shall furnish the licensee with written notice of the date, time, and place of a hearing.
- (3) A licensee who fails to respond to a notice of a hearing or fails to attend the hearing shall have the license revoked immediately.
- (4) The board shall notify any employer or employers and any appropriate credentialing organization if a license is suspended or revoked.
- (5) A licensee may request a conference and appeal the board's action.
- (6) All actions and proceedings under this section shall be conducted in accordance with KRS Chapter 13B.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

- (1) Examinations of applicants for licensure shall be held at least one (1) time each year. Timely and appropriate notice shall be given to each applicant for licensure.
- (2) The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice dentistry. The examination may be in the form of written, oral, or practical demonstration of skills, or a combination of any such types as determined by the National Denturist Association.

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ AS FOLLOWS:

- (1) A licensed denturist, a licensed dentist, or any other related healthcare provider may cooperate and maintain any business or professional association that is mutually agreeable with each being responsible for their respective area of expertise.
- (2) All health benefit plans issued or renewed on or after the effective date of this Act, that provide coverage for dental prosthetic services to a covered person shall provide coverage for payment of dental prosthetic charges for services performed

by a licensed denturist if those services are covered when provided by a licensed dentist. The same deductibles, coinsurance, network requirements, medical necessity provisions, and other limitations as apply when services are performed by a licensed dentist shall apply when performed by a licensed denturist.

→SECTION 15. A NEW SECTION OF KRS CHAPTER 13 IS CREATED TO READ AS FOLLOWS:

The board shall assess civil penalties authorized by Section 4 of this Act against an individual or licensee who performs denturity procedures without a valid license.