

1 AN ACT relating to the practice of dentistry.

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

3 ➔Section 1. KRS 313.010 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

- 5 (1) "Board" means the Kentucky Board of Dentistry;
- 6 (2) "Certified dental technician" means an individual recognized as such by the  
7 National Board for Certification in Dental Laboratory Technology;
- 8 (3) "Delegated duties list" means the list of procedures authorized in administrative  
9 regulation which may be delegated by a dentist licensed under this chapter to a  
10 licensed dental hygienist or a registered dental assistant;
- 11 (4) "Dental auxiliary personnel" means any staff member of a dental office not licensed  
12 by or registered with the board;
- 13 (5) "Dental hygiene" means the treatment of the oral cavity, including but not limited to  
14 dental hygiene assessment or screening, scaling and root planing, nonsurgical  
15 therapy, removing calcareous deposits, removing accumulated accretion from  
16 beneath the free gingival margin, cavity preventive procedures, ***and*** periodontal  
17 procedures that require administering antimicrobial agents along with other general  
18 dentistry activities outlined in the treatment care plan and not prohibited by this  
19 chapter or by administrative regulation promulgated by the board;
- 20 (6) "Dental hygienist" means any person who ***is licensed to practice dental hygiene***  
21 ***under this chapter***~~has graduated from a CODA accredited dental hygiene program~~  
22 ~~at an institute of higher learning and has been credentialed as a "Registered Dental~~  
23 ~~Hygienist";~~
- 24 (7) "Dental laboratory" includes any person, firm, or corporation other than a licensed  
25 dentist, who directly or through an agent or employee, by any means or method, in  
26 any way supplies or manufactures artificial substitutes for the natural teeth, other  
27 than those unfinished substitutes normally available through dental supply houses,

- 1 or who furnishes supplies, constructs, or reproduces or repairs any prosthetic  
2 denture, bridge, or appliance to be worn in the human mouth, or who performs or  
3 offers or undertakes to perform or accomplish dental laboratory technology;
- 4 (8) "Dental laboratory technician" means any person who performs or offers or  
5 undertakes to perform or accomplish dental laboratory technology;
- 6 (9) "Dental specialist" means a dentist who is licensed to practice in a dental specialty  
7 field under this chapter~~[practices in fields of specialty recognized and approved by~~  
8 ~~the American Dental Association];~~
- 9 (10) "Dentist" means any person who is licensed to practice dentistry under this  
10 chapter~~[has graduated from a Commission on Dental Accreditation (CODA)~~  
11 ~~accredited dental school and has been conferred with the degree of "Doctor of~~  
12 ~~Medical Dentistry" (D.M.D.) or "Doctor of Dental Surgery" (D.D.S.)];~~
- 13 (11) (a) "Dentistry" means the evaluation, diagnosis, prevention, or surgical,  
14 nonsurgical, or related treatment of diseases, disorders, or conditions of the  
15 oral cavity, maxillofacial area, or the adjacent and associated structures and  
16 their impact on the human body provided by a dentist within the scope of his  
17 or her education, training, and experience and in accordance with the ethics of  
18 the profession and applicable law.
- 19 (b) Any person shall be regarded as "practicing dentistry" who, for a fee, salary,  
20 or other reward paid, or to be paid either to himself or herself~~;~~ or to another  
21 person~~;~~  
22 1. Performs or advertises to perform, dental operations of any kind,  
23 including the whitening of natural or manufactured teeth~~;~~ ~~or who~~  
24 2. Diagnoses or treats diseases or lesions of human teeth or jaws, or  
25 attempts to correct malpositions thereof~~;~~ ~~or who~~  
26 3. Diagnoses or treats disorders, or deficiencies of the oral cavity and  
27 adjacent associated structures~~;~~ ~~or who~~

1           4. Takes impressions of the human teeth or jaws to be used directly in the  
2           fabrication of any intraoral appliance;~~]; or shall construct, supply,~~  
3           ~~reproduce or repair ]~~

4           5. *Constructs, supplies, reproduces, or repairs* any prosthetic denture,  
5           bridge, artificial restoration, appliance or other structure to be used or  
6           worn as a substitute for natural teeth, except upon the written laboratory  
7           procedure work order of a licensed dentist and constructed upon or by  
8           the use of casts or models made from an impression taken by a licensed  
9           dentist;~~]; or who shall advertise, offer, sell, or deliver]~~

10          6. *Advertises, offers, sells, or delivers* any such substitute or the services  
11          rendered in the construction, reproduction, supply, or repair thereof to  
12          any person other than a licensed dentist;~~]; or who ]~~

13          7. Places or adjusts such substitute in the oral cavity of another; *and*~~]; or~~  
14          ~~who ]~~

15          8. Uses the words "dentist," "dental surgeon," the letters "D.D.S.,"  
16          "D.M.D.," or other letters or title in connection with his or her name,  
17          which in any way represents him or her as being engaged in the practice  
18          of dentistry;

19          (12) "Direct supervision" means that the dentist is physically present in the dental office  
20          or treatment facility, personally diagnoses the condition to be treated, authorizes the  
21          procedures to be performed, remains in the dental office or treatment facility while  
22          the procedures are being performed, and evaluates the performance of the  
23          individual supervised;

24          (13) "General supervision" means a circumstance of treatment in which a dentist  
25          licensed under this chapter must diagnose and authorize the work to be performed  
26          on a patient by the dental hygienist authorized pursuant to administrative regulation  
27          to work under general supervision but the dentist is not required to be on the

1 premises while the treatment is carried out;

2 (14) "Registered dental assistant" means any person who is registered with the board and  
3 works under the direct supervision of a dentist;

4 (15) "Telehealth" means the use of interactive audio, video, or other electronic media to  
5 deliver health care. It includes the use of electronic media for diagnosis,  
6 consultation, treatment, transfer of health or medical data, and continuing  
7 education; and

8 (16) "Volunteer community health setting" means a setting in which services are  
9 rendered at no charge to the patient or to third-party payors.

10 ➔Section 2. KRS 313.021 is amended to read as follows:

11 (1) The board shall:

12 (a) Exercise all of the administrative functions of the Commonwealth in the  
13 regulation of the profession of dentistry, including but not limited to dentists,  
14 dental hygienists, dental assistants, and dental laboratories;

15 (b) Subject to the provisions of this chapter, create levels of licensure or  
16 registration as appropriate for individuals providing services under this  
17 chapter. These shall consist of:

- 18 1. Dentist;
- 19 2. Dental hygienist; and
- 20 3. Dental assistant;

21 (c) ~~[The board shall ]~~Promulgate administrative regulations in accordance with  
22 KRS Chapter 13A for any license or registration the board may create. The  
23 administrative regulations shall, at a minimum, address:

- 24 1. Requirements for students, if appropriate;
- 25 2. Requirements for education;
- 26 3. Eligibility for licensure or registration; and
- 27 4. Renewal requirements;

- 1 (d) Oversee the operations and establish the organizational structure of the Office  
2 of the Kentucky Board of Dentistry, which is created and shall be attached to  
3 the board for administrative purposes. The office shall be headed by the  
4 executive director appointed under paragraph (e) of this subsection and shall  
5 be responsible for:
- 6 1. Personnel and budget matters affecting the board;
  - 7 2. Fiscal activities of the board, including grant writing and disbursement  
8 of funds;
  - 9 3. Information technology, including the design and maintenance of  
10 databases;
  - 11 4. Licensure of dentists and dental hygienists;
  - 12 5. Registration of dental assistants;
  - 13 6. Investigation of complaints; and
  - 14 7. Other responsibilities which may be assigned to the executive director  
15 by the board;
- 16 (e) Employ an executive director and fix his or her compensation. The executive  
17 director shall serve at the pleasure of the board, administer the day-to-day  
18 operations of the Office of the Kentucky Board of Dentistry, and supervise all  
19 directives of the board. The executive director shall possess a baccalaureate  
20 degree and shall have no less than five (5) years of experience in public  
21 administration;
- 22 (f) Employ or contract with an attorney licensed to practice law in Kentucky and  
23 fix his or her compensation. The attorney shall serve at the pleasure of the  
24 board and have primary assignment to the board;
- 25 (g) Employ or contract with personnel sufficient to carry out the statutory  
26 responsibilities of the board;
- 27 (h) Establish committees and subcommittees and the membership thereof.

- 1 Members of committees and subcommittees shall not need to be members of  
2 the board;
- 3 (i) Provide for affiliation with the American Association of Dental Boards and  
4 all testing organizations that administer qualifying examinations for  
5 licensure required under this chapter;
- 6 (j) Select the subject matter and standards of proficiency for examinations related  
7 to issuance of licenses or registrations issued under this chapter or  
8 administrative regulations promulgated hereunder; and
- 9 (k) Have the authority to issue advisory opinions and declaratory rulings related  
10 to this chapter and the administrative regulations promulgated thereunder as  
11 established by administrative regulation.
- 12 (2) The board may utilize materials, services, or facilities as may be made available to  
13 it by other state agencies or may contract for materials, services, or facilities.
- 14 (3) The board shall develop a proposed biennial budget for all administrative and  
15 operational functions and duties.
- 16 **(4) The board shall purchase liability insurance for board and staff members against**  
17 **acts performed in the good faith discharge of duties.**
- 18 ➔Section 3. KRS 313.022 is amended to read as follows:
- 19 (1) The board shall, by administrative regulation promulgated in accordance with KRS  
20 Chapter 13A, prescribe a schedule of reasonable fees, charges, and fines not to  
21 exceed the national average of other state dental boards for:
- 22 (a) Examination;
- 23 (b) Issuance, renewal, and reinstatement of licenses;
- 24 (c) Issuance, renewal, and reinstatement of registrations;
- 25 (d) Inspections and reinspections;
- 26 (e) Applications;
- 27 (f) Other services and materials provided by the board;

- 1 (g) Investigations;
- 2 (h) Administrative legal costs; and
- 3 (i) Fines for infractions.
- 4 (2) All fees, charges, or other moneys collected or received by the board shall be paid  
5 into the State Treasury and credited to a trust and agency fund which,  
6 notwithstanding KRS 45.229, shall not lapse, to be used by the board for the  
7 carrying out of the provisions of this chapter.
- 8 (3) All disbursements by the board in the transactions of its business and in the  
9 enforcement of the provisions of this chapter shall be paid out of ~~the~~<sup>such</sup> trust and  
10 agency account as claims against the state in accordance with the provisions of  
11 KRS Chapters 45 and 45A.
- 12 (4) **The board may designate funds from the trust and agency account to administer**  
13 **scholarships or education loan repayment assistance to individuals who meet the**  
14 **criteria established in an administrative regulation promulgated by the board in**  
15 **accordance with KRS Chapter 13A.**
- 16 **(5)** The board may establish a petty cash fund not to exceed one thousand dollars  
17 (\$1,000) for the purpose of making disbursements requiring prompt cash outlay~~[-]~~  
18 and to carry out the provisions of KRS 45A.045 applying to the delegation of  
19 authority to purchase.
- 20 ➔Section 4. KRS 313.030 is amended to read as follows:
- 21 (1) The license or registration held by a dentist, dental hygienist, or dental assistant  
22 shall be valid for a period of two (2) years.
- 23 (2) Each license or registration held by a dentist, dental hygienist, or dental assistant  
24 shall expire on December 31. A dentist's license shall expire in odd-numbered  
25 years, while all other licenses or registrations issued by the board shall expire in  
26 even-numbered years.
- 27 (3) Each license or registration held by any person issued under the provisions of this

1 chapter shall be renewed at least biennially. Upon receipt of the application and fee,  
2 the board shall verify the accuracy of the application to determine whether the  
3 licensee or person seeking licensure or registration has met all the requirements as  
4 set forth in this chapter and in the administrative regulations promulgated by the  
5 board, and, if so, shall issue to the applicant a license or registration to practice or  
6 engage in the activity for the ensuing licensure or registration period. Such license  
7 or registration shall render the holder a legal practitioner of the practice or activity  
8 specified in the license or registration for the period stated on it. The board shall  
9 prescribe by administrative regulation promulgated in accordance with KRS  
10 Chapter 13A the beginning and ending of the licensure or registration period.

11 (4) Any person who is licensed or registered by the board who allows his or her license  
12 or registration to lapse by failing to renew the license or registration as provided in  
13 this section may be reinstated by the board on payment of the current fee for  
14 original licensure or registration in addition to any late fees and by meeting the  
15 requirements of administrative regulations promulgated by the board.

16 (5) An application for renewal of a license or registration shall be completed online or,  
17 if a written request is made to the board prior to November 1 of the year of  
18 expiration, a paper application shall be sent to the last known address of each  
19 licensee or certified or registered person requesting a paper application.

20 (6) Any person engaging in any practice or activity regulated by the board during the  
21 time his or her license or registration has lapsed shall be considered practicing with  
22 an expired license or registration and shall be subject to the penalties provided for  
23 violations of this chapter.

24 (7) Failure to receive the application for renewal of a license or registration shall not  
25 relieve a dentist, dental hygienist, or dental assistant from the duty to renew his or  
26 her license or registration prior to December 31 of the year in which the license or  
27 registration expires.

- 1 (8) The duration of any license or registration issued by the board may be limited by  
2 disciplinary action of the board.
- 3 (9) Every license or registration issued by the board shall have the seal of the board  
4 affixed. A holder of a license or registration shall retain it in his or her possession  
5 and be prepared to exhibit it upon demand by an employer or anyone to whom the  
6 holder of the license or registration offers treatment or any board ***member*** or staff  
7 member of the ~~the Kentucky~~ board ~~of Dentistry~~. Each license or registration issued  
8 by the board shall be posted in a conspicuous place in each place of employment of  
9 the dentist, dental hygienist, or dental assistant.
- 10 (10) Failure or refusal to produce a license or registration upon demand shall be prima  
11 facie evidence that no such license or registration exists.†
- 12 ~~(11) In order to ensure a proper transition during the implementation of the provisions of~~  
13 ~~this section, the board may, for a period of no longer than three (3) years, extend a~~  
14 ~~license or registration of any person in order to utilize the expiration date provided~~  
15 ~~for in this section. The board shall, in writing, notify each person whose license or~~  
16 ~~registration is extended of the extension and the new date of expiration. The~~  
17 ~~extension shall be without charge.‡~~
- 18 ➔Section 5. KRS 313.035 is amended to read as follows:
- 19 (1) The board shall promulgate administrative regulations in accordance with KRS  
20 Chapter 13A relating to dentists. The administrative regulations shall include the  
21 classification of and licensure of dentists, by examination or credentials, the  
22 licensure of specialists, student limited licenses, faculty limited licenses,  
23 reciprocity, retirement of a license, reinstatement of a license, charity licenses, and  
24 ~~conscious~~ sedation and anesthesia permits.
- 25 (2) Renewal programs shall be organized to include continuing education approved by  
26 the board.
- 27 (3) For the purposes of licensure of specialists, the board shall only recognize fields of

1 specialty duly recognized and approved by the National Commission on  
2 Recognition of Dental Specialties and Certifying Boards~~[American Dental~~  
3 ~~Association]~~. Individuals licensed as specialists shall not practice outside of that  
4 specialty except:

5 (a) Upon documented referral by a general dentist to perform a procedure  
6 within the specialist's scope of training; or

7 (b) As provided for in charitable dentistry as defined by administrative regulation,  
8 during a declared disaster by order of the Governor, or when the special needs  
9 of the patient require they be followed past the age of eighteen (18) by a  
10 pediatric dentist.

11 (4) ~~A~~~~no~~ person licensed under this chapter, who in good faith renders emergency  
12 care at the scene of an emergency, shall **not** be liable for any civil damages as a  
13 result of any acts or omissions by such person in rendering the emergency care.

14 (5) Any dentist who serves on any committee, board, commission, or other entity  
15 which is duly constituted by any licensed hospital, dental society or association  
16 affiliated with the American Dental Association, dental care foundation affiliated  
17 with such dental society or association or governmental or quasi-governmental  
18 agency for the purpose of reviewing and evaluating the dental acts of other dentists,  
19 or dental auxiliary personnel, shall not be required to respond in damages for any  
20 action taken by him or her in good faith as a member of such committee, board,  
21 commission, or other entity.

22 (6) Licensed dentists may prescribe any drug necessary within the scope of their  
23 practice.

24 (7) Dentists may sign death certificates the same as physicians, when necessary in the  
25 line of their profession.

26 (8) ~~Nothing in~~ This chapter shall **not** apply to a legally licensed doctor of medicine  
27 unless he or she practices dentistry as a specialty.

1 (9) ~~Nothing in~~ This chapter shall **not** apply to a practitioner of dentistry duly licensed  
2 in the United States ~~by another state or the District of Columbia~~ while making a  
3 clinical demonstration before a dental society, convention, association of dentists,  
4 or a dental school.

5 ➔ Section 6. KRS 313.040 is amended to read as follows:

6 (1) The board shall promulgate administrative regulations in accordance with KRS  
7 Chapter 13A relating to dental hygienists. The administrative regulations  
8 ~~shall may~~ include at a minimum the classification of and licensure of dental  
9 hygienists, by examination or credentials, general supervision privileges, anesthesia  
10 registration, retirement of a license, reinstatement of a license, and charity licenses.

11 (2) Renewal programs shall be organized to include continuing education approved by  
12 the board.

13 (3) A licensed dental hygienist shall practice under the supervision, order, control, and  
14 full responsibility of a dentist licensed under this chapter and may practice:

15 (a) In a dental office, public or private school, health care facility, or government  
16 institution with a dentist on staff;

17 (b) Without the physical presence of a supervising dentist as provided in  
18 administrative regulations promulgated pursuant to subsections (6), (7), ~~and~~  
19 ~~(8)~~, **and (9)** of this section; or

20 (c) Without a supervising dentist if providing screening services in accordance  
21 with subsection **(10)** ~~(9)~~ of this section.

22 (4) It shall be unlawful for a person or entity ~~corporation~~ to practice dental hygiene in  
23 a manner that is separate or independent from the dental practice of a supervising  
24 dentist or to establish or maintain an office or practice that is primarily devoted to  
25 the provision of dental hygiene services.

26 (5) A dental hygienist may be employed by the supervising dentist or under contract  
27 with a dentist licensed under this chapter who is one (1) of the following:

- 1 (a) The employer of the supervising dentist;
- 2 (b) A shareholder in a professional association formed under KRS Chapter  
3 274~~[274.015]~~ of which the supervising dentist is a shareholder;
- 4 (c) A member or manager of a limited liability company formed under Chapter  
5 275~~[KRS 275.005]~~ of which the supervising dentist is a member or manager;
- 6 (d) A shareholder in a corporation formed under KRS Chapter 271B of which the  
7 supervising dentist is a shareholder;
- 8 (e) A partner or employee of a partnership of which the supervising dentist is a  
9 partner or employee; or
- 10 (f) A government entity that employs the dental hygienist to provide dental  
11 hygiene services in a public school in connection with other programs the  
12 government entity administers.
- 13 (6) A dental hygienist may provide the following procedures in a volunteer community  
14 health setting without the supervision of a dentist:
- 15 (a) Dental health education;
- 16 (b) Nutritional counseling;
- 17 (c) Preparing a generalized oral screening with subsequent referral to a dentist;
- 18 (d) Applying fluoride on patients;
- 19 (e) Demonstration of oral hygiene technique; and
- 20 (f) Sealants.
- 21 (7) (a) A dental hygienist may provide, for not more than fifteen (15) consecutive  
22 full business days, dental hygiene services to a patient when the supervising  
23 dentist is not physically present at the location at which the services are  
24 provided if all the following requirements are met:
- 25 1. The dental hygienist has at least ~~[two (2) years with a minimum of~~  
26 ~~]three thousand (3,000) hours of work experience in the practice of~~  
27 dental hygiene;

- 1           2. The dental hygienist has successfully completed a course approved by  
2           the board in the identification and prevention of potential medical  
3           emergencies with reregistration in this course every two (2) years;
- 4           3. The dental hygienist complies with written protocols for emergencies  
5           the supervising dentist establishes;
- 6           4. The dental hygienist does not examine or provide dental health services  
7           to a patient who has not been examined by the supervising dentist within  
8           the previous eleven (11)~~seven (7)~~ months. The supervising dentist  
9           shall have completed and evaluated a medical and dental history of the  
10          patient and shall have placed a written order for treatment in the  
11          patient's file. The board shall promulgate administrative regulations in  
12          accordance with KRS Chapter 13A to determine guidelines for the  
13          written order; and
- 14          5. A patient is notified in advance of an appointment for dental hygiene  
15          services when the supervising dentist will be absent from the location.  
16          The patient shall be required to sign an informed consent form, prior to  
17          treatment by the hygienist, acknowledging the dentist's absence.
- 18          (b) The board shall promulgate administrative regulations to determine  
19          procedures the dental hygienist shall not be allowed to perform while the  
20          supervising dentist is absent from the work site.
- 21   (8) A dental hygienist licensed by the board may practice as a public health hygienist  
22   and may provide dental hygiene services if:
- 23          (a) The services are provided as part of a dental health program;
- 24          (b) The program for which the hygienist works is operated through the  
25          Department for Public Health or a governing board of health; and
- 26          (c) The hygienist performs only accepted standardized protocols which are  
27          contained within the scope of practice of dental hygiene and which are

1 reviewed and approved by the Board of Dentistry and either the Department  
2 for Public Health or the dentist member of the governing board of health, as  
3 set out in administrative regulation.

4 (9) **A dental hygienist licensed by the board may make radiographs upon written**  
5 **order of the supervising dentist without the dentist being physically present.**

6 **(10)** A dental hygienist may provide screening services in any setting without the  
7 supervision of a dentist if:

8 (a) The screening is conducted to fulfill the requirements of KRS 156.160(1)(j);  
9 and

10 (b) Patients are informed that the service being provided is a screening and that  
11 only a dentist is licensed to make a definitive diagnosis of the need for dental  
12 care.

13 ➔Section 7. KRS 313.045 is amended to read as follows:

14 (1) The board shall promulgate administrative regulations in accordance with KRS  
15 Chapter 13A to define registration requirements, duties, training, and standards of  
16 practice that may be performed by a dental assistant who has a minimum of one (1)  
17 year of dental office experience.

18 (2) The board shall approve the instructor and the courses of study for approving  
19 duties, training, and standards of practice that may be performed by a registered  
20 dental assistant.

21 (3) A registered dental assistant shall practice under the supervision, order, control, and  
22 full responsibility of a dentist licensed under this chapter.

23 (4) ~~A~~~~The~~ registration **issued to a**~~for each~~ registered dental assistant shall be  
24 continuously displayed in a conspicuous place in the office of the licensee.

25 (5) Supervising dentists shall only assign to registered dental assistants procedures that  
26 do not require the professional competence of a licensed dentist or a licensed dental  
27 hygienist.

- 1 (6) Registered dental assistant services may include coronal polishing, a cosmetic  
2 procedure that is not essential to therapeutic oral prophylaxis, if the following  
3 criteria are observed:
- 4 (a) Polishing activities are limited to the use of a rubber cap attached to a slow-  
5 speed rotary dental handpiece **or dental hygiene cordless polisher;**
- 6 (b) The assistant has received a certificate from the board's approved instructor  
7 that ensures the assistant has successfully completed a dental assisting course  
8 developed by the board and a committee of dental educators from the  
9 Kentucky institutions of dental education accredited by the  
10 **Commission**~~Council~~ on Dental Accreditation; and
- 11 (c) The dental assisting course includes basic dental assisting and coronal  
12 polishing instruction that includes didactic, preclinical, clinical training, and  
13 competency testing.
- 14 (7) Registered dental assistant services shall not include the following:
- 15 (a) ~~[The practice of dental hygiene or the performance of the duties of a licensed~~  
16 ~~dental hygienist that require the use of any instrumentation which may elicit~~  
17 ~~the removal of calcareous deposits or accretions on the crowns and roots of~~  
18 ~~teeth;~~
- 19 ~~(b)~~—]Diagnosis;
- 20 **(b)**~~(c)~~ Treatment planning and prescription, including prescriptions for drugs  
21 or medicaments, or authorization for restorative, prosthodontic, or orthodontic  
22 appliances; **and**
- 23 **(c)**~~(d)~~ Surgical procedures on hard or soft tissues of the oral cavity, or any  
24 other **intraoral**~~intraoral~~ procedure that contributes to or results in an  
25 irreversible alteration of the oral anatomy~~;~~ **and**
- 26 ~~(e)~~—The making of final impressions from which casts are made to construct any  
27 ~~dental restoration].~~

1 (8) A licensed dentist may delegate the taking of radiographs to registered dental  
2 assistants who have completed ~~[a]~~ board-approved ***training***~~[course]~~ in radiography  
3 technique and safety. The course completion certificate shall be maintained by the  
4 supervising dentist and be made available to the board upon request.

5 ➔Section 8. KRS 313.050 is amended to read as follows:

6 (1) A licensed dentist may delegate to competent dental auxiliary personnel those  
7 procedures for which the dentist exercises direct supervision and full responsibility  
8 as long as the delegated powers do not include any of the following:

9 (a) Those procedures which require professional judgment and skill, such as  
10 diagnosis and treatment planning and the cutting of hard or soft tissues or any  
11 intraoral procedure which will be used directly in the fabrication of an  
12 appliance which, when worn by the patient, would come in direct contact with  
13 hard or soft tissue;

14 (b) Those procedures allocated by this chapter to licensed dental hygienists or  
15 registered dental assistants; and

16 (c) ***The administration of***~~[No]~~ injectable medication or anesthesia~~[shall be~~  
17 ~~administered]~~ by auxiliary personnel unless otherwise authorized by law.

18 (2) A licensed dentist may delegate the taking of radiographs to dental auxiliary  
19 personnel who have completed ~~[a]~~ board-approved ***training***~~[course]~~ in radiography  
20 technique and safety. The course completion certificate shall be maintained by the  
21 supervising dentist and be available to the board upon request.

22 ➔Section 9. KRS 313.060 is amended to read as follows:

23 (1) The board shall promulgate administrative regulations in accordance with KRS  
24 Chapter 13A relating to dental practices which shall include minimal requirements  
25 for documentation, Centers for Disease Control compliance, ~~[conscious]~~ sedation of  
26 patients, compliance with federal controlled substances regulations, and any  
27 applicable federal statute or regulation.

- 1 (2) Any person practicing or offering to practice dentistry or dental surgery shall  
2 practice under his or her own name or the name of a deceased or incapacitated  
3 dentist for whom the person practicing dentistry has contracted to perform  
4 continuing operations.
- 5 (3) ~~A~~~~No~~ person shall **not** conduct a dental office in his or her name ~~or~~~~nor~~ advertise  
6 his or her name in connection with any dental office unless he or she personally  
7 performs services as a dentist or dental surgeon in ~~the~~~~such~~ office or personally  
8 supervises ~~the~~~~such~~ services as are performed in ~~the~~~~such~~ office during a portion  
9 of the time ~~the~~~~such~~ office is operated by him or her only, and shall not use his or  
10 her name in connection with that of any other dentist, except as provided for  
11 deceased or incapacitated dentists in subsection (4) of this section.
- 12 (4) The executor or administrator of a deceased dentist's estate, or the legal guardian or  
13 authorized representative of a dentist who has become incapacitated, may contract  
14 with another dentist or dentists to continue the operations of the deceased or  
15 incapacitated dentist's practice if the practice of the deceased or incapacitated  
16 dentist is a:
- 17 (a) Sole proprietorship;
- 18 (b) Corporation in which the deceased or incapacitated dentist is the sole  
19 shareholder; or
- 20 (c) Limited liability company in which the deceased or incapacitated dentist is the  
21 sole member.
- 22 (5) Contracts to continue the operations of a deceased or incapacitated dentist's practice  
23 may extend until the practice is sold.
- 24 (6) Prior to contracting with another dentist or dentists to continue operations of a  
25 deceased or incapacitated dentist's practice, the executor, administrator, guardian, or  
26 authorized representative shall file a notification of intent to contract for  
27 continuation of practice with the board on a form prescribed by the board. The

1 notification shall include the following information:

2 (a) The name and license number of the deceased or incapacitated dentist;

3 (b) The name and address of the dental practice;

4 (c) The name, address, and tax identification number of the estate;

5 (d) The name and license number of each dentist who will provide services in the  
6 dental practice;

7 (e) An affirmation, under penalty of perjury, that the information provided is true  
8 and correct and that the executor, administrator, guardian, or authorized  
9 representative understands that any interference by the executor,  
10 administrator, guardian, or authorized representative, or any agent or assignee  
11 of the executor, administrator, guardian, or authorized representative, with the  
12 contracting dentist's or dentists' practice of dentistry or professional judgment  
13 or any other violation of this chapter is grounds for an immediate termination  
14 of the operations of the dental practice; and

15 (f) Any other information the board deems necessary for the administration of  
16 this chapter.

17 (7) Within thirty (30) days after the death or incapacitation of a dentist, the executor,  
18 administrator, guardian, or authorized representative shall send notification of the  
19 death or incapacitation by mail to the last known address of each patient of record  
20 that has received treatment by the deceased or incapacitated dentist within the  
21 previous twelve (12) months, with an explanation of how copies of the practitioner's  
22 records may be obtained. This notice may also contain any other relevant  
23 information concerning the continuation of dental practice.

24 (8) A treating dentist who provides or facilitates the use of telehealth shall ensure:

25 (a) That the informed consent of the patient~~[,]~~ or ***legal representative***~~[another~~  
26 ~~appropriate person with authority to make the health care treatment decision~~  
27 ~~for the patient,]~~ is obtained before services are provided through telehealth;

1           and

2           (b) That the confidentiality of the patient's medical information is maintained as  
3           required by this chapter and other applicable law. At a minimum,  
4           confidentiality shall be maintained through appropriate processes, practices,  
5           and technology as designated by the board and that conform to applicable  
6           federal law.

7           (9) The board shall promulgate administrative regulations in accordance with KRS  
8           Chapter 13A to implement this section and as necessary to:

- 9           (a) Prevent abuse and fraud through the use of telehealth services;  
10          (b) Prevent fee-splitting through the use of telehealth services; and  
11          (c) Utilize telehealth in the provision of dental services and in the provision of  
12          continuing education.

13          (10) A licensed dentist may delegate to a licensed dental hygienist the administration of  
14          block and infiltration anesthesia and nitrous oxide analgesia under the direct  
15          supervision of a dentist if the dental hygienist completes the following requirements  
16          and receives a certificate of verification from the board:

- 17          (a) Formal training from a dental or dental hygiene school accredited by the  
18          Commission on Dental Accreditation;  
19          (b) A minimum of thirty-two (32) hours covering all of the following topics,  
20          including but not limited to anatomical considerations, basic injection  
21          technique, basic placement technique, nitrous oxide administration,  
22          recordkeeping, armamentarium exercise, local anesthesia and nitrous oxide,  
23          techniques of maxillary anesthesia, techniques of mandibular injections,  
24          partner injections and partner administration of nitrous oxide,  
25          neurophysiology, pharmacology of local anesthetics and nitrous oxide,  
26          pharmacology of vasoconstrictors, physical and psychological evaluation,  
27          local and systemic complications, and contraindications;

- 1 (c) A minimum of two (2) hours of clinical education for nitrous oxide  
2 administration with successful completion of administration, monitoring, and  
3 removal of nitrous oxide on at least two (2) patients;
- 4 (d) A minimum of twelve (12) hours demonstrating mastery of local anesthesia  
5 applications and successful completion of at least three (3) injections each of  
6 all maxillary and mandibular injection sites; and
- 7 (e) A score that exceeds seventy-four percent (74%) on a written examination  
8 administered after coursework and clinical training.

9 (11) The board shall approve all continuing education courses and require them for  
10 individuals holding anesthesia registration for over one (1) year without practical  
11 application. The courses shall be developed and implemented by dental education  
12 institutions accredited by the Commission on Dental Accreditation.

13 ➔Section 10. KRS 313.070 is amended to read as follows:

- 14 (1) A person who is not licensed or registered~~[to do so]~~, or whose license or  
15 registration ~~[to do so]~~ has been suspended, revoked, or denied, shall not practice as  
16 a dentist, dental hygienist, or dental assistant.
- 17 (2) Any person who violates subsection (1) of this section is guilty of a Class B  
18 misdemeanor for the first offense and a Class A misdemeanor for each subsequent  
19 offense.
- 20 (3) The provisions of this section shall not preclude the board from revoking or  
21 increasing the suspension period of a person practicing as a dentist, dental  
22 hygienist, or dental assistant who has illegally practiced while his or her license or  
23 registration is under suspension or has been revoked.
- 24 (4) The filing of criminal charges or a criminal conviction for violation of the  
25 provisions of this chapter or the administrative regulations promulgated ***by the***  
26 ***board in accordance with KRS Chapter 13A***~~[thereunder]~~ shall not preclude the  
27 board from instituting or imposing board disciplinary action authorized by this

1 chapter against any person or organization violating this chapter or the  
 2 administrative regulations promulgated by the board in accordance with KRS  
 3 Chapter 13A~~[thereunder]~~.

4 (5) The institution or imposition of disciplinary action by the board against any person  
 5 or organization violating the provisions of this chapter or the administrative  
 6 regulations promulgated by the board in accordance with KRS Chapter  
 7 13A~~[thereunder]~~ shall not preclude the filing of criminal charges against or a  
 8 criminal conviction of any person or organization for violation of the provisions of  
 9 this chapter or the administrative regulations promulgated by the board in  
 10 accordance with KRS Chapter 13A~~[thereunder]~~.

11 (6) (a) ~~[Nothing in ]~~This chapter shall **not** prohibit students from performing dental  
 12 operations under the supervision of competent instructors approved by the  
 13 dental school, college, or department of a university. The board may authorize  
 14 the students of any dental college, school, or department of a university to  
 15 practice dentistry in any state or municipal institution or public school, or  
 16 under the board of health, or in a public clinic or a charitable institution.  
 17 ~~A~~~~[No]~~ fee shall **not** be accepted by the student beyond the expenses provided  
 18 by the stipend.

19 (b) Students shall be at all times under the direct supervision of a dentist licensed  
 20 in this state~~[,]~~ who is an instructor of the institution at which they are  
 21 studying.

22 (7) ~~[Nothing in ]~~This chapter shall **not** prohibit volunteer health practitioners providing  
 23 services under KRS 39A.350 to 39A.366.

24 (8) Violations of this chapter shall be heard in the Circuit Court of the county in which  
 25 the alleged offense occurred.

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

- 1 (1) A person or entity shall not:
- 2 (a) Represent themselves by using the title dentist, dental specialist, dental
- 3 hygienist, or dental assistant unless licensed or registered under the
- 4 provisions of this chapter;
- 5 (b) Own, operate, offer to operate, or represent or advertise the operation of a
- 6 dental practice of any type unless licensed by or employing individuals
- 7 licensed by the board; or
- 8 (c) Employ a dentist, dental hygienist, or dental assistant unless that dentist,
- 9 dental hygienist, or dental assistant is licensed or registered under the
- 10 provisions of this chapter.
- 11 (2) In a clinical setting:
- 12 (a) A person or entity that is not licensed to practice dentistry under this
- 13 chapter shall not exercise control over:
- 14 1. Clinical decision making;
- 15 2. Diagnosis or treatment planning;
- 16 3. Patient records;
- 17 4. The selection or supervision of licensed dental personnel; or
- 18 5. The professional judgment of a licensed dentist; and
- 19 (b) A licensed dentist shall retain final authority and responsibility for all
- 20 clinical decisions affecting patient care.
- 21 (3) The clinical operations of a dental practice entity shall not be directly or
- 22 indirectly controlled by a person or entity that establishes reimbursement rates for
- 23 dental services.
- 24 (4) On or after the effective date of this Act, an entity that holds a controlling
- 25 ownership interest or exercises control over a dental practice under a
- 26 management or service contract may continue to hold the controlling ownership
- 27 interest or to exercise the control over the dental practice.

1 (5) On or after the effective date of this Act, an entity that holds a controlling  
 2 ownership interest or exercises control over a dental practice under subsection (4)  
 3 of this section shall not:

4 (a) Acquire a controlling ownership interest in an additional entity that is a  
 5 dental practice;

6 (b) Increase its percentage of ownership of a dental practice if the increase  
 7 would result in a controlling ownership; or

8 (c) Expand the scope of control exercised over a dental practice.

9 (6) On or after the effective date of this Act, any material restructuring, merger,  
 10 transfer, or assignment resulting in a change in controlling ownership of a dental  
 11 practice shall be subject to the requirements of this section.

12 (7) This section shall apply prospectively and shall not impair or invalidate  
 13 ownership interests or contractual arrangements lawfully in existence on the  
 14 effective date of this Act.

15 ➔Section 12. KRS 313.080 is amended to read as follows:

16 (1) ~~A [No]~~ person or entity shall not ~~be~~:

17 ~~(a) Call or hold himself out as or use the title dentist, dental specialist, dental~~  
 18 ~~hygienist, or dental assistant unless licensed or registered under the provisions~~  
 19 ~~of this chapter;~~

20 ~~(b) Operate, offer to operate, or represent or advertise the operation of a dental~~  
 21 ~~practice of any type unless licensed by or employing individuals licensed by~~  
 22 ~~the board;~~

23 ~~(c) Employ a dentist, dental hygienist, or dental assistant unless that person is~~  
 24 ~~licensed or registered under the provisions of this chapter; or~~

25 ~~(d) Maintain any license or certificate authorized by this chapter if convicted of,~~  
 26 ~~having entered a guilty plea to, having entered an Alford plea to, or having~~  
 27 ~~completed a diversion program for a Class A, B, or C felony offense on or~~

- 1 after the date of initial licensure or registration.
- 2 (2) Persons licensed or registered by the board or who are applicants for licensure or  
3 registration by the board shall be subject to disciplinary action by the board if they:
- 4 (a) While~~If~~ licensed or registered by the board:
- 5 1. Violate:
- 6 a. Any provision of this chapter or any administrative regulation  
7 promulgated by the board; or
- 8 b. KRS 304.39-215; or
- 9 2. Engage in conduct that is subject to the penalties under KRS 304.99-  
10 060(4) or (5);
- 11 (b) Use fraud or deceit in obtaining or attempting to obtain a license or  
12 registration from the board, or are granted a license upon mistake of a material  
13 fact;
- 14 (c) While~~If~~ licensed or registered by the board, ~~negligently~~ act in a manner  
15 inconsistent with the moral or ethical standards~~[practice]~~ of the discipline for  
16 which the person is licensed or registered;
- 17 (d) Are unable to practice a discipline regulated by the board with reasonable skill  
18 or safety or are unfit or incompetent to practice a discipline regulated by the  
19 board;
- 20 (e) Abuse, misuse, or misappropriate any drugs placed in the custody of the  
21 licensee or certified person for administration, or for use of others, or those  
22 drugs prescribed by the licensee;
- 23 (f) Falsify or fail to make essential entries on essential records;
- 24 (g) Are convicted of a misdemeanor which involved acts which bear directly on  
25 the qualifications or ability of the applicant, licensee, or certified person to  
26 practice the discipline for which the person is an applicant, licensee, or  
27 certified person, if in accordance with KRS Chapter 335B;

- 1 (h) Are convicted of a misdemeanor which involved fraud, deceit, breach of trust,  
2 or physical harm or endangerment to self or others, acts which bear directly  
3 on the qualifications or ability of the applicant, licensee, or certificate holder  
4 to practice acts in the license or registration held or sought, if in accordance  
5 with KRS Chapter 335B;
- 6 (i) Are convicted of a misdemeanor offense under KRS Chapter 510 involving a  
7 patient;
- 8 (j) Have had a license or certificate to practice as a dentist, dental hygienist, or  
9 dental assistant denied, limited, suspended, probated, revoked, or otherwise  
10 disciplined in Kentucky or in another jurisdiction on grounds sufficient to  
11 cause a license to be denied, limited, suspended, probated, revoked, or  
12 otherwise disciplined in this Commonwealth;
- 13 (k) Have a license or registration to practice any activity regulated by the board  
14 denied, limited, suspended, probated, revoked, or otherwise disciplined in  
15 another jurisdiction on grounds sufficient to cause a license or registration to  
16 be denied, limited, suspended, probated, revoked, or otherwise disciplined in  
17 this Commonwealth;
- 18 (l) Violate any lawful order or directive previously entered by the board;
- 19 (m) Have been listed on the National Practitioner Databank with a substantiated  
20 finding of abuse, neglect, or misappropriation of property;
- 21 (n) Fail to notify the board in writing of any change in the person's name,  
22 residential address, employment address, preferred mailing address, or  
23 telephone number within thirty (30) days of the change;
- 24 (o) Fail to comply with KRS 422.317 regarding patient records; or
- 25 (p) Fail to report to the board any negative outcome related to dental treatment  
26 involving intravenous or conscious sedation beyond anxiety control that  
27 requires hospital admission.

1 ~~(4)~~~~(3)~~ A person who violates subsection (1)(a), (b), (c), or (d) of this section shall be  
2 guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for  
3 each subsequent offense. The board shall consider each individual count of a  
4 violation as a separate and subsequent offense.

5 ~~(5)~~~~(4)~~ The provisions of this section shall not preclude prosecution for the unlawful  
6 practice of dentistry by an agency of the Commonwealth.

7 ~~(6)~~~~(5)~~ The filing of criminal charges or a criminal conviction for violation of the  
8 provisions of this chapter or the administrative regulations promulgated ***by the***  
9 ***board in accordance with KRS Chapter 13A***~~[thereunder]~~ shall not preclude the  
10 Office of the Board from instituting or imposing board disciplinary action  
11 authorized by this chapter against any person or organization violating this chapter  
12 or the administrative regulations promulgated ***by the board in accordance with***  
13 ***KRS Chapter 13A***~~[thereunder]~~.

14 ~~(7)~~~~(6)~~ The institution or imposition of disciplinary action by the Office of the Board  
15 against any person or organization violating the provisions of this chapter or the  
16 administrative regulations promulgated thereunder shall not preclude the filing of  
17 criminal charges against or a criminal conviction of any person or organization for  
18 violation of the provisions of this chapter or the administrative regulations  
19 promulgated ***by the board in accordance with KRS Chapter 13A***~~[thereunder]~~.

20 ➔Section 13. KRS 313.090 is amended to read as follows:

21 (1) In accordance with the provisions of KRS Chapter 13B, all discipline for which the  
22 board is authorized to conduct investigations, hold hearings, and impose  
23 punishments is delegated to the executive director, board attorney, and hearing  
24 panel as provided in this section.

25 (2) Any person may make a complaint to the executive director that a dentist, dental  
26 hygienist, dental assistant, or other person licensed or registered by the board has  
27 violated a provision of this chapter, an administrative regulation promulgated ***by the***

- 1        *board in accordance with KRS Chapter 13A* ~~[pursuant to this chapter]~~, a practice  
2        standard, or an order of the board.
- 3        (3) Each complaint shall:
- 4            (a) Be in writing;
- 5            (b) Identify specifically the person or organization against whom the complaint is  
6            made;
- 7            (c) Set forth the facts relating to the violation alleged and any other supporting  
8            information which may have a bearing on the matter;
- 9            (d) Contain the name, address, telephone number, facsimile number, and *email*~~[e-~~  
10           ~~mail]~~ address, if available, of the complainant; and
- 11           (e) Be signed by the complainant as the truth of the statements contained in the  
12           complaint by the complainant.
- 13        (4) A complaint which is unsigned shall not be acted upon by the executive director  
14        unless the complaint involves a violation of standards set forth by the Centers for  
15        Disease Control or alleged mental or physical impairment as provided for in KRS  
16        313.130. A complaint which is not signed in the manner specified in subsection (3)  
17        of this section shall be returned to the complainant for completion.
- 18        (5) The executive director of the board may, on behalf of the board, based on  
19        knowledge available to the Office of the Board, make a complaint against any  
20        person or organization regulated by the board in the same manner as provided in  
21        subsection (3) of this section.
- 22        (6) Upon receipt of a properly completed complaint, the executive director shall assign  
23        the complaint to a staff investigator who shall investigate the complaint and shall  
24        make findings of fact and recommendations to the executive director who shall then  
25        convene a meeting of the Law Enforcement Committee.
- 26        (7) The staff investigator shall notify the person or organization against whom the  
27        complaint has been filed and shall notify the employer of the dentist, dental

- 1           hygienist, or dental assistant of the complaint.
- 2   (8)   The notification shall name the person or organization complained against, the  
3       complainant, the violations alleged, and the facts presented in the complaint and  
4       shall notify the person or organization complained against and the employer of:
- 5       (a)   The fact that the complaint shall be answered, the steps for answering the  
6           complaint, and the action to be taken if the complaint is not answered;
- 7       (b)   The timeframe and steps in the proceedings of a complaint;
- 8       (c)   The rights of the parties, including the right to counsel; and
- 9       (d)   The right to testify at any hearing.
- 10   (9)   Upon the failure of a licensee or certificate holder to respond to a written accusation  
11       or to request a hearing within twenty (20) days after the sending of the accusation,  
12       the accused shall be considered to have admitted the truth of the facts and the  
13       circumstances in the allegation and appropriate discipline may be imposed.
- 14   (10)  After reviewing the complaint and results of any investigation conducted on behalf  
15       of the board, the Law Enforcement Committee shall consider whether the  
16       accusation is sufficient to remand the matter for a hearing as provided in this  
17       section and KRS Chapter 13B. A majority vote of the members of the Law  
18       Enforcement Committee shall be necessary for action to ~~either~~ remand the matter  
19       for hearing, ***offer a settlement***, or dismiss the complaint without a hearing.
- 20   (11)  If the Law Enforcement Committee dismisses the complaint, all parties notified  
21       previously shall be notified of the action. If the Law Enforcement Committee  
22       remands the matter for a hearing, all parties notified previously shall be notified of  
23       the action.
- 24   (12)  Each proceeding to consider the imposition of a penalty which the board is  
25       authorized to impose pursuant to this chapter shall be conducted in accordance with  
26       KRS Chapter 13B.
- 27   (13)  A hearing panel for purposes of making a decision in any disciplinary matter shall

1 consist of a quorum of the remaining seven (7) voting members of the board who  
2 are not on the Law Enforcement Committee and the hearing officer.

3 (14) The board may issue subpoenas to compel the attendance of witnesses and the  
4 production of documents in the conduct of an investigation. The subpoenas may be  
5 enforced by any Circuit Court for contempt. Any order or subpoena of the court  
6 requiring the attendance and testimony of witnesses and the production of  
7 documentary evidence may be enforced and shall be valid anywhere in this state.

8 (15) At all hearings the board attorney or, on request of the board, the Attorney General  
9 of this state or one (1) of the assistant attorneys general designated, shall appear and  
10 represent the board.

11 (16) The dentist, dental hygienist, or dental assistant who is the defendant in a hearing  
12 shall be a party to the action and may appear and testify in the matter at any  
13 deposition or hearing on the matter and may propose conclusions of law, findings of  
14 fact, and penalties to the hearing panel.

15 (17) To make a finding or impose discipline, a majority of the members of the hearing  
16 panel who are not the hearing officer shall agree on the finding or discipline.

17 (18) The final order in any disciplinary proceeding shall be prepared by the hearing  
18 officer and sent to all parties in the manner prescribed by law.

19 (19) Any person or entity aggrieved by a final order of the board may appeal the final  
20 order to the Circuit Court of the county in which the person or entity resides in  
21 accordance with KRS Chapter 13B.

22 (20) Upon final disposition of a complaint which results in disciplinary action, the final  
23 order shall be published on the website~~[Web site]~~ of the board, placed in the record  
24 of the licensed or registered individual, and reported to the National Practitioner  
25 Database.

26 ➔Section 14. KRS 313.130 is amended to read as follows:

27 (1) If the Law Enforcement Committee has reasonable cause to believe any licensee or

1 certificate holder or any applicant for licensure or registration by examination,  
2 reinstatement, credentials, or change of status is unable to practice with reasonable  
3 skill or safety or has abused alcohol or drugs, it may require such person to submit  
4 to a mental or physical examination by a physician or psychologist it designates.  
5 Upon the failure of the person to submit to a mental or physical examination, unless  
6 due to circumstances beyond the person's control, the Law Enforcement Committee  
7 may initiate an action for immediate temporary suspension pursuant to this chapter  
8 or deny the application until the person submits to the required examination. The  
9 Law Enforcement Committee may issue an immediate and temporary suspension  
10 from the time of the examination until the hearing.

11 (2) Every licensee or certificate holder or applicant for licensure or registration by  
12 examination, reinstatement, credentials, or change of status shall be deemed to have  
13 given consent to submit to an examination when so directed in writing by the board.  
14 The direction to submit to an examination shall contain the basis of the Office of  
15 the Board's reasonable cause to believe that the person is unable to practice with  
16 reasonable skill or safety~~[-]~~ or has abused alcohol or drugs. The person shall be  
17 deemed to have waived all objections to the admissibility of the examining  
18 physician's or psychologist's testimony or examination reports on the ground of  
19 privileged communication.

20 (3) The licensee or certificate holder or applicant for licensure or registration by  
21 examination, reinstatement, credentials, or change of status shall bear the cost of  
22 any mental or physical examination ordered by the Office of the Board.

23 (4) The board shall establish a committee for individuals licensed or registered by the  
24 board, to be designated as the Well-being Committee, to promote the early  
25 identification, intervention, treatment, and rehabilitation of individuals licensed or  
26 registered who may be impaired by reasons of illness, alcohol or drug abuse, or as a  
27 result of any physical or mental condition. The board may enter into ~~[a]~~contractual

1        agreements~~[agreement with a nonprofit corporation or a dental association]~~ for the  
2        purpose of creating, supporting, and maintaining the Well-being Committee. The  
3        board may promulgate administrative regulations in accordance with KRS Chapter  
4        13A to effectuate and implement the committee and may expend any funds it deems  
5        necessary to adequately provide for operational expenses of the committee. Any  
6        member of the Well-being Committee, as well as any administrator, staff member,  
7        consultant, agent, or employee of the committee acting within the scope of their  
8        duties and without actual malice, and all other persons who furnish information to  
9        the committee in good faith and without actual malice, shall not be liable for any  
10       claim of damages as a result of any statement, decision, opinion, investigation, or  
11       action taken by the committee~~[,]~~ or by any individual member of the committee.

12       (5) All information, interviews, reports, statements, memoranda, or other documents  
13       furnished to or produced by the Well-being Committee, as well as communications  
14       to or from the committee, and any findings, conclusions, interventions, treatment,  
15       rehabilitation, or other proceedings of the committee related~~[which in any way~~  
16       ~~pertain]~~ to an individual licensed or registered who may be, or who actually is,  
17       impaired shall be privileged and confidential.

18       (6) All records and proceedings of the Well-being Committee which pertain or refer to  
19       an individual licensed or registered who may be, or who actually is, impaired shall  
20       be privileged and confidential and shall be used by the committee and its members  
21       only in the exercise of the proper function of the committee and shall not be  
22       considered public records and shall be subject to court subpoena and subject to  
23       discovery or introduction as evidence in any civil, criminal, or administrative  
24       proceedings except as described in subsection (4) of this section.

25       (7) The Well-being Committee may disclose information relative to an impaired  
26       licensee or certificate holder ~~[only]~~ when:

27       (a) It is essential to disclose the information to further the intervention, treatment,

1 or rehabilitation needs of the impaired individual, and only to those persons or  
2 organizations with a need to know;

3 (b) Its release is authorized in writing by the impaired individual;

4 (c) The committee is required to make a report to the board; or

5 (d) The information is subject to court order.

6 **(8) Notwithstanding subsections (5) and (6) of this section, the board may publicly**  
7 **disclose the basis of a disciplinary action provided that the board does not**  
8 **disclose information furnished to or produced by the Well-being Committee.**

9 ➔Section 15. KRS 313.550 is amended to read as follows:

10 (1) A dental laboratory **operating or doing business in Kentucky** shall employ at least  
11 one (1) of the following:

12 (a) A certified dental technician who shall supervise all work performed in  
13 accordance with a written laboratory procedure work order issued by a dentist  
14 licensed pursuant to this chapter; or

15 (b) A dentist licensed **under**~~[pursuant]~~ to this chapter.

16 (2) ~~A~~ ~~No~~ dentist shall **not** use the services of any dental laboratory to construct, alter,  
17 repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic  
18 appliance, without first furnishing the commercial dental laboratory a written  
19 procedure work order. Both the commercial dental laboratory and the dentist  
20 producing the work order shall keep a copy on file for two (2) years, and all  
21 laboratory procedure work orders required by this subsection shall be open to  
22 inspection by the board.

23 (3) A dental laboratory that employs or contracts with a dentist licensed  
24 **under**~~[according to]~~ this chapter may construct, alter, repair, or duplicate any  
25 denture, plate, bridge, splint, orthodontic, or prosthetic appliance without a work  
26 order from a referring dentist if the patient is seen, ~~for~~ evaluated, or **has his or**  
27 **her**~~[whose]~~ care~~[is]~~ supervised by the referring dentist.

- 1           ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO
- 2 READ AS FOLLOWS:
- 3    *KRS Chapter 313 may be cited as the Kentucky Dental Practice Act.*