

STATE OF KANSAS  
KANSAS DENTAL BOARD

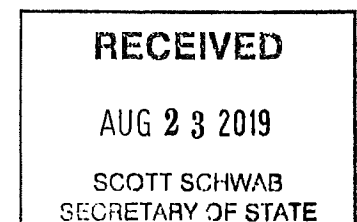
**NOTICE OF PUBLIC HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9:00 a.m., on the 8<sup>th</sup> day of November 2019 at the Landon State Office Building, 5<sup>th</sup> Floor, 900 SW Jackson Street, Room 509, Topeka, Kansas 66612, to consider the adoption of K.A.R. 71-2-2 as a permanent regulation of the Kansas Dental Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed adoption of K.A.R. 71-2-2. All parties may submit written comments prior to the hearing to the Executive Director of the Kansas Dental Board, B. Lane Hemsley, [dental.info@ks.gov](mailto:dental.info@ks.gov), or Landon State Office Building, 900 SW Jackson, Room 455-S, Topeka, Kansas 66612-1231. All interested parties will be given a reasonable opportunity to present their views orally on the proposed adoption of the regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the Kansas Dental Board, Landon State Office Building, 900 SW Jackson, Room 455-S, Topeka, Kansas 66612-1231, (785) 296-6400 (or TYY 1-800-766-3777). Handicapped parking is located on the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

The regulation is proposed for adoption as a permanent regulation. A summary of the proposed regulations is as follows:

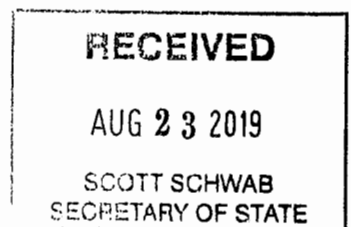


**K.A.R. 71-2-2.** This amendment adds “Dental Anesthesiology” to the list of recognized branches of dentistry for which a licensee can seek a specialist’s certificate.

**Summary of Economic Impact Statement.** The Board does not anticipate that this amendment will have any economic effect or impact on government or the public other than if a dentist chooses to apply for a specialist’s certificate in Dental Anesthesiology, the dentist will pay a one-time fee of \$200.00.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Dental Board, Landon State Office Building, 900 SW Jackson, Room 455-S, Topeka, Kansas 66612-1231, (785) 296-4690, or by accessing the Board’s website at <http://www.dental.ks.gov>.

B. Lane Hemsley  
Executive Director



**71-2-2. Branches of dentistry.** The recognized branches of dentistry for which application may be made for a specialist’s certificate shall be the following: dental anesthesiology, dental public health, endodontics, oral and maxillofacial pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, pediatric dentistry, periodontics, and prosthodontics. These branches of dentistry shall be defined as follows:

(a) “Dental anesthesiology” means that branch of dentistry dealing with the advanced use of anesthesia, sedation, and pain management to facilitate dental procedures and surgery.

(b) “Dental public health” means that branch of dentistry relating to the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. Dental public health is the form of dental practice that serves the community rather than individual patients. This branch of dentistry is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

(~~b~~)(c) “Endodontics” means that branch of dentistry concerning the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. The study and practice encompass the basic and clinical sciences, including the biology of the normal pulp; the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp; and associated periradicular conditions.

(~~e~~)(d) “Oral and maxillofacial pathology” means that branch of dentistry concerning the nature, identification, and management of diseases affecting the oral and maxillofacial regions. This branch is a science that investigates the causes, processes, and effects of these diseases. The practice of oral and maxillofacial pathology includes the research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, and other examinations.

(~~d~~)(e) “Oral and maxillofacial radiology” means that branch of dentistry concerning the production and interpretation of images and data produced by all forms of radiant energy that are used for

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the diagnosis and management of diseases, disorders, and conditions of the oral and maxillofacial region.

~~(e)~~(f) "Oral and maxillofacial surgery" means that branch of dentistry concerning the diagnosis and the surgical and adjunctive treatment of disease, injuries, and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

~~(f)~~(g) "Orthodontics," which shall include "dentofacial orthopedics," means that branch of dentistry concerning the diagnosis, prevention, interception, and correction of malocclusion, as well as neuromuscular and skeletal abnormalities of the developing or mature orofacial structures.

~~(g)~~(h) "Pediatric dentistry" means the branch of dentistry that is the age-defined specialty providing both primary and comprehensive prevention and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

~~(h)~~(i) "Periodontics" means that branch of dentistry concerning the prevention, diagnosis, and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function, and esthetics of these structures and tissues.

~~(i)~~(j) "Prosthodontics" means that branch of dentistry concerning the diagnosis, treatment planning, rehabilitation, and maintenance of the oral function, comfort, appearance, and health of patients with clinical conditions associated with missing or deficient teeth or oral and maxillofacial tissues, or both, using biocompatible substitutes. (Authorized by K.S.A. 74-1406; implementing K.S.A. 65-1427; effective Jan. 1, 1966; amended, E-77-9, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1980; amended March 27, 1989; amended April 1, 2005; amended Dec. 30, 2005; amended P-\_\_\_\_\_.)

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**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Kansas Dental Board  
Agency

B. Lane Hemsley  
Agency Contact

785-296-4690  
Contact Phone Number

71-2-2  
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

This amendment adds "Dental Anesthesiology" to the list recognized branches of dentistry for which a licensee can seek a specialist's certificate.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

This amendment is not mandated by the federal government. This branch is being added because the American Dental Association recently recognized Dental Anesthesiology as a dental specialty.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

This amendment should not enhance or restrict business activity and growth.

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

This amendment should have no economic impact. There will be no compliance costs on businesses, sectors, public utility rate payers, individuals or local governments. If a dentist chooses to apply for a specialist's certificate in Dental Anesthesiology, the dentist will pay a fee one-time fee of \$200.00.

**C. Businesses that would be directly affected by the proposed rule and regulation;**

This amendment would not directly affect any business. It only creates the opportunity for properly trained dentists to seek a specialist's certificate – an opportunity that is not currently available.

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**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

The benefit is that it allows properly trained dentists to seek a specialist's certificate in Dental Anesthesiology. The one-time fee to obtain a specialist's certificate is \$200.00. The decision to seek a specialist's certificate is voluntary. It is believed dentists believe the benefits of being able to hold one's self out as a specialist far outweighs the minimal fee.

**E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

The one-time fee charged for application for a specialist's certificate in Dental Anesthesiology will be the same as charged for applications for other specialty certificates.

**F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

The Board does not anticipate any implementation or compliance costs will be passed along to business, local government or members of the public.

**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES  NO

**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

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**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.**

YES  NO

**G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The proposed amendment will not increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability.

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**H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The Board was aware that properly trained dentists may wish to seek a specialist's certification in Dental Anesthesiology. The Board knew the American Dental Association had approved Dental Anesthesiology as a recognized dental specialty.

**I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A

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