



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, February 12, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the revocation of K.A.R. 71-5-1 through 71-5-6 and the adoption of K.A.R. 71-5-7 through K.A.R. 71-5-13 as permanent regulations 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 revocation of K.A.R. 71-5-1 through 71-5-6 and adoption of K.A.R. 71-5-7 through K.A.R. 71-5-13. All parties may submit written comments prior to the hearing to Betty Wright, Executive Secretary, Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or to info@dental.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally on the proposed adoption of the regulations 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 statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Dental Board at the address above or by calling (785) 296-4690. Handicapped parking is located at the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

The regulations are proposed for adoption as permanent regulations. A summary of the proposed regulations follows:

K.A.R. 71-5-7. This regulation defines the terms used for, and applicable to, the administration of a sedative agent as part of a dental procedure.

K.A.R. 71-5-8. This regulation describes that the regulations to be considered for proposed adoption apply in all treatment settings except when a dentist is treating a patient in a medical care facility.

K.A.R. 71-5-9. This regulation outlines the general requirements that shall be met for the administration of a sedative agent as part of a dental procedure. It also describes the requirements for sedation of patients 12 years of age or younger.

K.A.R. 71-5-10. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level I enteral conscious sedation permit and the conditions that apply to the performance of a dental procedure in which a Level I permit is required. There is a provision to receive a grandfathered permit if 20 clinical conscious sedations were performed over the preceding five years.

K.A.R. 71-5-11. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level II permit and the conditions that apply to the performance of a dental procedure in which a Level II permit is required.

K.A.R. 71-5-12. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level III permit and the conditions that apply to the performance of a dental procedure in which a Level III permit is required.

K.A.R. 71-5-13. This regulation specifies the grounds for refusal to issue a sedation permit or for revocation, suspension or limitation of the permit.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Dental Board at the contact information above or from the board's Web site at <http://www.kansas.gov/kdb/>.

Betty Wright
Executive Secretary

Doc. No. 037740

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2008 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-64	New	V. 28, p. 1338
1-2-65	New	V. 28, p. 1338
1-7-3	Amended	V. 28, p. 1338
1-7-4	Amended	V. 28, p. 1338
1-7-6	Amended	V. 28, p. 1339
1-7-7	Amended	V. 28, p. 1339
1-7-10	Amended	V. 28, p. 1339

1-7-11	Amended	V. 28, p. 1340
1-7-12	Amended	V. 28, p. 1340
1-14-8	Amended	V. 28, p. 1341
AGENCY 3: KANSAS STATE TREASURER		
Reg. No. Action Register		
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New (T)	V. 27, p. 1091
3-3-2	New	V. 27, p. 1517
AGENCY 4: DEPARTMENT OF AGRICULTURE		
Reg. No. Action Register		
4-6-1	Amended	V. 28, p. 1594
4-6-2	Amended	V. 28, p. 1594
4-6-3	New	V. 27, p. 1741
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1023
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188

4-13-13	Amended	V. 27, p. 188
4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-5	Amended	V. 28, p. 690
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-1a	Amended	V. 27, p. 1741
4-16-1c	Amended	V. 27, p. 1742
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025

STATE OF KANSAS
KANSAS DENTAL BOARD

ECONOMIC IMPACT STATEMENT

Pursuant to K.S.A. 77-420(b), the Kansas Dental Board submits the following description of the economic impact of the revocation of 71-5-1 through 71-5-6 and the adoption of K.A.R. 71-5-7 through 71-5-13.

1. These regulations identify the general requirements and conditions that apply to administering a sedative agent as part of a dental procedure. The regulations further identify the specific eligibility standards for the acquisition and renewal of a Level I, II, or III sedation permit from the Board.
2. The proposed regulations are not mandated by federal laws.
3. It is expected that the board will have between 50-100 who may be applicants for the new Level I sedation permit. Some of the other current permit holders I and II will be shifting out of those current categories, into the higher level. Currently there are 25 Level I permit holders, approximately half of them will become Level II permit holders and will pay an additional \$50.00 every two years. In addition, there are 55 Level II permits, most of which will become Level III permit holders and will incur \$100 more every 2 years.
4. The Board is not aware of any less costly or less intrusive methods to achieve the stated purpose and thus none were considered.
5. This is not a proposed environmental regulation.