

My name is Dr. Daniel Keith and I am the orthodontist/owner of DK Orthodontics located in Bismarck and Dickinson. I am a member of District 30 in Bismarck have met with my Senator Diane Larson both in-person and had online discussions regarding my concern related to HB 1151 which is undergoing Senate testimony on Wednesday, March 3rd. This "telehealth dentistry" bill, in my humble opinion, sets an unbelievably dangerous precedent in the arena of patient care and patient safety. Please know that my commentary below is not meant out of a self-serving nature, but rather out of non-maleficence towards patients.

Although the intent of HB 1151 is good-natured (telehealth is great in certain areas of medicine where symptoms could be described and diagnosed entirely over a technological medium without jeopardizing the diagnostic abilities of the practitioner, but, unfortunately, dentistry is not one of those healthcare disciplines that this applies to as we deal in fractions of a millimeter and the difference between determining health and disease lies in the tactile and visual acuity of the practitioner, neither of which are available safely in a telemedicine platform), the unintended consequences put our patients at an unbelievably high risk that I believe is not fully appreciated by those who are not "in the arena" to steal a phrase from Teddy Roosevelt.

The bill is so vaguely written and leaves a great deal to interpretation as to what qualifies as an evaluation or an examination, who is qualified to conduct these telehealth dental visits, and what outcomes can be rendered because of them. My simplistic summation of the thoughts on the bill is below:

1. ND Regulations how dentistry may be practiced are, and should be, found within Administrative rules, not statute as 1151 proposes.
2. "Patient evaluation" is not "equivalent to a patient examination" as the bill claims.
3. Administrative Rules may be amended in a more timely and appropriate manner through the process approved by the Legislative Council.
4. All essential, necessary aspects of dental examinations cannot be performed through telehealth. Much of what we do is qualitative in nature and telehealth is in direct contrast to that.
5. H.B. 1151 circumvents public safety as currently established through existing statute and rule.
6. The Principles of Ethics and Code of Professional Conduct are presently identified within Administrative Rules. H.B. 1151 conflicts with long established Principles of Ethics and Conduct.
7. Ethical principles guide behavior and are not intended to regulate technology.

I have the privilege of traveling the country on a routine basis

speaking on behalf of the American Association of Orthodontists (AAO) as I serve in national leadership. Sometimes those speaking outings are clinical in nature and sometimes they are advocative in nature and I can share with you that the AAO has spent nearly the entirety of its lobbying dollars and efforts over the past few years fighting for our patients and fighting against treatment methods and modalities that take patient care out of the hands of qualified individuals and put them into the hands of individuals who have not been down the (8 years for dentists, 11 years for orthodontists) proper educational path to properly and safely treat those that we have taken ethical oaths to protect. There are dangerous precedents being set nationally when it comes to patient care and it is because circumvention of state rules and statutes, by way of big business, has become the norm. I ask you not to let this happen in our state of North Dakota where honesty, integrity, and morals still shine brightly.

When I completed both dental school and orthodontic residency, I swore an oath to, first and foremost, protect our patients and that is the purpose of my commentary today and I respectfully ask for your consideration in voting against HB 1151.

Thank you very much for your time and for all that you do for the state of North Dakota!