



# North Dakota State Board of Dental Examiners

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## House Industry, Business, and Labor Committee

March 11, 2025; 10:00 am

State Capitol; 327C

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Testimony of the North Dakota State Board of Dental Examiners

Neutral—SB 2375

Chairman Warrey and members of the House Industry, Business, and Labor Committee, my name is David Schaibley—Executive Director of the North Dakota State Board of Dental Examiners providing the Board's neutral testimony on SB 2375.

The Board takes no position on the substance of the Bill or the public policy underlying it. Instead, our testimony focuses on the fact that Section 1 of the Bill places these joint negotiations within Chapter 43-28 (Page 1; Line 6).

That placement is concerning because even though the Bill does not mention the Board, there is other language that already exists in Chapter 43-28 that makes the Board responsible for regulating the entirety of Chapter 43-28. So as written, the Bill unintentionally gives the Board some level of authority over these joint negotiations, which could cause the Board to be entangled in issues related to access to the marketplace. That creates legal and anti-trust issues that could expose the negotiating dentists and insurers, the Board, and the Office of Administrative Hearings to liability; could put the negotiated agreements themselves at risk; and could expose individual Board members to personal liability.

We understand that the North Dakota Dental Association seeks an amendment that moves this language out of NDCC ch. 43-28 and into an entirely new Chapter of Century Code. The Board greatly appreciates the Association's outreach on this issue and their proposed Amendment, and we ask that you support its adoption.

Thank you for your time and we welcome any questions.

### Prepared and Presented by:

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