

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1313

2007 HOUSE HUMAN SERVICES

HB 1313

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1313

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 16, 2007

Recorder Job Number: 1196

Committee Clerk Signature



Minutes:

**Chairman Price:** Let's open HB 1313.

**Representative Jim Kasper, District 46:** I do want to point out one concern that can be addressed by the committee P.6 line 7-19. It is about criminal history back ground check.

**Rita Sommers, Executive Director ND State Board of Dental Examiners:** See attached testimony on additions and changes. The duty to report is what would happen in their practice or outside. The advertising is the concern of general dentist putting their practice in the yellow pages under orthodontist listing, and the public needs to know who the specialist is.

**Joseph Cichy, ND Director of Dental Association:** We support this bill. I would like to present written form testimony with the committee after I speak with ADA. I would like to contact them with the language on page 6.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1313

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 22, 2007

Recorder Job Number: 1583

Committee Clerk Signature

*Judith Schock*

Minutes:

**Chairman Price:** Take out HB 1313. You should all have the proposed amendments before you.

The committee goes over the amendments on page 6 line 26. Are we waiting for more amendments?

**Representative Porter** moves the amendments second by **Representative Weisz**. It was a unanimous verbal vote. **Representative Conrad** moves a do pass as amended, seconded by **Representative Potter**. The vote was 12 yeas, 0 nays, and 0 absent. **Representative Schneider** will carry the bill to the floor.

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/10/2007

Bill/Resolution No.: HB 1313

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Defines scope of practice for dentist/dental assistant related to training and education, grants authority to investigate applicants by including statute for criminal history record checks if the board requires, addresses reporting of unethical conduct.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No provision of this bill will have a fiscal impact.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Rita Sommers	<b>Agency:</b>	North Dakota State Board of Dentistry
<b>Phone Number:</b>	701.391.7174	<b>Date Prepared:</b>	01/11/2007

**Proposed amendments to House Bill No. 1313**

Page 6, Line 26, remove "Limit the dentist's" and "of dentistry to practicing."

Renumber Accordingly

70530.0101  
Title.0200

Adopted by the Human Services Committee  
January 22, 2007

**House Amendments to HB 1313 (70530.0101) - Finance and Taxation Committee  
01/23/2007**

Page 6, line 26, remove "limit the dentist's" and remove "of dentistry to practicing"

Renumber accordingly

Date: 4/22  
Roll Call Vote #: 2

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House HUMAN SERVICES HB 1313 Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move Amendment

Motion Made By Rep Porter Seconded By Rep Weisz

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 12 "Click here to type Yes Vote" No "Click here to type No Vote"

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 4/22  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1313 Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as amended

Motion Made By Rep Conrad Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Kari L Conrad	✓	
Vonnie Pietsch - Vice Chairman	✓		Lee Kaldor	✓	
Chuck Damschen	✓		Louise Potter	✓	
Patrick R. Hatlestad	✓		Jasper Schneider	✓	
Curt Hofstad	✓				
Todd Porter	✓				
Gerry Uglem	✓				
Robin Weisz	✓				

Total (Yes) 12 "Click here to type Yes Vote" No 8 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Schneider

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1313: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Sixth order on the calendar.

Page 6, line 26, remove "limit the dentist's" and remove "of dentistry to practicing"

Renumber accordingly

2007 SENATE HUMAN SERVICES

HB 1313

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1313

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 2-28-07

Recorder Job Number: 4078

Committee Clerk Signature

*Mary K Monson*

Minutes:

Chairman Senator J. Lee opened the hearing on HB 1313 relating to criminal background checks for dentists and powers of the board of dental examiners; and relating to the regulation of dentists and dental assistants.

Representative Jim Kasper (District #46) introduced HB 1313 at the request of the dental association. He briefly highlighted each section. Section 9 is an important section being added dealing with criminal history and background checks. Section 14 is also a new section dealing with duty to report criminal behavior and activities.

Senator Warner asked Rep. Kasper to address section 14 and asked if this is the main monitoring program for all the medical professions (meter 03:20).

Rep. Kasper stated that area will be addressed by Rita Sommers.

Rita Sommers (Executive Director, ND State Board of Dental Examiners) testified in favor of HB 1313. She explained that the changes are minor. See attached testimony #1.

Senator Warner asked if there was a penalty for not reporting or if it is discretionary whether the board would choose to enforce any sanctions.

Ms. Sommers said there is a provision that sets out the need to report. The time frame is left to be very ambiguous. She gave examples (meter 12:00).

Page 2

Senate Human Services Committee

Bill/Resolution No. HB 1313

Hearing Date: 2-28-07

There was no opposing or neutral testimony.

The hearing on HB 1313 was closed.

Senator Heckaman moved a Do Pass on HB 1313.

The motion was seconded by Senator Erbele.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Warner.

Date: 2-28-07

Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1313

Senate HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Heckaman Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Warner

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 28, 2007 3:35 p.m.

**Module No: SR-38-4134**  
**Carrier: Warner**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1313, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1313 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1313



# HB 1313 Testimony

Prepared by Rita Sommers, Executive Director  
North Dakota State Board of Dental Examiners

The board operates in the public interest by effectively regulating individuals who hold themselves out to the public as licensed dentists and dental hygienists and registered dental assistants. HB 1313 addresses *additions and changes* to Chapter 43-28 and 43-20.

## ***Additions:***

1. Criminal history record checks
2. Scope of practice, defined
  - a. Dental assistant
  - b. Dentist
3. Definition, dentist
4. Reporting

## ***Changes:***

Modifications made to Chapter 43-28 and 43-20 do not challenge or change the meaning of the language that is in place. However these changes attempt to clarify or improve language that is in place. Many alterations would be considered "housekeeping" changes. The following modifications reflect situations the board has recently been engaged in.

- ◆ Continuing education (page 4, number 4) is required for renewal of the dental, dental hygiene and dental assistant registration. With this amendment, a visiting (out of state) dentist or hygienist would be allowed to participate in a continuing education course held in North Dakota without holding a North Dakota license to practice dentistry. The participant would still be required to hold a license from another state. Some syllabi require the dentist to have "hands on" experience within the itinerary of a continuing education course. Patients may be involved to

demonstrate new techniques or procedures. It would be impractical to hold licenses in every state where continuing education was offered.

- ◆ By changing the per diem (bottom of page 5) amount to one established by the board, as many other statutes do (medical examiners, optometry, nursing, abstractors, chiropractors, accountants, etc.) the statute allows the Board to modestly compensate the members as their budget permits in accordance with the duration and location of the examiners duties. Mileage is provided in section 54-06-09.
- ◆ The NDSBDE has addressed the advertising (page 9, number 10) issue on several occasions. This is an effort to make the statute more concise as it relates to public perception.

### ***Additions to HB 1313***

**Criminal history record check;** (page 6, Section 9) The board has adopted policy and supports legislation that improves the board's oversight process and promotes more effective regulation of licensed dentists and dental hygienists. Many boards conduct professional records search for initial licensure and ask candidates about their mental and physical fitness to safely practice the profession. Many states have drafted regulations to extend this authority initiative to address an increasingly more critical component of licensure: the criminal background check. Background and criminal history checks are further addressed in Chapter 12-60-24 where the board is following suit with many other professional boards updating the process of licensure, ensuring the safety of the public.

Dental assistant, scope of practice; (top of page 2) Previously the dental assistants scope of practice had not been included in the statutes, however dental assistants are granted provisions in the administrative rules as the duties of the dental assistant are defined. A dental assistant must be registered by the board of dental examiners to perform expanded duties under the supervision of a dentist. According to rule a dental assistant is authorized to practice under the direct, indirect or general supervision of a licensed dentist.

Previously a scope did not exist for this segment of the dental team, which is governed by the State Board of Dentistry.

Dentist, scope of practice; (page 6 Section 10) Licensees may not perform any procedures for which appropriate credentials have not been provided to the NDSBDE. Many states recognize dental specialties in either their statutes or regulations, and base their definition of dentistry to encompass a broader scope of dentistry for specialists within the licensing process for state boards of dentistry. North Dakota, however, grants the same dental license to all qualified applicants and does not identify dental specialists. As an example, the scope of dental practice for the oral surgeon is much broader than that of the general dentist. The extended training and education is advanced 4 to 5 years following a general dentist's education. However, in North Dakota an oral surgeon receives the same license to practice dentistry as a general dentist or an orthodontist, or an endodontist, etc. The proposed scope of practice allows the Board of dentistry to recognize the advanced training received by any licensed dentist. The NDSBDE would be authorized to correlate during the process of licensure the level of dental education with the appropriate scope of practice. This amendment protects the public by addressing the fact that only those with

appropriate advanced education and training may announce as having such in areas of specialty treatment recognized by the NDSBDE.

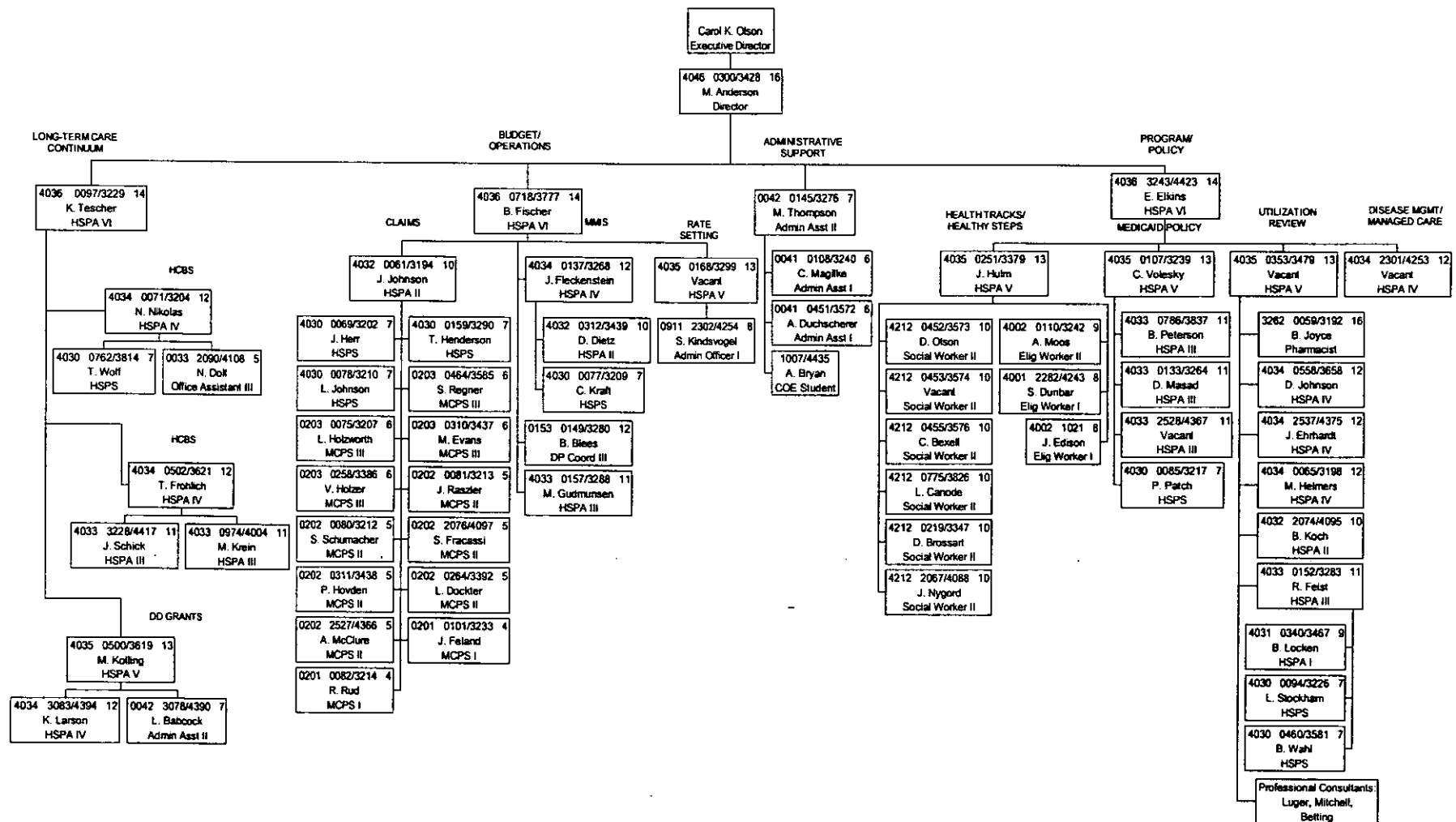
Definition, dentist: (page 3, number 4) HB 1313 provides a definition for dentist, which previously was not addressed in administrative rule or statute. The definition relates to scope of practice in the fact that a person may not "practice dentistry" in this state unless that person is a dentist.

Reporting: Reporting statute (page 8-9, Section 14) encompasses a variety of issues that may affect a practitioner's ability to serve the public. Many lawsuits settled out of court where injury or harm has occurred may not otherwise become apparent to the licensing board particularly in instances of out of state licensees or applicants. Reporting does not require the board to take action against a licensee. Reporting allows the board to determine if any action is necessary.

***Intent of HB 1313; protect the public by establishing statutory changes that have not been in existence and maintaining the statute that is in existence with minor modifications. The dental board has a unique perspective and thus a responsibility to make those additions and modifications, which reflect the ongoing activity of the Board and it's licensees, with the goal of public protection in mind.***

# North Dakota Department of Human Services

## Medical Services Division



**North Dakota Department of Human Services  
Medical Services Division**

**MEDICAID MANDATORY AND OPTIONAL SERVICES**

<b>MANDATORY</b>	<b>OPTIONAL</b>	<b>OPTIONAL</b>
Inpatient Hospital	Chiropractic Services	Mental Health Rehab / Stabilization
Outpatient Hospital	Podiatrist Services	Inpatient Hospital / Nursing Facility / ICF Services 65 and older in IMD
Laboratory X-ray	Optometrists / Eyeglasses	Intermediate Care Facility Services for MR
Nursing Facility Services for beneficiaries age 21 and older	Psychologists	Inpatient Psychiatric Services Under Age 21
EPSDT for under age 21	Nurse Anesthetist	Personal Care Services
Family Planning Services & Supplies	Private Duty Nursing	Targeted Case Management
Physician Services	Clinic Services	Primary Care Case Management
Nurse Mid-wife Services	Home Health Therapy	Hospice Care
Pregnancy Related Services and services for other conditions that might complicate pregnancy	Dental & Dentures	Non-Emergency Transportation Services
60 Days Post Partum Pregnancy-Related Services	Physical Therapy & Occupational Therapy	Nursing Facility Services Under Age 21
Home Health Services (Nursing), including Durable Medical Equipment and Supplies	Speech, Hearing, Language Therapy	Emergency Hospital Services in Non-Medicare Participating
Medical and Surgical Services of a Dentist	Prescribed Drugs	Prosthetic Devices
Emergency Medical Transportation	Diagnostic/Screening/Preventative Services	
Federal Qualified Health Center (FQHC) / Rural Health Center (RHC)		

Note: ALL Optional services are available to children under the age of 21, if medically necessary (Required through EPSDT)

**North Dakota Department of Human Services  
Medical Services Division**

**CURRENT MEDICAID SERVICE LIMITS AND COPAYMENTS**

<b>SERVICE LIMITS</b>	<b>COPAYMENTS</b>
Chiropractic Manipulations 12/year	\$2 Occupational Therapy
Chiropractic X-rays 2/year	\$2 Optometry Service
Physical / Occupational / Speech Therapy Evaluation 1/year	\$2 Psychological Service
Occupational Therapy 20 visits/year	\$1 Speech Therapy
Psychological Testing 4 hours/year	\$2 Physical Therapy
Psychological Therapy 40 visits/year	\$3 Podiatry Service
Speech Therapy 30 visits/year	\$2 Hearing Test
Physical Therapy 15 visits/year	\$3 Hearing Aid
Eyeglasses for Individuals 21 & Older once every 3 years	\$75 Inpatient Hospital
Eye exams for Individuals 21 & Older once every 3 years	\$6 non-emergent use of Emergency Room
Ambulatory Behavioral Health – limited based on level of care	\$2 Physician Visit
Inpatient Psychiatric – 21 days per admission, not to exceed 45 days per year	\$3 Federally Qualified Health Center / Rural Health Center Visit
Inpatient Rehabilitation Services – 30 days per admission	\$3 Brand Prescriptions
Nursing facilities – 15 days hospital leave; 24 therapeutic leave days per year	\$1 Chiropractic Services
Wheelchairs – limited to once every 5 years	\$2 Dental Services
Nebulizers limited to once every 5 years	
Dentures – limited to once every 5 years	
Dietitian – 4 visits per year	
Biofeedback – 6 visits per year	



# North Dakota State Board of Dental Examiners

## Testimony

House Bill 1313 – Senate Human Services

February 28, 2007

**GOOD MORNING LADIES AND GENTLEMAN OF THE COMMITTEE.**

**My name is Rita Sommers, and I serve as the executive director of the NDSBDE.**

**The board operates in the public interest by effectively regulating individuals who hold themselves out to the public as licensed dentists and dental hygienists and registered dental assistants. HB 1313 addresses additions and changes to Chapter 43-28 and 43-20.**

### ***Additions:***

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