

2013 SENATE HUMAN SERVICES

SB 2084

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

2084
1/09/2013
Recording Job Number: 17053

Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

Regulation of dental hygienists and dentists relating to the powers of the state board of dental examiners and relating to the practice and licensing of dental hygienists and dentists and the ownership of a practice.

Minutes:

Chairman Lee calls hearing to order on SB2084.

First to testify in support of the bill is Rita Sommers, Executive Director of the North Dakota State Board of Dental Examiners. The board is committed to working with law makers to implement reforms for this dynamic profession. The amendments to section 43-28 and 43-20 focus on the board's mission to protect the dental health of the public by regulating the practice of dentistry, dental hygiene, and dental assisting.

This bill addresses seven items.

The **first** item is required for the renewal of the dental hygiene and dental assistant registration. With this amendment, requirements for maintenance of proof of continuing education are specified by adding three years as a length of time required to maintain continuing education records. Language for the random sample has been deleted. Upon renewal, licensing's are required to supply the board with satisfactory evidence of their continuing education.

The **second** amendment addresses modified supervision, which is no longer in the statute or administrative rule. The term should have been deleted when the definition was deleted. Indirect supervision is now the required supervision for certain procedures performed by dental hygienists and dental assistants, but is not the only form of supervision. There is also general supervision and direct supervision.

The **third** issue is regarding the sentence that was added to 43-28-06 where it ends with "or rules adopted by the sport." Currently the board has the authority to take action against the license of a dentist, hygienist, or the registration of a dental assistant who violates the administrative rule. The wording change provides a relocation of existing information rather than any additional law or rule. This amendment is very straight forward where information regarding the powers of the board is easy to locate.

The **fourth** amendment is a new subsection that authorizes the board of dentistry to enter into an agreement with the board of medical examiners. The board of medical examiners is in the process of establishing a program where impaired or addicted licensees may voluntarily participate in a program. Many details are still in the process of being figured out; therefore this statute gives authority if the board chooses to proceed.

The **fifth** issue addresses the addition of the National Dental Examining Board of Canada, which is responsible for establishing and maintaining a standard of competence for dentists in Canadian provinces. Only graduates of accredited dental programs are eligible to take the exam. For this reason, the North Dakota Board accepts results from the National Dental Examining Board of Canada.

The **sixth** item relates to how jurisprudence exams are administered. The board requires all current dental candidates to appear before the board to take the laws and rules exam, removing the language "administered by the board at a meeting," which allows the board more flexibility in administering the laws and rules exam. Since the board meets quarterly, applications of dentists who may be applying for temporary licensure at other times may be processed in a more timely way.

The final and **seventh** issue being addressed is a redundant definition of dentists that was corrected to "an individual who has a license to practice in this state and holds a valid biennial certificate of registration."

Ms. Sommers concludes her testimony by acknowledging the Dental Board's responsibility to make additions and modifications that reflect the ongoing activity of the board with the goal of public protection in mind. She proceeds to recommend the committee's support of SB2084 and thanks to committee for the opportunity to testify and welcomes any questions.

Chairman Lee asks Ms. Sommers to give examples of the three types of supervisions and requests that the exact definitions be given to the clerk to be documented accurately in the minutes. The definitions of the three supervisions are as follows:

(Also see attachment #1)

"Direct supervision" means the dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures and remains in the dental office or treatment facility while the procedures are being performed by the dental hygienist or dental assistant, and before dismissal of the patient, evaluates the performance of the dental hygienist or dental assistant.

"Indirect supervision" means that a dentist is in the dental office or treatment facility, has personally diagnosed the condition to be treated, authorizes the procedures, and remains in the dental office or the treatment facility while the procedures are being performed by the dental hygienist or dental assistant.

"General supervision" means the dentist has authorized the procedures and they are carried out in the accordance with the dentist's diagnosis, if necessary, and treatment plan.

The dentist is not required to be in the treatment facility. Limitations are contained in North Dakota Century Code section 43-20-03.

Senator Dever proceeds to ask Ms. Sommers, in regards to section four, for clarification about the agreement with the Board of Medical Examiners and if it is restricted only to the addiction programs. Ms. Sommers explains that this item is particularly referring to a practitioner health program that will be set up outside of their board. It is designed to allow practitioners to enter into an agreement with the facility to where the board is completely unaware of the practitioner's addiction or particular treatment(s) they are having done. The interest in this issue is high because the percentage of practitioners that have substance abuse and addiction problems compared to the percentage that actually seek treatment is incomparable. In the interest of protecting the public, this is one way to narrow the gap so licensees don't feel threatened that their license will be in jeopardy so they get the treatment that they need and not treat their patients impaired.

Senator Dever explains to Chairman Lee that the reason he is interested in this particular issue is because he has a bill on his desk that sets that program up or at least pertains to the issue.

Chairman Lee asks Ms. Sommers for further clarification pertaining to Senator Dever's question and if this additional language is just limited to addiction treatment. Ms. Sommers states that she does not believe it would be limited to substance abuse and that there will be other opportunities for collaboration.

Senator Axness, in regards to the same issue (section four), expresses interest in the cost that is involved and who bears that cost. Ms. Sommers explains that the cost is very vague to the board at this time and that they do not have any numbers. However, it would be safe to say that they are not looking for state support and that the cost of licensing is on the people licensed so the two boards together, and the members, would be bearing the costs of this additional program. Raising/increasing fees could be a result in order to pay the cost of obtaining the program.

Chairman Lee asks for any further questions for Ms. Sommers and any other testimony in both favor and opposition of SB2084. With no further questions or testimony, Chairman Lee closes the hearing and proceeds to open a discussion amongst the committee since time allowed.

Chairman Lee opens the floor for questions or concerns from the committee.

Senator Anderson expresses concern with the removal of the language "licensed dentist" in regards to the seventh amendment, but stated he understands the explanation to mean that in North Dakota a dentist means they are already licensed.

With that being the only concern and it being clarified, the committee was ready to proceed with the bill.

Senator Anderson moves a do pass.

Senator Dever seconded.

No further discussion from committee. Clerk calls roll call votes.

The vote is 5-0, do pass.

Senator Dever volunteers to carry first bill out of committee.

After committee member introductions, Chairman Lee closes hearing.

Date: 1/9/13

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2084

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Anderson Seconded By Sen. Dever

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Dever

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

REPORT OF STANDING COMMITTEE

SB 2084: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2084 was placed on the Eleventh order on the calendar.

2013 HOUSE HUMAN SERVICES


SB 2084

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

SB 2084
March 12, 2013
Job 19748

Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to powers of the state board of dental examiners.

Minutes:

Testimony 1

Vice-Chair Hofstad: Opened the hearing on SB 2084.

Rita Sommers: Executive Director for the ND State Board of Dental Examiners (NDSBDE) testified in support of the bill. (See Testimony #1) (ended 6:00)

Rep. Fehr: Page 1, line 23 where the work indirect is inserted, do you have a definition of indirect?

Sommers: Yes, that definition is in rule.

Rep. Silbernagel: This would be new language to add Canadian certification, is that correct?

Sommers: The language is new, but the board has always accepted the Canadian accreditation.

NO OPPOSITION

Vice-Chair Hofstad: Closed the hearing on SB 2084

Chairman Weisz: Let's take up SB 2084

Rep. Hofstad: Moves a Do Pass.

Rep. Fehr: Second.

13-0-0

Carried by: Rep. Fehr

Date: 3-12-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2084

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Hofstad Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. MOONEY	✓	
VICE-CHAIRMAN HOFSTAD	✓		REP. MUSCHA	✓	
REP. ANDERSON	✓		REP. OVERSEN	✓	
REP. DAMSCHEN	✓				
REP. FEHR	✓				
REP. KIEFERT	✓				
REP. LANING	✓				
REP. LOOYSEN	✓				
REP. PORTER	✓				
REP. SILBERNAGEL	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Fehr

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

REPORT OF STANDING COMMITTEE

SB 2084: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2084 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2084

Attachment # 1

15. "Dental technician" means any individual who offers or undertakes to perform the fabrication or repair of corrective or prosthetic dental devices according to the written instructions of a licensed dentist. A certified dental technician is an individual who is specifically qualified through education and experience and who has successfully completed the written and practical certification examinations administered by the national board for certification, and who further maintains certification through compliance with continuing education requirements as stipulated by the national board for certification.
- ✓ 16. "Direct supervision" means the dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures and remains in the dental office or treatment facility while the procedures are being performed by the dental hygienist or dental assistant, and before dismissal of the patient, evaluates the performance of the dental hygienist or dental assistant.
17. "Evaluation" means the act or process by a dentist of assessing and determining the significance, quality or work of something such as the patient's oral health status, the progress of dental therapy, or the performance of the dental hygienist or dental assistant.
18. "General anesthesia" means an induced state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacological or nonpharmacological method, or a combination thereof.
- ✓ 19. "General supervision" means the dentist has authorized the procedures and they are carried out in accordance with the dentist's diagnosis, if necessary, and treatment plan. The dentist is not required to be in the treatment facility. Limitations are contained in North Dakota Century Code section 43-20-03.
20. "Inactive status" means the licensee shall not engage in the practice of dentistry or dental hygiene in the state of North Dakota. The license that is placed on inactive status remains on that status until such time as the license is reinstated.
- ✓ 21. "Indirect supervision" means that a dentist is in the dental office or treatment facility, has personally diagnosed the condition to be treated, authorizes the procedures, and remains in the dental office or treatment facility while the procedures are being performed by the dental hygienist or dental assistant.
22. "Local anesthesia" means the elimination of sensations in one part of the body by regional injection of drugs without causing the loss of consciousness.



North Dakota State Board of Dental Examiners

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Testimony of the North Dakota State Board of Dental Examiners

Before the House Human Services Committee

Re: SB 2084

Tuesday, March 12, 2013

Presented by Rita Sommers, Executive Director of the NDSBDE

Good morning, Chairman Weisz and Members of the Committee. My name is Rita Sommers and I am the Executive Director for the North Dakota State Board of Dental Examiners (NDSBDE). I am here today to testify in support of Senate Bill 2084, which would address areas within the statute that require further definition, have become obsolete or address additions to the statute.

As I have testified before this committee in the past, the NDSBDE is committed to working with lawmakers to implement reforms to this dynamic profession. The amendments to Section 43-28 and 43-20 we believe focus on the Board's mission to protect the dental health of the public by regulating the practice of dentistry, dental hygiene and dental assisting.

SB 2084 addresses 7 items:

- 1) Page 1. 43-20-01.4 (Dental Hygienists and Assistants) Maintain continuing education records
- 2) Page 2. 43-20-03 Remove obsolete term "modified" add "Indirect"
- 3) Page 2. 43-28-06 (Dentists) add "or rules adopted by this board"
- 4) Page 2. New subsection to enter into an agreement similar to the BOME.
- 5) Page 3. Add examining board of Canada
- 6) Page 3. Remove "administered by the board at a meeting"
- 7) Page 3. Remove "North Dakota licensed practicing"

- 1) Continuing education (page 1) is required for renewal of the dental, dental hygiene and dental assistant registration. With this amendment, requirements for maintenance of proof of continuing education are specified by adding “3 years” as a length of time required to maintain CE records. Language for the “random sample” is deleted. Upon renewal licensees are required to supply the board with satisfactory evidence of their continuing education.
- 2) Modified supervision is no longer defined in law or rule. The term should have been deleted when the definition was deleted. The outdated definition was deleted at the same time that issues related to barriers to care started coming to the forefront and being addressed by stakeholders. Indirect supervision is now the required supervision for certain procedure(s) performed by dental hygienists and dental assistants.
- 3) Currently the Board has the authority to take action against the license of a dentist, hygienist or dental assistant who violates Administrative Rule [see 43-28-18 Subsection 28], therefore this wording change provides a relocation of existing information rather than any additional law or rule. This amendment locates the information where anyone looking for *Powers of the Board* could find the information in the most straightforward location.
- 4) This new subsection authorizes the NDSBDE to enter into an agreement with the Board of Medical Examiners. The amendment lays groundwork should the NDSBDE choose to participate with the North Dakota Board of Medical Examiners (NDBOME) program. The NDBOME are in the process of establishing a program where impaired or addicted licensees may voluntarily participate in a treatment program.

#1
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- 5) The National Dental Examining Board of Canada is the organization responsible for establishing and maintaining a national standard of competence for dentists in Canadian provinces. The educational requirement for licensure in nearly all U.S. states is graduation from a dental education program accredited by the ADA Commission on Dental Accreditation or the Commission on Dental Accreditation of Canada. Only graduates of Accredited Dental Programs are eligible to take the exam. For this reason, the NDSBDE accepts results of the National Dental Examining Board of Canada.
- 6) Currently the Board requires all dental candidates to appear before the Board to take the laws/rules examination. Removing the language “administered by the board at a meeting” (referring to the laws/rules exam required for licensure) allows the NDSBDE more flexibility in administering the test. Because the Board meets quarterly, applications of dentists who may be applying for temporary licensure at other times may be more processed in a more timely way.
- 7) The definition of dentist [see Section 43-28-01 Subsection 5] is intended to mean an individual who has a license to practice in this state and who holds a valid biennial certificate of registration. Therefore the language that is redundant within the sentence was corrected.

The dental board has a unique perspective and thus a responsibility to make additions and modifications that reflect the ongoing activity of the Board with the goal of public protection in mind. The North Dakota State Board of Dental Examiners recommends your support of SB 2084. Thank you for the opportunity to testify this morning and with that, I would be happy to answer any questions you may have.