

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

- DATE:** Wednesday, January 15, 2020
- TIME:** 9:00 A.M.
- PLACE:** Room EW20
- MEMBERS:** Chairman Wood, Vice Chairman Wagoner, Representatives Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Green (Kastning)(2), Lickley, Chew, Rubel, Davis
- ABSENT/
EXCUSED:** Representative(s) Gibbs
- GUESTS:** Susan Miller and Carolyn Brammer, Bd of Dentistry; Taylor Wilkens, Marimn Health; Francoise Cleveland, AARP-Idaho; Tina G. Wilson, ISBD, Public Mbr; Trinette Middlebrook, IDHW; Curtis Sandy, EMSPC; Melissa Casey, Dental Family Dentistry; Richard Ferguson, Steven Bruce, Elizabeth Criner, and Linda Swanstrom, ISDA; Mike Kane, Atty for Dent. Bd.; Misty Lawrence and Colby Cameron, DFM; Wayne Denny, EMS/DHW; Tyrel Stevenson, Coeur d'Alene Tribe
- Chairman Wood** called the meeting to order at 9:00 a.m.
- MOTION:** **Rep. Lickley** made a motion to approve the minutes of the January 7, 2020, meeting. **Motion carried by voice vote.**
- Chairman Wood** turned the gavel over to **Vice Chairman Wagoner**.
- DOCKET NO.
16-0202-1901:** **Dr. Curtis Sandy**, Emergency Medical Services (EMS) Physician and Emergency Physician, Portneuf Hospital, Chairman, EMS Physician Commission (EMSPC), presented **Docket No. 16-0202-1901**. The EMS standards are established by the appointed eleven member EMSPC. This Rule updates the referenced standards manual version to 2020-1. Quarterly meetings refine the standards manual to provide EMS best practice procedures.
- For the record, no one indicated their desire to testify.
- MOTION:** **Rep. Lickley** made a motion to approve **Docket No. 16-0202-1901**. **Motion carried by voice vote.**
- DOCKET NO.
19-0101-1900F:** **Susan Miller**, Executive Director, Idaho Board of Dentistry (IBOD), presented **Omnibus Docket No. 19-0101-1900F**, the reauthorization of existing agency rules in line with the Red Tape Reduction Act. Changes include expiration of the telehealth radius requirement and much of the dental assistant rules. The dental assistant supervising dentist was given delegation responsibility. Sections were combined and dental sedation was simplified. Fees and continuing education were placed into tables.
- Taylor Wilkins**, Dental Director, Marimn Health, testified **in support of Docket No. 19-0101-1900F**. As has been experienced in other states, dental therapy is a safe and effective care delivery model. The dental therapist in the clinic has provided the culturally-confident piece of the model for their patients.
- For the record, no one else indicated their desire to testify.
- Chairman Wagoner** declared Rule 80 stating a possible conflict of interest but that he would be voting on the docket.
- MOTION:** **Rep. Wood** made a motion to approve **Omnibus Docket No. 19-0101-1900F**. **Motion carried by voice vote.** **Chairman Wagoner** requested he be recorded as voting **NAY**.

**DOCKET NO.
19-0101-1901:**

Susan Miller, Executive Director, Idaho Board of Dentistry (IBOD), presented **Docket No. 19-0101-1901**, which are promulgated rules for dental therapists. The scope of practice includes a limited practice location within or contiguous to a tribal location.

After a stakeholder impasse occurred regarding the duties and associated supervision levels, the IBOD adopted the collaborative practice agreement (CPA) as a bridge. The CPA allows the supervising dentist, practicing within the same facility, to determine the permitted duties based on the dental therapist's training, skills, and abilities. A copy of the CPA could be required for cause or during an office inspection.

Class III mobility extractions are allowed under general supervision or at a higher supervision level, as specified in the CPA. This is the easiest extraction and is part of the dental therapist's training. Any complications following extraction would be addressed in a treatment plan and anticipated prior to the extraction. These rules allow the dental therapists to practice their profession while protecting public safety.

Taylor Wilkins, Dental Director, Marimn Health, testified **in support of Docket No. 19-0101-1901**. This is a safe and effective care delivery model with the CPA as a key part of the safety. He explained how the tribal member dental therapist bridges the cultural sensitivity so patients receive better care and are more satisfied.

Answering questions, **Dr. Wilkins** explained there is a dentist on staff during their clinic's hours. Any CPA he makes is predicated upon his comfort level with the dental therapist and would be updated as needed. Extractions could be set under any of the three allowed levels. Dentists review cases prior to procedure authorization.

Tyrel Stevenson, Legislative Director, Coeur d'Alene Tribe, testified **in support of Docket No. 19-0101-1901**. This new profession is based on a federal model under the Indian Health Services (IHS) and is a CPA model. The Health Resources and Services Administration (HRSA), the Federal Torte Claims Act (FTCA), and the GAP insurance plans combine to impact providers, services, and general supervision within the clinics and contiguous locations.

MOTION:

Rep. Burns made a motion to approve **Docket No. 19-0101-1901**.

**SUBSTITUTE
MOTION:**

Rep. Rubel made a substitute motion to approve **Docket No. 19-0101-1901** with the exception of **Section 036, Subsection 04.b**, which will be rejected.

Responding to committee questions, **Mr. Stevenson** said dentists inspecting, examining, and diagnosing before and during every procedure, is a conflict with the goal to address the cultural barrier and resulting high decay rate. The community members' degree of discomfort with someone who is different than themselves keeps them from getting care. Dental therapists are part of the community, provide the cultural trust, and free the dentists to work at the top of their scope.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. Wood made a motion to approve **Docket No. 19-0101-1901** with the exception of **Section 035** and **Section 036, Subsection 04.b**, which will be rejected.

Elizabeth Criner, Idaho State Dental Association (ISDA), testified **in opposition to Docket No. 19-0101-1901**, Sections 035 and 036, which do not reflect the content of the law for appropriate supervision levels for each authorized service or procedure. A national standard does not exist, and there are varying models in other states. Although a site visit is scheduled for March, a Commission on Dental Accreditation (CODA) accredited program is not guaranteed for this year. Two states successfully use the CPA, very detailed scopes of practice, and very detailed language for the CPA both in rule and law. A CPA was not delegated in this code to assure the IBOD would outline specific procedures.

If a patient requires additional procedures during an extraction, beyond the dental therapist's scope, it is important to have a dentist in the building to assure the community standard of care is maintained. For this new provider type and to make the Alaska model very successful, more work is required to assure the rule provides appropriate parameters to protect patient safety and provide clear guidance.

John Kris, Dentist, testified **in support** of **Docket No. 19-0101-1901**. He stated the program is important to access of care. However, explicit rules and guidelines for dental therapists are needed to assure success.

Dr. Steve Bruce, ISDA, testified **in opposition** to **Docket No. 19-0101-1901**, sharing his concerns about the limited scope of practice gray areas, such as performing unstipulated procedures. There is time to do this right to assure this program works well.

Tim Olsen, Representative, Nez Perce Tribe, testified **in support** of **Docket No. 19-0101-1901**. The current rule is an effort to provide regulation and meet the opposition half way. Legislation next year can get more specific.

Carolyn Brammer, Member, IBOD, Dental Hygienist, testified **in support** of **Docket No. 19-0101-1901**. The required graduation from a CODA approved program assures public safety, although there are currently no accredited programs.

For the record, no one else indicated their desire to testify.

Chairman Wagoner declared Rule 80 stating a possible conflict of interest but that he would be voting on the docket.

VOTE ON MOTION:

Roll call vote was requested. **Amended substitute motion failed by a vote of 3 AYE, 9 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Wood, Wagoner, Lickley. Voting in opposition** to the motion: **Reps. Vander Woude, Blanksma, Kingsley, Zollinger, Christensen, Kastning, Chew, Rubel, Burns. Rep. Gibbs was absent/excused.**

VOTE ON MOTION:

Roll call vote was requested. **Substitute motion failed by a vote of 2 AYE, 10 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Wagoner, Rubel. Voting in opposition** to the motion: **Reps. Wood, Vander Woude, Blanksma, Kingsley, Zollinger, Christensen, Kastning, Lickley, Chew, Burns. Rep. Gibbs was absent/excused.**

VOTE ON MOTION:

Chairman Wagoner called for a vote on the original motion to approve **Docket No. 19-0101-1901. Motion carried by voice vote. Reps. Wood, Lickley, and Chairman Wagoner** requested they be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 11:12 a.m.

Representative Wagoner
Chair

Irene Moore
Secretary