

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 15, 2020

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chair Souza, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Martin** called the Senate Health and Welfare Committee (Committee) meeting to order at 3:06 p.m.

PASSED THE GAVEL: Chairman Martin passed the gavel to Vice Chair Souza.

DOCKET NO. 19-0101-1901 Rules of the Idaho State Board of Dentistry, Dental Therapy Fee Rule. **Susan Miller**, Executive Director, State Board of Dentistry (Board), presented the docket for approval. **Ms. Miller** gave a PowerPoint presentation, along with her remarks.

DISCUSSION: In response to questions from the Committee regarding the written collaborative agreement as referenced at the top of page 433, section 035(b), who has the agreement and where it is, **Ms. Miller** responded the agreement is maintained by the dentist and the hygienist. It is provided to the Board initially and with each successive renewal. The Board doesn't see the agreement unless there is an investigation. **Ms. Miller** explained the role of the Board is to protect the public through licensure and dentistry; to provide good and safe care for the public. On the Board, there are four licensed, practicing dentists out of seven filled positions, with one vacancy. The Idaho State Dental Association is an association of professional dentists.

The Committee and **Mr. Miller** discussed the subject of a dental therapist performing tooth extractions. Mr. Miller explained that the dental therapist also has to perform 500 hours of supervised practice before becoming licensed or certified and performing extractions on his or her own.

TESTIMONY: **Taylor Wilkins**, Dental Director for the Coeur d'Alene Tribe, testified in support of the rule and stated that it is not a new model and is being done in other states.

Elizabeth Criner, Idaho State Dental Association (ISDA), indicated there are problems with sections 035 and 036 and requested they be rejected.

Tyrel Stevenson, Legislative Director for the Coeur d'Alene Tribe, provided page 2 of a bill that was signed last year and passed into law. See attachment 1. He then explained that a private dentist cannot open a practice on tribal reservations because he or she needs to be a part of the Indian Health Services Clinic. **Mr. Stevenson** says he feels confident with the model as presented.

Tim Olsen, representing the Nez Perce Tribe, said there has been an issue of access to health care for the tribe and it continues to be a problem. However, he is in support of the rule.

Dr. Steve Bruce, ISDA member and practitioner of dentistry in Idaho for 41 years, remarked that it looks like a plan for failure for the dental therapist. **Dr. Bruce** stated that someone needs to be on-site if teeth are extracted.

Dr. John Cres, a practicing Boise dentist for more than 40 years, is in support of the scope of practice being placed into the rules.

MOTION: **Senator Harris** moved to approve **Docket No. 19-0101-1901**, with the exception of sections 035 and 036. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Harris** commented he does not see full industry support.

SUBSTITUTE MOTION: **Senator Jordan** moved to approve **Docket No. 19-0101-1901** in its entirety. **Senator Heider** seconded the motion.

DISCUSSION: **Senator Jordan** stated that by removing sections 035 and 036, the entire rule is affected.

AMENDED SUBSTITUTE MOTION: **Chairman Martin** moved to approve **Docket No. 19-0101-1901**, striking section 036, sub paragraph 04, b, i, and ii; and renumbering subsequent lines. **Vice Chair Souza** seconded the motion.

ROLL CALL VOTE: **Senator Bayer** called for a roll call vote on the motions. **Vice Chair Souza** announced they would vote on the amended substitute motion first. **Vice Chair Souza** and **Chairman Martin** voted aye. **Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson** voted nay. The motion failed.

ROLL CALL VOTE: **Vice Chair Souza** announced they would vote on the substitute motion. **Senators Heider, Bayer, Jordan, and Nelson** voted aye. **Vice Chair Souza, Senators Lee, Harris, Burtenshaw, and Chairman Martin** voted nay. The motion failed.

ROLL CALL VOTE: **Vice Chair Souza** announced they would vote on the original motion. **Vice Chair Souza, Senators Lee, Harris, Burtenshaw, and Chairman Martin** voted aye. **Senators Heider, Bayer, Jordan, and Nelson** voted nay. The motion carried.

Vice Chair Souza announced the remaining five dockets on the agenda will be rescheduled due to time constraints.

PASSED THE GAVEL: Vice Chair Souza passed the gavel to Chairman Martin.

ADJOURNED: There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:56 p.m.

Senator Martin
Chair

Margo Miller
Secretary

Juanita Budell
Assistant Secretary