

**HOUSE COMMITTEE ON HUMAN RESOURCES**

**March 25, 1999 Hearing Room E**

**1:00 PM Tapes 46 - 47**

**MEMBERS PRESENT: Rep. Jeff Kruse, Chair**

**Rep. Kitty Piercy, Vice-Chair**

**Rep. Betsy Close**

**Rep. Jerry Krummel**

**Rep. Mike Lehman**

**Rep. Bill Morrisette**

**Rep. Jackie Taylor**

**MEMBER EXCUSED: Rep. Tim Knopp**

**Rep. Jackie Winters**

**STAFF PRESENT: Cletus B. Moore, Jr., Administrator**

**Diane M. Lewis, Administrative Support**

**MEASURE/ISSUES HEARD: HB 3123 Public Hearing**

**HB 3029 Public Hearing**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments

**TAPE 46, A**

006	Chair Kruse	Calls the meeting to order at 1:08 P.M. Opens public hearings on HB 3123 and HB 3029.
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**HB 3123 and HB 3029 PUBLIC HEARING**

015	Cletus Moore	Committee Administrator, summarizes the bills and points out their similarities.
030	Rep. Taylor	Asks if one bill supersedes the other.
034	Chair Kruse	States that today's testimony should clarify which bill will best serve the state's dental community.
046	Doug Barber	Willamette Dental Group, submits and presents written testimony in support of HB 3123 ( <b>EXHIBIT A</b> ).
070	Cyndy Harrison	Willamette Dental Group, submits and presents written testimony in support of HB 3123 ( <b>EXHIBIT B</b> ).
105	Chair Kruse	Asks if the witnesses have read HB 3029.
108	Barber and Harrison	Respond affirmatively.
110	Chair Kruse	Asks for comments regarding comparisons between HB 3123 and HB 3029.
115	Harrison	States that the language, "substantially equivalent," in HB 3029, is the main difference between the bills.
124	Rep. Close	Asks about the 13 states referenced in EXHIBIT B.
127	Harrison	Explains that the 13 states listed do not participate in regional exams. States that Oregon does not currently have the legal authority to look at these exams.
136	Steven Duffin	Dentist, Capitol Dental Care, testifies in support of HB 3123. States that there is a shortage of dentists in Oregon. Explains that he has been involved with recruiting experienced dentists to Oregon and has faced many complaints directed at Oregon's examination requirements. States that exam requirements for out-of-state dentists are keeping dentists from relocating to Oregon.
162	Jim Bunn	Managed Dental Care of Oregon, Capitol Dental Care, testifies in support of HB 3123 and HB 3029. States that these bills continue to protect patients and

		providers. Concur with the testimony of Steven Duffin.
178	Rep. Taylor	Asks about the participation of out-of-state dentists with continuing dental education.
180	Duffin	Responds that continuing education is monitored by the board. States that all the "experience" of an out-of-state applicant is reviewed by the board including continued education and any malpractice claims occurring in that dentist's practice history.
195	Jane Meyers	Oregon Dental Association (ODA), submits and presents written testimony in opposition to HB 3123 and HB 3029 ( <b>EXHIBIT C</b> ). Disagrees with the concept that Oregon is experiencing a shortage of dentists. Concur with the testimony that there is a shortage of pediatric dentists in the state. States that the testimony regarding the health division's survey, referenced in EXHIBIT A, does not take into account the fact that the Oregon Health Plan (OHP) covers people up to 100% of the poverty level, and in some cases, up to 170% of the poverty level. Explains that the survey cannot be read to indicate that there is a wide spread shortage of dentists throughout Oregon. States that there are surveys indicating that the ratios of dentists per population are better in Oregon than in neighboring states.
250	Chair Kruse	States that many Oregon dentists passed tests years ago that are no longer considered acceptable exams for today's standards. Asks if the state requires these dentists to pass current standard exams.
258	Meyers	Responds that Oregon does not require Oregon dentists to retake current standard exams. Explains that the Oregon Board of Dentistry (OBD) monitors the competency of all licensed dentists practicing in the state.
273	Rep. Morrisette	Asks if it would make a difference to have selected reciprocity with selected states.
278	Meyers	Responds that reciprocity is defined differently among states. Explains that scope-of-practice and examinations are inconsistent from state to state making reciprocity impractical.
292	Rep. Morrisette	Asks for additional information regarding the regional exam.
295	Meyers	Responds that the western regional exam includes 10 states. Explains that if an individual passes the regional exam they are authorized to practice dentistry in any of those 10 states.
308	Rep. Morrisette	Asks if Meyers is advocating to research other regional exams that might be accepted by Oregon in lieu of the state exam.
312	Meyers	Responds affirmatively. Explains that the Oregon Dental Association wants the OBD to look at other regional exams. States that if Oregon accepts one more

		regional exam, it opens the door to another large pool of out-of-state dentists.
320	Chair Kruse	Clarifies that HB 3123 and HB 3029 are not mandating any action. States that the bills provide the board with the option to review and accept exams from other states.
330	Meyers	Concurs. States that this legislation will effect the work load of the board. Explains that OBD members will need to research other state exams in order to make adequate decisions regarding which state exams will be accepted. Believes that there will be additional travel and communication expenses involved in implementing this process.
340	Chair Kruse	Comments that the board's decision is final and there should be no pressure to the members to reverse a decision.
360	Meyers	Responds that special interest groups occasionally put pressure on board members to reverse decisions. States that the ODA would prefer that regional exams be the deciding factor.
375	Chair Kruse	Closes the public hearing on HB 3123 and opens a work session on HB 3123.
<b><u>HB 3123 WORK SESSION</u></b>		
385	Rep. Morrisette	Comments that the issue is getting more complicated and he would like more information regarding reciprocity.
410	Chair Kruse	Explains that he has also had a concern regarding reciprocity. States that HB 3123 is providing the board of dentistry with another tool that will allow qualified dentists to practice in Oregon.
<b>TAPE 47, A</b>		
013	Rep. Taylor	Asks if there are other boards that have been directed by the legislature on what they can and cannot accept. Comments that the committee has not heard from the Oregon Board of Dentistry. States that an important issue regarding out-of-state dentists relocating their practices in Oregon is their knowledge of Oregon law.
025	Chair Kruse	Reminds the committee that the bill states the board "may" accept exams from other states.
029	Rep. Piercy	Asks presenters if they have taken their support of accepting other state exams to the board.
034	Harrison	Explains that the board supports this bill and needs the legislature to change statute so they can begin looking at other states. Indicates that the OBD wrote a

		letter to Chair Kruse expressing their support of this legislation.
040	Rep. Taylor	States that she has not received a letter of support from OBD.
043	Chair Kruse	Concurs that his office received a letter and apologizes that it is not in his bill folder at this time.
045	Joanne Bones	Executive Director, Board of Dentistry, testifies that the board discovered it does not have the authority to look at other state exams without the legislature's approval. Explains that the board does want the authority to look at other state exams thereby broadening the pool of eligible dentists that may practice in Oregon.
062	Rep. Piercy	Asks about liability and other concerns regarding possible pressures that board members may have to contend with in order to accept certain state exams.
070	Meyers	Responds that the possibility for problems exists regarding which groups will be allowed to practice in Oregon. Explains that she does not see the board involved in legal battles over this issue; however, there may be complaints of discrimination from certain groups.
080	Rep. Piercy	Asks the board to comment on the issue of "being pressured to accept exams."
083	Bones	Responds that the board tries to be inclusive of all groups. States that the board is not quick to make decisions regarding who may or may not practice in Oregon.
090	Rep. Krummel	Believes that there are a number of boards that have the authority to look at other state exams. Suggests that this bill brings the dental board in line with other boards. Comments that there are dentists in Oregon who have experience from other states and could provide the board with their experience. States that reciprocity will save the board time and money in the long run.
110	Bunn	Explains that the initial cost of looking at other exams is not significant. States that the board will look at the California exam first.
126	Taylor	Asks if California has their own exam and does not participate in the western regional exam.
128	Bunn	Respond affirmatively. California dentists cannot practice in Oregon unless they pass the Oregon state exam.
134	Rep. Morrisette	Asks how many regional exams exist.
136	Bones	Responds that there are four regional exams that enjoy the participation of 40 states. States that Oregon only accepts dentists passing the western regional

		exam.
142	Rep. Morrisette	Asks if the board has examined the other three regional exams.
145	Bones	Replies that the board is currently in the process of looking at those exams.
150	Rep. Taylor	States that if the board is currently looking at other regional exams, this bill is premature. Believes that legislative decisions should wait for the board to decide about accepting additional regional exams.
156	Bunn	Responds that without this legislation California dentists cannot practice in Oregon without "starting over" and re-taking Oregon's exams. States that out-of-state dentists don't want to go through the whole exam process again. Explains that even with the acceptance of other regional exams, California exams would not be acceptable.
163	Rep. Taylor	Comments that Oregon dentists cannot practice in California and wonders why Oregon should create a special situation that allows California dentists to practice in Oregon.
168	Bunn	States that the ultimate concerns should be whether a dentist can adequately provide services to patients and whether or not there are enough qualified dentists for the citizens of Oregon.
177	Chair Kruse	Reminds the committee that this legislation does not speak to reciprocity. States that this bill speaks to licensure without further examination.
185	Rep. Lehman	States that with the absence of Republican members the Chair may have a constitutional problem with moving the bill.
189	Rep. Krummel	Refers to HB 3123, section 1, subsection 3, and asks if it is assumed that the exams of other states are inferior to Oregon's exam. Believes that Oregon should not be exclusionary of other states and comments that the intent of this legislation continues to protect dental patients.
232	Rep. Morrisette	Explains that he has concerns about the bill after hearing opposing arguments. States that he is not convinced that there is a shortage of dentists in Oregon. Wonders if there will be Oregon licensed dentists that could be hurt by an influx of out-of-state dentists relocating in Oregon.
255	Chair Kruse	Closes the work session on HB 3123 and opens a public hearing on HB 2106.
<b><u>HB 2106 PUBLIC HEARING</u></b>		
261	Cletus Moore	Committee Administrator, summarizes the bill and explains that HB 2106 was

		passed out of the subcommittee on Boards and Licenses to the full committee of Human Resources with a do pass recommendation.
280	Jane Meyers	Oregon Dental Association (ODA), submits and presents written testimony in support of HB 2106 ( <b>EXHIBIT D</b> ).
288	Jim Davis	Oregon State Counsel of Senior Citizens, Oregon State Denturist Association, testifies in opposition to HB 2106. States that his associations oppose any legislation proposed by the ODA that could play a part in the Board of Dentistry's on going attacks against the Oregon denturist profession. Explains that the Oregon State Denturist Association and the Board of Dentistry are currently in litigation in the court of appeals. Explains that the board has been involved in gross misuse of power and asks the committee to restrict the power provided to OBD to "oversee" dental related services. Explains to the committee the problems that denturists have had with the board including the attempt by the board to restrict the definition of "denture" currently defined in statute. States that OBD intends to cut the scope of practice of Oregon denturists even though their efforts have been rejected by past legislatures.
335	Davis	Discusses the ruling of the OBD hearing officers in favor of the Senior Citizen Counsel and the Oregon Denturist Association. Explains that the board rejected the hearing officers' recommendations and filed a final order against the denturists.
354	Chair Kruse	Asks why Davis did not appear before the subcommittee.
374	Davis	Responds that the association was not aware that the bill was being heard in the subcommittee. It was within the last week that the decision was made to oppose HB 2106.
380	Rep. Krummel	Asks if dentists refer patients to denturists.
384	Davis	Responds affirmatively. States that a good working relationship exists between dentists and denturists.
389	Krummel	Asks why the board is making trouble for the denturist profession.
397	Davis	Responds that there has been a long, ongoing battle between the bodies that oversee these dental professionals. Explains that the denturist program is based on a national model and has been very successful with very few complaints. States that efforts by the OBD to restrict denturists from providing services for "over dentures" or "implant dentures" is an abuse of their power.
419	Rep. Piercy	Asks if there have been complaints regarding "bad practice" of denturists.
425	Davis	Responds that there have been virtually no complaints regarding implant and over denture procedures. There have been no more than 10-12 complaints per year regarding denturist providers. Explains that the denturist association wants

		the controversy with OBD to end. Discusses SB 962 (1999), sponsored by Sen. Marilyn Shannon, that will bring clarification of the dentist profession into the Oregon Dental Practice Act.
<b>TAPE 46, B</b>		
014	Rep. Close	Asks if civil penalties have been used against denturists.
016	Davis	Responds negatively. Explains that this penalty cannot be used against denturists. States that denturists are under separate statute and have a separate state board. Discusses complaints that OBD has filed against the Chair of the Denturist Board and against a Portland denturist who runs the most successful practice in Oregon. Explains that HB 2106 will not directly affect denturists; however, it provides an opportunity for the Denturist Association to educate legislators about the abuse of power that is being practiced by OBD. Asks the committee to consider his testimony before they vote to expand OBD authority.
036	Rep. Krummel	States that he does not see a connection between denturists and dentists in the bill or in the statute that the bill references. Asks for specific language in the bill that Davis finds objectionable.
045	Davis	Concurs with Rep. Krummel that there is no connection between the two dental professions and states that this is the point he is making. Explains that denturists are not part of the Dental Practice Act and the Board of Dentistry has no influence over the practice of denturists.
055	Rep. Lehman	Refers to HB 2106, page 1, line 2, "relating to authority of the Oregon Board of Dentistry;" and comments that it sounds like this is the denturists' objection.
062	Davis	Responds that any expansion of OBD authority is a concern. Thanks the members for listening to his concerns.
066	Chair Kruse	Closes the public hearing on HB 2106 and opens a work session on HB 2106.
<b><u>HB 2106 WORK SESSION</u></b>		
070	Rep. Close	Comments that the increase in the civil penalty to \$5,000 is excessive.
072	Moore	Explains that this increase brings OBD in line with other boards.
076	Chair Kruse	Explains that OBD currently has no authority to impose civil penalties against individuals practicing without a license. States that this legislation gives them some authority to deal with this rare situation.
097	Chair Kruse	Comments that he is not hearing a willingness from the majority of committee



		members present to move the bill and suggests that the contentious atmosphere from the morning floor session has followed the members into this meeting. Closes the work session on HB 2106 and adjourns the meeting at 2:10 PM.

Submitted By, Reviewed By,

Diane M. Lewis, Cletus B. Moore, Jr.

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 3123 & HB 3029, written testimony in support, Doug Barber, 2 pp.**

**B ñ HB 3123 & HB 3029, written testimony in support , Cyndy Harrison, 2 pp.**

**C ñ HB 3123 & HB 3029, written testimony is opposition, Jane Myers, 1 p.**

**D ñ HB 2106, written testimony in support, Jane Myers, 2 pp.**

**E ñ HB 3123, letter from the OBD in support, 1 p.**