

BOARD OF DENTISTRY AND LEGISLATIVE NEWS RELEASE:

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ADMINISTRATIVE LAW JUDGE RULES IN FAVOR
INFORMED CONSENT BY ADT AND DT

Earlier in the year, the Minnesota Board of Dentistry published the Proposed Rules Changes they recommended for dentists, hygienists, assistants and dental therapists. One of the changes that was fiercely opposed by organized dentistry (MDA) would allow dental therapists (DT) and advanced dental therapists (ADT) to obtain informed consent from patients before treatment.

The Board argued ADT's may be providing treatment remotely from the dentist with whom they have a Collaborative Management Agreement (CMA) and would therefore need to obtain informed consent. Before this judgment, only dentists were allowed by rule to obtain informed consent.

The MDA asserted only dentists were qualified to obtain informed consent and therefore the Board had overstepped their authority when they proposed this rule change.

Judge Eric Lipman, the Administrative Law Judge heard the arguments on both sides, and after reviewing all the documents and statements by all stakeholders, ruled the Board **DOES** have the authority to make this rule.

We are very happy with this ruling and hope the MDA will not challenge it further.

MDA INTRODUCED LEGISLATION TO RESTRICT ADT/DT

Last year, the Minnesota Dental Association (MDA) introduced bills in both the Minnesota Senate and House that, if passed, would severely limit the practice of the ADT.

House file (HF) 1483 and Senate file (SF) 1201 would

1. Remove the masters' level of education currently required for the ADT,
2. Remove the ability of the ADT to perform an oral evaluation, which is recognized by the Minnesota Department of Human Services as an oral examination that is billable,
3. Prevent the ADT from preparing the individualized treatment plan, which currently states must be *authorized* by the CMA dentist. The legislation proposes the dentist would need to perform an examination; diagnosis and treatment plan, and obtain informed consent from the patient **BEFORE** the ADT would be allowed to perform ANY services.

4. Removes the right of the uninsured to seek treatment from an DT or ADT. This is particularly a problem for patients in geographically remote areas where an ADT may be closer to them than a dentist.
5. Removes the ability of the ADT to provide as well as dispense and administer a limited list of medications, such as fluoride treatments.

If these bills were to become law, it would diminish educational requirements, severely restrict direct access to an ADT and prevent those who try to provide services to the underserved from utilizing the ADT's skills.

We believe dentists are uninformed about the benefits of ADTs and, therefore, imagine a negative impact on their livelihood. Physicians expressed the same concerns when nurse practitioners were first legalized in Minnesota. We believe dentists will find the new practitioner will not compete but enhance the practice of dentistry.

We all want only quality dental services to be provided to Minnesota residents, and we believe the ADTs and DTs have been well educated to meet the high quality we expect here.

We will be calling on you to contact your legislators when appropriate to voice opposition to these bills.

If you have questions, please contact me. Thank you for your support of MnDHA.

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