

Proposal Summary/ Overview

To be completed by proposal sponsor. (500 Word Count Limit for this page) Please read the entire questionnaire before completing this page.

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Is this proposal regarding:

- *New or increased regulation of an existing profession/occupation? If so, complete Questionnaire A.*
- *Increased scope of practice or decreased regulation of an existing profession? If so, complete this form, Questionnaire B.*
- *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

1) State the profession/occupation that is the subject of the proposal.

Dental Assistants

2) Briefly describe the proposed change.

This bill does not change the scope of practice for dental assistance. This bill is a one-word change in statute pertaining to who is eligible to apply for licensure by credentials and seeks to address the dental assistant workforce shortage in Minnesota.

Minnesota law allows for out of state dental assistants to apply for licensure with the Minnesota Board of Dentistry (Board) based on their credentials in lieu of completing a board-approved dental assisting program, if the applicant meets certain criteria.¹ One criterion is that the applicant must have graduated from a dental assisting program accredited by the Commission on Dental Accreditation (CODA) and be also certified by the Dental Assisting National Board (DANB).

This bill would change the application criteria to allow dental assistants to apply for licensure by credentials regardless of whether they graduated from a CODA accredited program, so long as they are certified by DANB, and meet other application criteria as determined by the Board. Additionally, applicants of CODA accredited programs who are not certified by DANB would also be eligible to apply for licensure. Applicants would still be required to demonstrate that the Non-CODA program is comparable to in-state CODA programs and meet all other Board of Dentistry requirements.

This bill simply expands those eligible to apply. It also more clearly articulates the Board of Dentistry's authority to recognize out of state non-CODA dental assisting programs for those seeking licensure by credentials.

¹Minn. Stat. §150A.06 subd. 8

3) If the scope of practice of the profession/occupation has previously been changed, when was the most recent change? Describe the change and provide the bill number if available.

There is no scope of practice change in this bill.

4) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.

Senate File 1234 – Representative Huot has agreed to author the bill in the House, which will be introduced shortly.

5) Given the press of business in the 2023 legislative session it is unlikely that health licensing and scope of practice bills will be taken up this year. If there is an urgent need for the bill to be heard this year, please explain the urgency.

There is a significant dental assistant workforce shortage in Minnesota. This bill will help address the issue who is eligible to apply for dental assistant licensure by credentials with the Minnesota Board of Dentistry. This bill is not a scope of practice bill, more of a workforce bill. Many of the MDA's members have sought to hire dental assistants for over a year or more, to no avail. While this bill will not solve the workforce issue, it will help dental assistants who want to work in Minnesota but did not graduate from a CODA accredited program to be able to apply through the Minnesota Board of Dentistry.

Questionnaire B: Change in scope of practice or reduced regulation of a health-related profession (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)

This questionnaire is intended to help legislative committees decide which proposals for change in scope of practice or reduced regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee's public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions that do not pertain to the profession/occupation (indicate "not applicable"). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1) Who does the proposal impact?

- a. Define the occupations, practices, or practitioners who are the subject of this proposal.

Dental assistants applying for licensure by credentials.

- b. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota

Minnesota Dental Assistant Association – We do not have a current membership number.

- c. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.

Dental assistants work in dental offices. This bill will help address the dental assistant workforce shortage in greater Minnesota.

- d. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.

Dental Assistants are allied dental professionals who perform duties as described in [MN Rule 3100.8500](#). Dental Assistants can perform various procedures under general supervision, indirect supervision, direct supervision, and personal supervision, of a licensed dentist.

- e. Discuss the fiscal impact.

Not applicable.

2) Specialized training, education, or experience (“preparation”) required to engage in the occupation

- a. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?

Dental assistants are required to graduate from a dental assisting program, have passed the Dental Assisting National Board’s Certification Exams, have passed the Minnesota Dental Assistant State Licensure Exam, and the Minnesota jurisprudence exam. Dental assistants applying for licensure by credentials are required to have graduated from a program accredited by the Commission on Dental Accreditation, have passed the Dental Assisting National Board’s Certification Exams, and have been practicing in another U.S. jurisdiction or Canada and have their license be in good standing.

- b. Would the proposed scope change or reduction in regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear the increase or benefit from reduction in cost of entry? Are current practitioners required to provide evidence of preparation or pass an examination? How, if at all, would this change under the proposal?

This bill would change the application criteria to allow dental assistants to apply for licensure by credentials regardless of whether they graduated from a CODA accredited program, so long as they are certified by DANB and meet other application criteria as determined by the Board. Additionally, applicants of CODA accredited programs who are not certified by DANB would also be eligible to apply for licensure. Applicants would still be required to demonstrate that the Non-CODA program is comparable to instate CODA programs and meet all other Board of Dentistry requirements. Despite this change, the Board still has the authority to determine if an applicant has appropriate training and credentials to become licensed.

- c. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?

Not applicable.

3) Supervision of practitioners

- a. How are practitioners of the occupation currently supervised, including any supervision within a regulated institution or by a regulated health professional? How would the proposal change the provision of supervision?

Dental Assistants can perform various procedures under general supervision, indirect supervision, direct supervision, and personal supervision, of a licensed dentist outlined in Minnesota Rule [3100.8500](#). This bill would not change any level of supervision.

- b. If regulatory entity currently has authority over the occupation, what is the scope of authority of the entity? (For example, does it have authority to develop rules, determine standards for education and training, assess practitioners' competence levels?) How does the proposal change the duties or scope of authority of the regulatory entity? Has the proposal been discussed with the current regulatory authority? If so, please list participants and date.

The Minnesota Board of Dentistry (Board) licenses and regulates dental assistants. The Board has the authority to develop rules, determine standards for education and training, and assess competence levels of dental assistants. This bill would more clearly articulate the Board's discretion when reviewing applicants who applied for licensure by credentials. The Minnesota Dental Association has discussed this bill with the Board, who are officially neutral on the proposal. The Board of Dentistry has also proposed changes to Minnesota Rule 3100 that reflects the language proposed in this bill.

- c. Do provisions exist to ensure that practitioners maintain competency? Under the proposal, how would competency be ensured?

The Board, when reviewing applications, considers competency of an applicant.

4) Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and wellbeing of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)

- a. Describe how the safety and wellbeing of Minnesotans can be protected under the expanded scope or reduction in regulation.

This bill would only expand those eligible to apply to become licensed dental assistants. The Board vets the applications, upholding its duty to protect the safety of the public.

- b. Can existing civil or criminal laws or procedures be used to prevent or remedy any harm to the public?

The Board has jurisdiction to remedy any harm to the public.

5) Implications for Health Care Access, Cost, Quality, and Transformation

- a. Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?

This bill expands the number of individuals who are eligible to apply for licensure with the Board. With more eligible applicants, the Board is able to review and potentially approve licensure applications. Communities in Greater Minnesota are having difficulty finding dental assistants. If more applicants who reside in Greater Minnesota are granted licenses, the level of unmet dental care needs in these communities can be reduced.

- b. Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic

availability of proposed providers/services. Cite any sources used.

There are many licensed dental assistants in neighboring states (the Dakotas, Iowa, and Wisconsin primarily) who are unable to apply for licensure in Minnesota due to differences in licensure criteria. For example, Minnesota requires those apply for dental assistant licensure by credentials to have graduated from a program accredited by the Commission on Dental Accreditation (CODA) and be also certified by the Dental Assisting National Board (DANB). There are dental assistants who want to work in rural communities in Minnesota where there is a great need for work; however, they are unable to apply for licensure because they did not graduate from a CODA accredited program or they are not certified by DANB. These individuals have similar training, education, experience, and competency levels that can help meet the needs in rural communities in our state. Yet they cannot even apply to be considered by the Board. This bill would allow these individuals to apply. The Board still has the discretion to deny applications due to various reasons.

- c. Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?

Not applicable.

- d. Describe any impact of the proposal on an evolving health care delivery and payment system (eg collaborative practice, innovations in technology, ensuring cultural competency, value based payments)?

Not applicable.

- e. What is the expected regulatory cost or savings to state government? How are these amounts accounted for under the proposal? Is there an up-to-date fiscal note for the proposal?

Not applicable.

6) Evaluation/Reports

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.

The Board maintains statistics on applications and can provide an update on the impact of this bill if enacted.

7) Support for and opposition to the proposal

- a. What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota?

The Minnesota Dental Association, representing approximately 3,000 dentists, sponsor this bill.

- b. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.

The Board is aware of this proposal and are officially neutral. The Board has also proposed changes to Minnesota Rule 3100 that include the proposed language change in this bill.

- c. List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.

Not applicable.

- d. What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?

The Minnesota Dental Association has discussed this proposal with the Minnesota Board of Dentistry, which is officially neutral on this bill.