

## March 2018

### South Dakota Report

<b>President</b>	Kevin Horner	(605)335-6680	<a href="mailto:kevin@hornerbarrowortho.com">kevin@hornerbarrowortho.com</a>
<b>President elect:</b>	Scott Weaned	(605)361-0012	<a href="mailto:Scott@cw-ortho.com">Scott@cw-ortho.com</a>
<b>Sec/Treasurer:</b>	John Kharouf	(605)343-4975	<a href="mailto:JohnGKharouf@gmail.com">JohnGKharouf@gmail.com</a>

#### **SDSO Business:**

The South Dakota Society of Orthodontics (SDSO) will hold their 2018 annual meeting in conjunction with the MSO annual CE meeting scheduled for Oct 2018 in Bloomington , MN. We again encourage all orthodontists in the surrounding states to support the program. All South Dakota officers were elected for two year terms at our 2015 annual meeting and agreed to stay an additional year. We expect to elect new state society officers at the MSO meeting.

#### **2018 South Dakota Dental Association Legislative Issues:**

##### **House Bill 1319**

##### ***Temporary Licensure Bill***

This bill proposes to create a multi-state compact that would require participating state to grant temporary licensure (18months) to licensees from other states in the compact

##### **Senate Bill 172**

##### ***Provide for the opt out of temporary licensure by certain professions.***

This legislation would allow dentistry, medicine, optometry, chiropractic, pharmacy, social workers and technical professions to opt out of the State's temporary licensure compact – should that bill (HB 1319) become law.

#### Talking Points from the SDDA

The Governor is proposing **House Bill 1319**, which would have South Dakota join a compact with other states for the purpose of giving licensing reciprocity across all professions and occupations. The legislation would create a separate temporary license to practice in

South Dakota for 18 months. The SDDA believes this legislation could expose the public to bad actors who are not otherwise qualified to be licensed here. SDDA is opposed to this alternative licensure process.

## The Conceptual Problems.

The Governor believes that the licensing processes should not be a barrier to employing professionals. Instead of addressing burdensome licensing requirements on a profession-by-profession basis, which is the usual course for our Legislature, the Governor wants South Dakota to join in a compact with other states to give reciprocity in licensing across all professions. This overly broad approach will allow an applicant to get a license without meeting all the current requirements that protect the public and ensure qualified dentists are practicing in SD. The Legislature gave authority and the responsibility to make appropriate decisions about licensure to boards that have the expertise to know who is qualified to practice their profession. The boards should retain their discretion and authority to review each applicant on a case-by-case basis. The Governor's bill mandates temporary licensing if three things are met: 1. the candidate possess a full license in another compact state; 2. is in good standing in all states when licensee has a current license, and; 3. passes a background check. Examinations, clinical experience, prior licenses, and jurisprudence knowledge are not considered.

## Issues Applicable to Dentistry.

There is no demonstrated need for this legislation concerning dentistry in South Dakota. For the dental profession, this bill is trying to fix something that is not broken.

- **No permanency.** There is no requirement for residency associated with issuing a temporary license in SD, so a person can work in our community and then must stop when the temporary license expires. This undermines continuity of care and weakens stability in our communities.
- **No shortage of dentists in South Dakota.** We have increased our workforce by 40%, from 310 to 430 licensed practitioners, in the last 20 years.
- **No unreasonable license barrier to dentistry in South Dakota.** Qualified applicants are granted a license to practice here. Applicants who were denied have negative criminal backgrounds or disciplinary issues in other states where they were licensed.
- **Stripping discretion from the Board.** The Board may or may not learn of another state's pending investigation or complaint against a licensee, and the Board would have to grant temporary licensure regardless.
- **Increase costs of administrating the board.** Creating another pathway for licensure would place additional administrative burdens on the Board. The solution will be to shift those administrative costs onto current licensees.

## Oppose Temporary Licensing.

The Governor's office admits that the Board of Dentistry has one of the best, if not the best, temporary registration and licensing processes statewide compared to all 80 professions and occupations. SDDA introduced **Senate Bill 172** which would allow the dental profession to opt

out from the temporary licensure compact in the event that the Governor's bill passes. While we believe the wide-sweeping Governor's bill is the wrong way to address workforce shortage, if dentistry is not subject to this compact under SB 172, then we have at least protected the public from those dentists who cannot meet our reasonable and necessary licensing requirements

## **House Bill 1205**

### ***Associated Medical Costs.***

This legislation expands the requirement that medical plans pay for hospitalization and related medical expenses, such as general anesthesia, when dental treatment is performed in a hospital or surgical center. The bill requires medical insurance to pay for the care of individuals with severely compromised health when dental treatment is performed in a hospital or surgical center.

Dr. Les Heinemann is the prime sponsor in the House of Representatives.

The SDDA is actively promoting the passage of this bill on behalf of dental patients who need dental care in a hospital setting. SDDA worked with the state's three largest insurers and acquired their support of the bill. The bill passed the House of Representatives and the Senate. It will be sent back to the House for concurrence on a minor amendment. The bill should be headed to the Governor for signature next week!

## **House Bill 1287**

### ***Revise certain provisions regarding multiple employer trusts.***

This bill proposed to make significant changes to South Dakota law concerning the formation of multiple employer trusts which are also known as multiple employer welfare arrangements. The bill would make it easier for associations (like the SDDA) to create a trust that could administer a health insurance plan on behalf of members of the association. Several barriers that have prevented the SDDA from creating such a plan would be removed from state law should this bill be adopted. The SDDA is supporting this bill. If adopted, this bill would allow the SDDA to band together with other associations, in or out of state, to create a trust to administer a health insurance plan. Similar trusts are used by dental associations in other states. The bill failed in committee on a vote of 6-7.

The bill will be amended in the House. The amendments are favorable to the SDDA. Members were encouraged to contact their Legislators, asking them to support this bill.

### **Senate Bill 62**

#### ***Data Breach Notification Requirement.***

The bill spells out the notification requirements placed on an “information holder” (i.e. dental office) if there is a security system breach of personal information and the penalties for not following the requirements. The bill has been amended so that information holders regulated by Federal law (in our case HIPAA) are deemed to be in compliance with this new state law. South Dakota is the last state to place data breach notification requirements into law. The SDDA is monitoring this bill. The bill has passed the Senate and is headed to the House Judiciary Committee.

### **Senate Bill 31**

#### ***Reimburse certain family physicians and dentists who have complied with the requirements of the tuition reimbursement program.***

Through this bill the Department of Health requests funding for the dentists participating in the Tuition Reimbursement Program. The Department makes a similar request each time a dentist has met their obligation to the program by serving in a qualifying community for three years. One dentist is completing the program this year. The SDDA supports this bill. The bill passed the Joint appropriations Committee.

Respectfully submitted 02-15-2018

John G. Kharouf