

1 **Minutes of the Michigan Dental Association**
2 **Committee on Governmental and Insurance Affairs**
3 **Friday, August 27, 2021 - 9:00 a.m.**
4 **via Zoom Video Conference**

5
6 **Attended**

7 Gabriel Holdwick, DDS, chair
8 Jason Mashni, DDS, vice chair
9 Debra Peters, DDS, member
10 Elizabeth Ralstrom, DDS, member
11 Sarah Tomaka, DDS, member
12 Daniel Miller, DDS, member (portion)
13 Brianna Kosecki, UM student member
14 Christopher Smiley, DDS, ADA Council liaison
15 Mark Johnston, DDS, ADA Council liaison (portion)
16 Michael Maihofer, DDS, MDA president
17 April Stopczynski, manager of access and prevention
18 Bill Sullivan, JD, vice president of advocacy and professional relations
19 Neema Katibai, JD, manager of insurance and governmental affairs
20 Ginger Fernandez, RDH, manager of peer review
21 Kesha Dixon, government and insurance affairs/access assistant
22 Peter Ruddell, JD, guest (portion)
23 Lynn Aronoff, grassroots coordinator

24
25 **Absent**

26 Saranna Berger, DDS, member
27 Connie Verhagen, DDS, MS, member
28 Laura Hagerty, UDM student member
29 Naila Farooq, DDS, consultant
30 David Clemens, DDS, ADA Council liaison
31 Curt Ralstrom, DDS, MS, CAC liaison
32 Jehan Wakeem, DDS, ADA Council liaison

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34 **Call to Order, Introductions and Roll Call**

35 The meeting was called to order by Dr. Holdwick at 9:03 a.m. Attendees introduced themselves
36 and the requirement for a quorum was met.

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38 **Approval of the Agenda**

39 The agenda was approved as submitted.
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41 **House Bills 4857 & 4858: Verification of Licensure for CSC**

42 House Bills 4857 and 4858 are tie barred and would require permanent revocation of licensure
43 or registration of a person convicted of sexual conduct under the pretext of medical treatment.
44 The bills include licensed dental professionals. Both bills have received bipartisan support.

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46 The committee agrees that these bills are in line with the MDA's vision statement to promote
47 and protect the safety of the public. The CGIA unanimously passed the following resolution:

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49 **Resolved, that Michigan Dental Association supports House Bills 4857 and 4858.**

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Senate Bill 543: Delta Dental Vision Bill

Senate Bill 543 would amend Public Act 125 of 1963, the Nonprofit Dental Care Corporations Act. This is the public act that enables Delta Dental of Michigan to operate as a nonprofit dental care corporation. Delta Dental is currently the only nonprofit dental care corporation operating in Michigan. This bill would allow nonprofit dental care corporations to also provide vision insurance.

The MDA is aware that the Michigan Optometric Association is currently neutral on this bill. While Blue Cross Blue Shield of Michigan has not formally announced a position, they have conveyed concerns that if Delta Dental of Michigan were to begin providing additional types of coverage, then Delta Dental should not receive special exemption from laws governing other insurance carriers and should give up their non-profit status.

Delta Dental of Michigan has indicated that this is a service that has been requested of them by the employers that purchase their dental coverage.

The MDA is aware that there are Delta Dentals in 18 other states that have expanded into the vision market. In the states that MDA staff investigated, Delta Dental has not created their own product but has served as administrator for VSP. There has been no effect on the dental coverage in these states.

The committee does not see a benefit in supporting or opposing this bill for members or the association and agrees it is outside the MDA's vision statement. The committee does recommend that the MDA take a formal position to remain neutral on the bill to document for members that the MDA has fully reviewed the bill and determined a formal position that can be shared with members and legislators if asked. Should this legislation change, the MDA would reconsider its position at that time. The committee unanimously passed the following resolution:

Resolved, that the Michigan Dental Association remain neutral on Senate Bill 543.

Senate Bill 404: Adults Accompanying a Minor

Senate Bill 404 would prevent medical facilities from having policies that do not allow a parent, guardian or other individual to accompany a minor or an adult with a developmental disability. There are exceptions outlined in the bill. Currently, many dental offices do not allow a parent in the room with their minor children during difficult procedures or sedation. This is a common policy in pediatric offices.

The MDA Executive Committee reviewed this bill in May when Senator Lana Theis (R-Brighton) requested the MDA's input. This issue came up during the pandemic when Senator Theis received a complaint from a constituent who was prohibited by a dental office from accompanying their child during dental treatment.

The MDA and the ADA do not have policies regarding parents/guardians accompanying minors throughout the course of treatment.

The Michigan State Medical Society is opposed to the bill as written and is willing to work with the senator on wording for infectious disease.

99 MDA staff contacted a few pediatric dentists to provide input. They recommend that the
100 language in the bill be amended so that a dentist may prohibit a parent/guardian from
101 accompanying a minor or adult if the presence of the patient/guardian is a hindrance to the
102 delivery of care or safety of the patient. The Executive Committee indicated support of the bill if
103 this is adequately addressed.

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105 The committee strongly opposes this bill as an overreach of the legislative process and
106 interference with the doctor – patient relationship. While the committee understands the intent
107 behind the additional proposed language, this type of language could create further
108 complications for providers who must then explain to the parent that they are creating a
109 hindrance to the delivery of care or safety of the patient.

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111 The committee believes that the best practice is for the dentist and parent/guardian to negotiate
112 based on the individual experience if there is a disagreement with the office policy. The
113 parent/guardian has the option to seek care in another setting with a provider whose policies
114 they agree with. The parent/guardian has the mechanisms to file a complaint with the MDA's
115 peer review system or the state Board of Dentistry.

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117 The committee unanimously passed the following resolution:

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119 **Resolved, that the Michigan Dental Association is opposed to Senate Bill 404.**

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121 **Credit Card Payments**

122 The committee revisited a concern raised at its previous meeting about dental insurance
123 companies that are issuing payment of claims in the form of virtual credit cards. In this situation,
124 the dental insurance company may or may not provide an opt-out for the dentist to receive
125 payment in a more traditional format. Not only is the process of claiming or using the balance
126 on these virtual credit cards onerous on the staff, but it also disrupts the operating cash flow of
127 the business. In addition, many of these cards require the dentist to pay a 2.5-5% transaction
128 fee. This has potential for significant expense to the dental office over the course of the year.
129 The ultimate affect is that the dentist either loses a portion of their payment for the claim or must
130 raise their fees to cover this additional expense.

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132 The MDA staff indicated few calls regarding this issue have been received. Committee
133 members indicated that the lack of calls should not be seen as a lack of concern as this has
134 become a common issue dental office staff are regularly dealing with.

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136 As part of the ADA's dental insurance reform efforts, they have advocated for this reform.
137 Thirteen states have introduced or passed some form of legislation. The committee indicated
138 interest in looking at the language in states like Maryland and Oregon where the requirement is
139 a disclosure and opt-in process versus an opt-out process. The committee agreed that this is
140 not an urgent issue and should not be one of the top priorities for this year.

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142 The committee requested MDA staff look at the language in the aforementioned states and draft
143 policy language for consideration at a future meeting.

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145 **Legislator of the Year Award**

146 Periodically, the MDA Committee on Governmental and Insurance Affairs nominates a legislator
147 for the MDA's Legislative Achievement Award. The purpose of this award is to give public

148 recognition to a member of the Michigan or U.S. legislature who has demonstrated either
149 outstanding public service, exceptional contributions to the dental health of Michigan citizens, or
150 to the dental profession. The committee reviewed the award criteria provided in the MDA
151 Association Policy Manual.

152
153 State Representative Ben Frederick (R-Owosso) is currently serving his final two-year term in
154 the State House of Representatives. His bio can be found [here](#). During his time in the House,
155 he has always been supportive of MDA issues including the Healthy Kids Dental (HKD) program
156 and mandated kindergarten screening. One of the reasons he is a strong supporter of dental
157 access issues is that he was an HKD patient as a child.

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159 His support of the MDA really shows with the effort he put behind the bill that recognizes five
160 new dental specialties in Michigan. This simple bill turned out to face a number of challenges.
161 Rep. Frederick never wavered in his support for the bill and made it his priority. Not only did he
162 have to contend with COVID and the 2020 election, but the Department of Licensing and
163 Regulatory Affairs (LARA) changed their position on the bill which caused more effort to be
164 expended. Rep. Frederick's perseverance and dedication ensured the passage of the bill.

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166 The committee nominates Rep. Ben Frederick as the recipient of the MDA's 2021 Legislative
167 Achievement award. His outstanding efforts and commitment to MDA's issues is unmatched by
168 any other legislator currently serving. The committee unanimously passed the following
169 resolution:

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171 **Resolved, that Representative Benjamin Frederick receive the MDA's Legislative**
172 **Achievement Award for his public commitment to oral health care and the dental**
173 **profession.**

174 175 **Legislative and Insurance Updates**

176 Mr. Sullivan provided the committee with an update on several items.

- 177 • **Electronic prescriptions** – this law requires all prescriptions must be submitted
178 electronically. The mandate takes affect October 1; however, the rules are still being
179 promulgated. MDA continues to work with LARA to ask for a delay of enforcement due
180 to the non-existence of rules.
- 181 • **Student debt** – the MDA has been developing resources for dental students including
182 handouts and video testimonials.
- 183 • **Administrative rules** – the Board of Dentistry is currently working on the next round of
184 updates which will include the rules for the newly recognized dental specialties.
- 185 • **Network leasing** – the MDA will be meeting with Blue Cross Blue Shield of Michigan to
186 discuss the MDA's proposal on transparency.
- 187 • **State budget** – it appears that targets for the budget have been agreed to and the
188 legislature is expected to approve the budget prior to the start of the new fiscal year on
189 October 1. All items of concern to the MDA appear to be secure.
- 190 • **Licensure portability** – the ADA has been pushing for licensure portability to make it
191 easier for dentists to move from state to state. This is being led by the Department of
192 Defense as it is an issue for military families who are required to move frequently. The
193 ADA recently hosted a webinar on this topic.
- 194 • **Special MDA Board meeting: live patient exams** – the MDA Board and interested
195 committees are invited to take part in a special meeting to discuss the use of live
196 patients for exams.

- 197 • **Medicare** – the committee discussed the recent activity related to Medicare coverage.
198 The committee will discuss this further at their October meeting.
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200 **ADA Council Report – Council on Dental Benefit Programs**

201 Dr. Johnson provided a brief verbal report in addition to the written report distributed with the
202 background materials. The committee discussed upcoming changes to the CDT codes.
203

204 **Committee on Access to Care (CAC) Update**

205 Mrs. Stopczynski provided the committee with an update on several items.

- 206 • **Hospital Operating Room Access** – Medicaid staff is drafting policy to implement a
207 rate increase on the facility fee and anesthesiologist fee. MDA staff does not have a
208 projected timeline or rate amount; however, indications are that Medicaid anticipates the
209 rate to be high enough to require CM approval to go above the Medicare fee schedule.
210 The recognition of dental anesthesia as a specialty and independent practice of certified
211 registered nurse anesthetists (CRNAs) provides additional avenues for sedation. It is
212 unknown how many dentists might be interested in utilizing either of these service
213 options and the details of how they would be billed or reimbursed by Medicaid or private
214 insurance.
- 215 • **Michigan’s New State Oral Health Plan** – Ms. Ellen Sugrue Hyman, executive director
216 of the Michigan Oral Health Coalition (MOHC), presented the new 2025 State Oral
217 Health Plan for Michigan to the CAC. Members of the CAC, CGIA and others in MDA
218 leadership provided input during plan development. The recommendations under each
219 goal have been designed to be realistic, achievable, have buy in from stakeholders, and
220 have accountability. A new MOHC committee on economic development will engage
221 funding sources for projects and focus on infrastructure improvements to the oral health
222 delivery system. The MDA will recommend members to serve on this committee. The
223 CAC will review the specific recommendations as compared with MDA policies and the
224 United Voice recommendations at its September meeting.
- 225 • **Donated Dental Services** – Michigan Donated Dental Services (DDS) reached \$25
226 million in donated treatment since the inception of the program in 1995. The MDA will
227 be working to promote this milestone and recognize the program’s volunteers.
228

229 **Grassroots Update**

230 Ms. Aronoff provided a brief update on the status of legislative meetings and events. The MDA
231 has held 31 meetings with legislators targeting the new legislators and those serving on
232 committees important to the MDA like Health Policy and Insurance. In addition, there have
233 been 7 local component meetings.
234

235 **ADA Council Liaison Update – Council on Ethics, Bylaws and Judicial Affairs**

236 Dr. Peters shared with the committee the work that has been done on the ADA’s teledentistry
237 policy by several ADA Councils. The ADA asked Council members to go back to their states to
238 gather feedback on the proposed amendment which would address the current conflict with
239 other ADA policy. This will be discussed further when the 9th District holds its caucus.
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241 **Dental Student Update**

242 Ms. Kosecki provided the committee with a brief update on activities at the University of
243 Michigan, including news that the availability of clinic time is improving.
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247 **Announcements**

248 Dr. Maihofer invited the committee members to attend the special Board meeting on August 31
249 to discuss live patient exams.

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251 Dr. Holdwick took a moment to recognize the untimely passing of Dr. Jonathan Shenkin, former
252 ADA vice president.

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254 **Future Meeting Dates**

255 • October 29, 2021 at 9:00 a.m. (joint meeting w/PAC Board of Governors) TENTATIVELY
256 at the MDA building in Okemos. Lunch will be provided at 1:00 p.m.

257 • January 28, 2022 at 9:00 a.m. at the MDA building in Okemos

258 • March 18, 2022 at 9:00 a.m. at the MDA building in Okemos

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260 **Adjournment**

261 The meeting was adjourned by the chair at 10:40 a.m.