

Date: January 25, 2022

To: Senate Committee on Public Health and Welfare

From: Kevin J. Robertson, CAE
Executive Director

RE: Support of SB 121 – orthodontic treatment

Chairman Hilderbrand and members of the committee I am Kevin Robertson, executive director of the Kansas Dental Association (KDA) representing the state's nearly 1,600 licensed dentists. Thanks for the opportunity to discuss with you the Kansas Dental Associations' **SUPPORT** of SB 121.

SB 121 amends the dental practice act in three ways:

1. Codifies the recognized standard of care regarding orthodontic treatment by requiring any and all dentists who are performing orthodontic procedures to provide a patient exam, including review of the patient's recent diagnostic x-ray before diagnosing and treating the patient.
2. Requires any dentist who treats any patient outside a dental office for any reason to provide that patient with emergency contact information.
3. Prohibits any dentist from requiring a patient to sign an agreement limiting their ability to file a complaint with the Kansas Dental Board.

It's important to note that all general dentists can perform orthodontic treatment in addition to orthodontists who are dentists who have completed additional orthodontic education and are licensed exclusively to practice orthodontics.

The KDA requested introduction of SB 121 because dentists across our state are seeing a number of their patients adversely affected by out-of-state direct to consumer dental treatment companies providing substandard care to Kansans. These companies promise the public less costly orthodontic teeth straightening which too often results compromised dental health and significant financial headship to correct. Dr. Steven Hechler, DDS will testify later about some of the issues he has seen in his orthodontic practice.

The language in section two (lines 28-31) is included by the KDA hearing from patients using direct-to-consumer dental services mentioned above, who have had difficulty contacting the treating dentist with questions and concerns regarding their dental treatment. The KDA believes strongly that a patient's ability to contact their treating dentist should the need arise is

essential. This should be the case whether the patient has been treated in a traditional brick and mortar dental office, dental clinic, mobile dental van or through some other dental care delivery model.

Finally, it has come to the KDA's attention that at least one direct-to-consumer dental company has included a provision in their dental service agreement with their clients which limit their right to file a complaint with the Kansas Dental Board. We are not aware of other instances where a dentist may be requiring patients to sign such agreements, however, the KDA strongly believes no dentist licensed in the state should have the ability require such agreements. Like the other provisions of SB 121, the new language in section 3 is directed at ALL Kansas dentists not just those in a specific niche market.

Let me conclude my remarks this morning by making it clear that neither the KDA, nor our members are supporting SB 121 as an effort to restrict or shut down a specific dental delivery model. There is room for traditional dental practices and other dental delivery models to coexist...if the standard of care is followed to ensure patient's rights, health and safety is a priority.

This concludes my prepared comments and I'll be happy to answer questions at the appropriate time.