

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2152

2007 SENATE HUMAN SERVICES

SB 2152

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2152

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-15-07

Recorder Job Number: 1078, 1080, 1081

Committee Clerk Signature

Mary K. Mowson

Minutes:

Senator J. Lee, Chairman opened the hearing on SB 2152 relating to selection criteria and eligibility for loan repayment by dentists. All members were present.

Joe Cichy (ND Dental Association) testified in favor of SB 2152. (Attachment #1)

Senator Warner asked Mr. Cichy to give him an idea of the scale, in terms of dollars, that a typical, non profit practice would generate in Medicaid.

Mr. Cicy couldn't answer that question.

Senator Dave Nething (Dist. 12 from Jamestown) a prime sponsor, spoke in support of SB 2152. The program we currently have with the dentists is working fairly well. This bill will add some clarification of purpose. The intention is to do the best we can for our smaller communities. Dental services are extremely important and it is important that we have access to them. That's what this bill is all about.

Senator J. Lee pointed out that there will be an amendment to exempt those coming in to bridge the dental gap in larger cities.

Senator Nething said anything that can be done to make the availability of dentistry to the most people is fine with him.

Gary Garland (Director of the Office of Community Assistance for the ND Dept. of Health)

See attached testimony offering an amendment to SB 2152. (Attachment #2)

Senator Erbele asked how long the loan repayment period was.

Mr. Garland said the loan repayment is over a 4 year period – up to \$80,000 over a 4 year period. Payments have been made on an annual basis of \$20,000 per year.

Senator Erbele asked if after the loan repayment period they are free to establish a practice.

Mr. Garland said that was correct.

Senator J. Lee asked if it would be correct to say that, since most dentists are sole practitioners or are in a very small practice group, that there is a lot of personal expense involved in setting up a practice. There is a fairly significant investment to establish a practice or a fairly significant investment to purchase an existing practice for most dentists/dental practitioners.

Mr. Garland said that would be correct.

Senator Warner asked for his opinion of the \$12,000 requirement and whether it is adequate or too low or too high.

Mr. Garland said he wasn't part of the discussion concerning that amount. The application the dentist fills out when applying coming into this program asks the question as to whether the dentist will see Medicaid clients in proportion to the percent of Medicaid clients in their respective service area. Generally that means about 10% of the caseload would be for Medicaid clients.

Joe Cichy offered the information that the amount of Medicaid services provided by dentists varies by dentist. These are new dentists coming in. It takes a while to get their practice going, so the Association felt that the \$12,000 as a threshold would be a fair amount.

There was no further testimony in favor of SB 2152.

Shari Doe (President of the Bridging the Dental Gap Board of Directors) See attached testimony opposing SB 2152. (Attachment #3)

Marcia Olson (Executive Director for Bridging the Dental Gap) testified in opposition to SB 2152 in its entirety whether it is amended or not. See attached testimony #4.

Senator J. Lee asked what her objection is since there is no threshold now.

Marcia Olson said her objection is that the amendment says "full time".

Senator Dever asked how the amount she is able to pay a full time dentist compares with what they would be able to make otherwise.

Marcia Olson said that, locally, they are probably getting twice what they can pay.

There was no further testimony in opposition to SB 2152.

There was no neutral testimony.

The hearing on SB 2152 was closed.

Recorder #1080

Senator J. Lee opened SB 2152 for discussion.

Senator Warner asked for Maggie Anderson to give some ideas of the scale of a typical Medicaid portion of the practice.

Ms. Anderson said she doesn't have an average. The gap is wide. She said the highest she has is about \$264,000 received by an independent dentist, not to take into account the Bridging the Gap which is quite a bit more. She said she could provide the committee with an a range if they wanted. (She later sent the information. Attachment #7)

Senator Warner asked if we are subsidizing \$80,000 over 4 years, is there some correlation between the subsidy and the amount of the requirement, assuming that Medicaid reimburses at half.

Ms. Anderson said they don't know how many of these individuals have been practicing for a long time versus a newly enrolled dentist.

Senator Heckaman wondered if there was a way to change the wording of "full time" in the amendment to make it more acceptable.

No changes were suggested.

Recorder #1081

Senator J. Lee made available for the record two e-mail messages showing concern about public health clinics being exempted because they support the work of the various public health clinics. (Attachments #5 and #6)

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2152

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-22-07

Recorder Job Number: 1606

Committee Clerk Signature

Mary K. Monson

Minutes:

Senator J. Lee opened SB 2152 for discussion on an amendment submitted by Joe Cichy that makes exceptions for dentists who will practice at public health clinics or non profit clinics.

(Attachment #8)

Senator Dever asked if this amendment was agreed to by the people on the public health clinic side.

Senator J. Lee said, yes, that was her understanding.

Senator Pomeroy moved to accept the amendment. Seconded by Senator Warner.

Some discussion followed concerning when a dentist would be eligible.

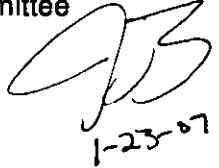
Roll call vote 6-0-0. Amendment accepted.

Senator Pomeroy made a motion for a Do Pass as amended on SB 2152.

Seconded by Senator Erbele.

There was a brief discussion on the point of the bill not being to exclude the communities of Fargo, Bismarck, and Grand Forks, but to encourage dentists to locate in rural areas.

Roll call vote 6-0-0. Passed. Floor carrier is Senator Dever.



Handwritten signature and date: 1-23-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2152

Page 1, line 6, replace "The" with "Except for a dentist who practices a minimum of two full days per week at a public health clinic or nonprofit dental clinic that uses a sliding fee schedule to bill its patients, the"

Renumber accordingly

Date: 1-22-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2152

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Accept Joe Cichy Amendment

Motion Made By Sen. Pomeroy Seconded By Sen. Warner

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2152: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "The" with "Except for a dentist who practices a minimum of two full days per week at a public health clinic or nonprofit dental clinic that uses a sliding fee schedule to bill its patients, the"

Renumber accordingly

2007 HOUSE HUMAN SERVICES

SB 2152

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2152

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 7, 2007

Recorder Job Number: no minutes recorded) :

Committee Clerk Signature <i>Judy Schrock</i>

Minutes:

Chairman Price: Opens up the hearing on SB 2152.

Senator Dave Nething, District 12: We are here at the request of the Dental Association. It would be an incentive to keep a dentist in our rural areas if we gave them back some of the loan payment.

Gary Garland, Director of the office of Community Assistance for the ND Department of Health: See attached testimony. Any dentist getting back part of their loan payment, could go anywhere in ND. The amendment would be for low income population, and possibly a non profit clinic.

Representative Porter: If the program is working why mess with this? For access issues keep the bottom half of the bill. Would that help us with the access issues?

Mr. Garland: The size of the community is not the issue. A possibility would be to put a desired amount of Medicaid coverage. A dentist might be overwhelmed with Medicaid clients. You could expect 10% for Medicaid. You could also have them work in a non profit clinic two days a week to get this.

Chairman Price: anyone else in favor of SB 2152? Anyone in opposition of SB 2152?

Hearing none we will close the hearing on SB 2152

Later in the day the committee takes the bill out again for discussion.

Representative Porter: It comes down to money. We need to address the access service.

It can't say rural either or billing 20,000 dollars.

Representative Weisz: It doesn't address rural access. There id never anyone to take over.

It isn't about being busy. Naturally they would come to the larger communities if no limits are put on.

Representative Uglem: questions 20,000 dollars being enough.

Representative Price: dismisses the committee.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2152

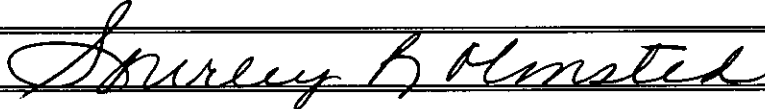
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4935 (Beginning at 66:20 on tape)

Committee Clerk Signature



Minutes:

Chairman Price asked the committee to consider SB 2152.

Representative Weisz went through the proposed amendments. He said that this is addressing the needs in the rural areas that are having a severe difficulty getting dentists. One of the issues that came up in visiting with local dentists is that some new dentists are going to work on the reservations for the federal government and are getting their full schooling paid for. It is not that they are making a great deal of money when they are working and establishing a practice. This bill would do is allocate up to one hundred thousand dollars on a 50/50 ration by the community to help establish a practice for a dentist no matter where he is from. They would have to stay in the state for 5 years and be in a community with a population that does not exceed seven thousand five hundred. He is not sure if they will get anyone to do this but he has heard that there is some interest out there right now. There would be a cap of two hundred thousand dollars on this.

Chairman Price asked if he was looking for an additional two hundred thousand on top of the three hundred eighty that we have in the dental loan fund right now.

Representative Weisz said yes. He was not trying to steal away from the current dental loan fund. We are going to need a fair amount of money to get someone established as dental practices are not cheap.

Representative Conrad asked if this was supposed to replace what was there or are we adding something to the dental loan fund.

Representative Porter asked about the granting program. Are you talking about general fund money? Are we getting one hundred thousand from the general fund and one hundred thousand from the communities?

Representative Weisz said he thought that is how it should be and then it should be limited to fifty thousand which would mean ten thousand per year.

Representative Porter said he thought it holds a lot of merit to the program but I would think we might want to look at the community size as being a little larger than what we have here. I don't know that there is a magic number but certainly when you think about the communities where access is difficult and the rural areas and pockets of the state we could easily say ten thousand and give it out into those areas where there are access concerns.

Chairman Price said so we are really looking at ten thousand per year for five years with a ten thousand dollar match from the community.

Representative Weisz said that was correct.

Representative Porter asked why they aren't looking at a community of ten thousand or less in population.

Chairman Price asked Representative Weisz to redo the amendment so that they could look at it tomorrow.

Representative Weisz said he was not going to pursue that if the communities don't have any interest in doing that.

Representative Porter said just from the standpoint of trying to get the person to live there you may have to go to that next rural level in order to get them there.

Representative Hofstad asked how many dentists are there in communities of three thousand or less.

Representative Weisz said in his community of 2,000 there are two dentists and you still have to wait six weeks to get an appointment. Rugby has three I believe.

Representative Porter said in discussions with the dental association he said he had a bit of problem with the wording in Section 1 because it really is going after a job protection situation in urban areas where they are trying to restrict the current funding source in the dental repayment program to only dentists who are working at a non profit dental clinic. I don't know that this is necessarily fair. We have a huge dental access problem even in the urban areas.

It bothered me from the beginning that the language was even in there but to limit that to two days per week at a public health clinic or a non profit clinic in order to get access to this money and then if even the rest of the week they are working on other patients. If you have someone who wants to get going on a practice and will open up their schedule to see Medicaid patients you are saying that person can't get into the loan repayment program because they are not working two days a week at a public health clinic or non profit clinic. I do not think that is good public policy for our access problems. If we are thinking that we need to limit the applicants in urban areas then maybe we should just make it a straight dollar for dollar or if it is twenty thousand dollars that they are getting that if they see and bill Medicaid twenty thousand dollars then they are eligible for the dental repayment program. That way it is a straight dollar for dollar situation. I just can't imagine that if we had a new dentist come into town in Bismarck and wanted to access the loan repayment program that they couldn't because they are not working two days a week in a public health or non profit clinic but they opened their schedule

up completely to Medicaid patients and were billing them thirty or forty thousand dollars a year and helping ease the access problems they still would be punished by us doing this. He said he would not have any problem if the amendment was a hog house and completely getting rid of that first section because the way it is designed right now there are three different loans available. There is the urban loan, the rural loan and the frontier. What they are doing is coming in and putting super restriction on the urban loan to limit competition.

Representative Weisz is going to rework the amendments for tomorrow.

Chairman Price referred back to the original bill. The second part is the same. They did not have the two days per week in the original bill.

Representative Potter said she thought the whole purpose of this bill was to get more Medicaid people in there so why would we take that out.

Representative Porter said the intern could pull up the original bill which was just putting a limit around the three cities. Then the bridging of the dental gap and some of the other non profits came in and said whoa, if we are going to have a dentist come in two days a week and then they are going establish a private practice and now you are going to say they cannot get in this. What I am saying is if you open it back up to the way it was or is right now, then it doesn't matter. If you want to put a restrictor on, then they should bill Medicaid at least the amount that they are receiving on the loan. Then you are at least guaranteeing access back into the program and they know that the years they are in the loan, that if they are getting twenty thousand dollars for four years and they bill Medicaid for two thousand dollars, then we are not getting any bang for our buck in access, but if they come back in these urban areas and they bill the twenty thousand dollars then we know that we are getting some of our access concerns taken care of.

Chairman Price something tells me that the dental association put the bill in just so that they could justify the 85% reimbursement to increase access management.

Representative Porter said you would never put that on anybody except those three identified communities.

Representative Weisz – unable to hear comments.

Chairman Price asked Representative Weisz to have something ready to discuss tomorrow.

The discussion was closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2152

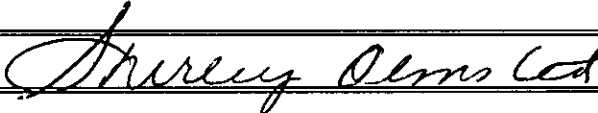
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 13, 2007

Recorder Job Number: 5009

Committee Clerk Signature



Minutes:

Chairman Price asked the committee to consider SB 2152.

Representative Weisz discussed the amendment in front of them. It is technically a hog house. Section 1 after discussion in the committee, the amendment basically says if a dentist within fifteen miles of the city limits of Bismarck, Fargo or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement.

Chairman Price asked if there was going to be any conflict if they are able to practice on October 1st.

Representative Weisz said it was a year of service so if that starts on October 1 they are just obligated to give one year of service and it does not have to coincide with the biennium. That is the first part of section 1. The point is that they can qualify in an urban area but we at least wanted to address the Medicaid reimbursement.

Chairman Price asked if the Dental Association put the bill in for them.

Representative Weisz said yes. In Section 2, which is a new section, it says a dentist who graduates from an accredited specialty training program within the previous five years may

submit an application for the purpose of establishing a dental practice in a city not exceeding seven thousand five hundred. The maximum amount that the state would award is fifty thousand dollars and it has to be matched with a 50% match by the community. The dentist must use the funds for buildings, equipment, and operating expenses. It is reimbursed at 20% per year for five years. In other words they are committing to a five year program. If they bail out in two years we don't have to try to get the money back. If they want to close up shop on the sixth year that is fine, but the reality is they will have established a practice after five years.

Chairman Price asked about them graduating from an accredited specialty training program with the previous five years.

Representative Weisz said that was put in because they may have practiced somewhere else for two years prior because I am thinking of the situation where they were working in the federal program where they were already working the rural area and they were not making much money. If they like working in the rural area, they can now qualify for this program.

Chairman Price asked if there were any questions.

Representative Hofstad asked if there was any reason why they were not addressing the access program.

Representative Weisz said it in the information that he had gathered, access didn't seem to be a problem. Most of the rural dentists take care of their share of the Medicaid population. They are not complaining in the rural areas. I would have no problem if you want to tie the access program into this.

Representative Porter said it would be difficult to tie this program to access in rural areas. Not knowing the percentage of Medicaid recipients in some of the rural areas, there is definitely more of a concentration of the Medicaid recipients in the urban areas. I don't

disagree with Representative Hofstad but I can't think of way to tie it in. You could have your door open all day and not have a Medicaid recipient.

Representative Conrad said she would like to see the numbers on that. She said she thought that there was more rural poverty and I think it is more significant in North Dakota than we care to admit. Why is it just Bismarck, Fargo and Grand Forks?

Representative Porter said those are the federally recognized metropolitan statistical areas in the state of North Dakota.

Representative Conrad asked if there were any access problems between those cities under seventy five hundred and the urban areas.

Chairman Price said that if you are in Bismarck, Fargo and Grand Forks and you want to apply for this part of the program then you have to take Medicaid patients.

Representative Kaldor asked if you had a retirement in a small area and a new dentist wants to buy into that practice, do they have report what they are buying into as far as equipment, and the buildings. I am a little concerned about the buildings, equipment and operating expenses. Would they be eligible under this circumstance?

Representative Weisz said he did not think they would qualify. I think at the point in time when they joint a practice of someone who is going to retire in a few years and when they take over the practice alone they could potentially qualify as long as you were within that five years of leaving dental school. It would have to be your practice.

Representative Kaldor had a question regarding the operating expenses. It makes sense to help them with the building but it concerns me with the language operating expenses. That could be very broad with the use of those funds.

Representative Weisz but they are going to have to submit an application as to how they are going to use the funds. I think a building lease and the startup costs could be huge and that is

what it is there for. It was not intended to supplement the payroll costs. I think if they are going to get the community to buy in they are going to have to have a plan as to what the funds is going to be used for. Hopefully it is going to be used for startup costs and new equipment that you need to purchase. He made a motion to accept the amendments.

Representative Hofstad seconded the motion.

Chairman Price asked for discussion. Hearing none, a voice vote was taken. The motion carried.

Representative Porter made a motion for a do pass on SB 2152 with referral to appropriations.

Representative Hatlestad seconded the motion.

Chairman Price asked for discussion. Hearing none, the clerk called the roll on a **do pass as amended with referral to appropriations on SB 2152**. Let the record show 11 yes, 1 no with all present.

Representative Hofstad will carry the bill to the floor.

Date: 3/13
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SB 2152 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken None Amendment

Motion Made By Rep. Weisz Seconded By Rep. Hofstad

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman			Kari L Conrad		
Vonnie Pietsch - Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglen					
Robin Weisz					

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/13
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SB 2152 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken none do pass R/R/upp

Motion Made By Rep. Porter ^{do amended} Seconded By Rep. Hattestad

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	<u>L</u>		Kari L Conrad	<u>L</u>	
Vonnie Pietsch - Vice Chairman	<u>L</u>		Lee Kaldor		<u>L</u>
Chuck Damschen	<u>L</u>		Louise Potter	<u>L</u>	
Patrick R. Hattestad	<u>L</u>		Jasper Schneider	<u>L</u>	
Curt Hofstad	<u>L</u>				
Todd Porter	<u>L</u>				
Gerry Uglem	<u>L</u>				
Robin Weisz	<u>L</u>				

Total (Yes) 11 "Click here to type Yes Vote" No 1 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Hattestad

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2152, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-28.1-03 and a new section to chapter 43-28.1 of the North Dakota Century Code, relating to selection and eligibility for loan repayment under the dentists' loan repayment program; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-28.1-03 of the North Dakota Century Code is created and enacted as follows:

For the purposes of a dentist selected for loan payment who practices within fifteen miles [24.14 kilometers] of the city limits of Bismarck, Fargo, or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement.

SECTION 2. A new section to chapter 43-28.1 of the North Dakota Century Code is created and enacted as follows:

New practices - Grants.

1. A dentist who graduated from an accredited graduate specialty training program in dentistry within the previous five years may submit an application to the state health council for a grant for the purpose of establishing a dental practice in a city in the state which has a population that does not exceed seven thousand five hundred.
2. The state health council shall establish the criteria for the grant program under subsection 1 which must include:
 - a. A maximum grant award of fifty thousand dollars per applicant;
 - b. A requirement that the community must provide a fifty percent match for a grant;
 - c. A requirement that a dentist who receives a grant under this section must use the funds for buildings, equipment, and operating expenses;
 - d. A provision that the grant must be distributed in equal amounts over a five-year period; and
 - e. A requirement that a dentist selected for a grant under this section must commit to practice in the community for a minimum of five years.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the state department of health for the

purpose of providing grants under section 2 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

2007 HOUSE APPROPRIATIONS

SB 2152