

# Senate Executive Departments and Administration Committee

*Ben Mickens 271-1403*

**HB 1286**, relative to the practice of dentistry and when radiographic examinations are required.

**Hearing Date:** April 1, 2026

**Time Opened:** 9:55 a.m. **Time Closed:** 10:36 a.m.

**Members of the Committee Present:** Senators Pearl, Gannon, Altschiller and Reardon

**Members of the Committee Absent :** None

**Bill Analysis:** This bill provides that a dentist may treat a patient who declines to have a radiographic examination and the dentist in such cases shall require the patient to sign a waiver of liability.

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**Sponsors:**

Rep. Drago	Rep. DeVito	Rep. Harvey-Bolia
Rep. Peternel	Rep. Pauer	Rep. Tom Mannion
Rep. Wherry	Rep. Sabourin dit Choiniere	Rep. Litchfield

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**Who supports the bill:** Representative Mike Drago, Representative Cindy Bennett, Leslie Nixon, Cory Stone, Nisa Marks, Sae-Hee Palanski, Rebecca Schwab, Kate Champney, Robin Saba, Darlene Roy, Anysia Martin, Eugene Duffy, Rachel Richardson, Olga Belous, Nicole Nordlund, Ellen LaJoye, Cheryl Ann Mahoney, Shirley Yong, Curtis Howland, Pamela Harders, Melanie Drago, and Diane Richardson.

**Who opposes the bill:** Dr. Laurie Rosato (NH Dental Society), Joan Fitzgerald (NH Dental Hygienist Association), and Mariya Ogg.

**Who is neutral on the bill:** Director Deanna Jurius (OPLC).

**Summary of testimony presented in support:**

**Representative Mike Drago**

- Representative Drago explained that the bill came about because of personal experience and the cost and concerns surrounding getting x-ray examinations at

the dentist. In particular, being denied care without getting regular x-ray examinations.

- Representative Drago explained that dental care is a crucial part of general health, and it should not be contingent on x-ray examinations.
- Representative Drago stated that, in other medical checkups, there are no analogous situations.
- Representative Drago expressed concerns around the safety of x-rays, particularly concerning children.
- Representative Drago highlighted dentists concerns about lawsuits and that dentists' licensure is tied to current recommendations as reasons why x-rays are pushed for.
- Representative Drago stated that the bill includes protection for the dentists when a patient refuses x-rays.
- Representative Drago expressed that tying one service to another (cleaning to an x-ray) leads to a diminishing of informed consent.

**Senator McGough** asked if on line four we could change “shall” to “may,” referring to the signing of a waiver of liability.

**Representative Drago** stated he was okay with that but this is the language the committee came to. The representative is more sympathetic to Senator McGough's suggestions.

**Senator McGough** asked if Rep. Drago would believe the same thing happened to him.

**Representative Drago** stated he would.

**Senator Reardon** asked if allowing for an exemption on x-ray guidelines regarding licensure would also solve the problem.

**Representative Drago** stated it likely would.

**Senator Altschiller** asked if Representative Drago was ever given a standard of care explanation when discussions around x-rays came up with dentists.

**Representative Drago** stated he was not.

**Senator Reardon** clarified that the protection for dentists applies to everything if the patient refuses an x-ray once, not simply what can be tied to that one x-ray that was declined.

**Representative Drago** confirmed.

## **Leslie Nixon**

- Ms. Nixon expressed the belief that there is not a dentist in the state who would allow a patient to refuse an x-ray more than a couple times.
- Ms. Nixon stated that she has a legal background and has done work on dental malpractice. It is always much more than a missed cavity.
- Ms. Nixon also said that the waiver is more narrowly tailored than was expressed earlier. No lawyer would take a case where there was only a refused x-ray.
- Ms. Nixon stipulated that refusals for x-ray are cost based, practical based, and based on principle.

## **Summary of testimony presented in opposition:**

### **Dr. Laurie Rosato, NH Dental Society**

- Dr. Rosato explained that she understands both sides of this conversation. Nevertheless, Dr. Rosato believes x-rays remain a very important diagnostic tool.
- Dr. Rosato stated that one small cavity in a child's mouth could cause sepsis. This is not typical, however shows the danger associated with not taking x-rays.
- Dr. Rosato stated that there is minimal radiation involved with x-rays.
- Dr. Rosato underlined that it would be nearly impossible to find a dentist who was not trained to believe x-rays are a crucial part of care. Dentists would not stretch longer than eighteen to twenty-four months.
- Dr. Rosato stated that even with these protections in the bill, the dentist would likely still be found at fault since patients can't sign their rights away.

**Senator McGough** asked if the case of the child dying was because of a lack of care overall not just x-ray.

**Dr. Rosato** clarified that the situation was drastic and not reflective across the board, but does demonstrate how parents can look at a child's teeth, think everything looks okay, and does not seek out care.

**Senator McGough** asked how this is analogues to other health care. Even if a patient has symptoms, should the patient not have the right to refuse an x-ray.

**Dr. Rosato** explained it was a difficult question because things can go undiagnosed without an x-ray. Dentists are unlikely to take action without doing an x-ray first.

**Senator McGough** asked if all care is considered optional.

**Dr. Rosato** agreed.

**Senator Altschiller** stated that she personally tries hard to take care of her teeth and still opts to consult with a dentist. This is done because she is not a dentist

herself. When one goes to the dentist, it is to get the dentist's full range of care, set by professional standards. Dentists do not need to offer a la carte care.

**Dr. Rosato** agreed.

**Senator Pearl** asked if most patients chose to have an x-ray once the importance is explained.

**Dr. Rosato** stated she found that to always be the case.

**Senator Pearl** asked if one refuses an x-ray that they further have the right to leave.

**Dr. Rosato** said patients need to have a comfortable relationship with their doctors.

**Senator Pearl** asked if it was currently possible for a dentist to allow a patient to go without an x-ray.

**Dr. Rosato** explained current guidelines mark them as necessary after eighteen to twenty-four months.

**Senator Pearl** asked if it was reasonable to offer the patient the option to opt out of regular x-rays.

**Dr. Rosato** said she honestly thought it would be misleading because virtually no dentists would be comfortable not following the standard of care, even if it was allowed. Dr. thought this would cause a greater burden on patients.

**Senator McGough** asked about reimbursements on a set of x-rays, either bite wings or full set.

**Dr. Rosato** said it was around eighty to one hundred dollars.

#### **Joan Fitzgerald, NH Dental Hygiene Association**

- Ms. Fitzgerald explained that dental hygienists are normally the first people to assess patient oral health which is essential to overall health. X-rays are critical in this process, particularly since most of the health issues which are being assessed are underneath the surface so can't be perceived by the eye.
- Ms. Fitzgerald explained that the ailments can be visually assessed eventually, but only once the problem has grown greatly. Essentially, without radiographs, dental healthcare providers are working in the dark.
- Ms. Fitzgerald stated that patient autonomy is critical; however, it needs to be balanced with professional standards. The bill would create a large gap between what is recommended and what is provided.

**Senator McGough** stated that the dental practice he goes to provides a slide deck on the consequences of refusing certain care.

**Ms. Fitzgerald** stated education of patient is critical.

**Senator McGough** asked if it was okay for a patient to defer an extraction, for example of a wisdom tooth.

**Ms. Fitzgerald** stated that was outside her scope of practice.

**Neutral Information Presented:** None.

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Date Hearing Report completed: April 7, 2026