

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

SB 187-FN, adopting the dentist and dental hygienist compact.

Hearing Date: February 5, 2025

Time Opened: 10:37 a.m.

Time Closed: 11:33 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill adopts dentist and dental hygienist compact.

Sponsors:

Sen. Reardon

Sen. Lang

Sen. Rosenwald

Sen. McGough

Sen. Perkins Kwoka

Sen. Pearl

Rep. Seidel

Who supports the bill: In total, **49** individuals signed in in support of SB 178-FN. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@gc.nh.gov).

Who opposes the bill: In total, **5** individuals signed in in support of SB 178-FN. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@gc.nh.gov).

Who is neutral on the bill: Virginia Kapetanakis (BoDE) and Nik Frye (OPLC).

Summary of testimony presented:

Senator Tara Reardon, Senate District 15

- Sen. Reardon introduced Senate Bill 187-FN.
- Sen. Reardon said that before she became a lawyer, she was a dental hygienist.
- Sen. Reardon said that adopting an already proven and effective interstate compact like this in New Hampshire is a responsible move, especially considering the state's workforce crisis.
- Sen. Reardon stated that New Hampshire has already adopted the Council of State Governments (CSG) compacts for eight other licensed professions. She

said New Hampshire is well placed for the logistical needs of adopting this compact.

- Sen. Reardon explained that the purpose of the compact is to facilitate the interstate practice of dentistry and dental hygiene. She said another purpose is to ensure access to dentistry and dental hygiene services by providing licensure to licensed dental professions from other compact states.
- Sen. Reardon said that the compact only authorizes professionals to practice within the scope of the compact state within which they are practicing.
- Sen. Reardon noted that there is a competing compact but said that this compact has been supported by the American Dental Association (ADA) and the American Dental Hygienist Association (ADHA). She recommended supporting the bill.
- Sen. Reardon noted that she provided the Committee with written copies of her testimony, including a breakdown of each section of the bill.

Michael Auerbach, New Hampshire Dental Society

- Mr. Auerbach said state the New Hampshire Dental Society (NHDS) is opposed to the bill.
- Mr. Auerbach said the NHDS appreciates the efforts to address the state's ongoing workforce shortage.
- Mr. Auerbach said that New Hampshire is one of the few states that dentists are seeking to move to. He said that the dental workforce shortage is creating a crisis in oral health. Patients must wait months, if not an entire year, just to see their own dentist.
- Mr. Auerbach said the bill shows promise as a way to address the workforce shortage, however the NHDS believes that the dental license compact only creates further confusion for the already understaffed Board of Dental Examiners (BoDE). He said they want to expand and engage more team members by connecting with Granite State residents who show interest in the field. He said the best way to do this is through education and training to allow more New Hampshire residents to enter the field. He said they need more educational options to create a pipeline into the field.
- Mr. Auerbach recommended the bill be voted inexpedient to legislate, and that the General Court invest in the existing system of professional dental licensure.
- Sen. McGough asked if the NHDS opposes all compact development.
 - o Mr. Auerbach said that at this time they do.
- Sen. Gannon said he thought this compact was already adopted.
 - o Mr. Auerbach said that there is a new law that will create greater reciprocity. He said that the social workers' compact was adopted last year, but not the dental compact.
- Sen. Altschiller noted that working through compacts has been a priority with the goal of expanding the workforce. She asked if this compact would be more palatable if dentistry and dental hygiene were separated. She asked if that would make a difference.

- Mr. Auerbach said he is not sure, and that the NHDS focuses on the dental staff in the office.
- Sen. Altschiller pointed to lines 13-15 on page 6. She said the State has strived to acknowledge work done in another state is, at minimum, what is being done in New Hampshire. She asked if NHDS has any data on whether the states in the compact have similar requirements for licensure.
 - Mr. Auerbach stated New Hampshire has a high standard. He said it is their understanding that this bill would create an interesting set of standards. He said that the scope of practice would not change. He explained that because the compact was formed so recently it is hard to tell what the impact would be.
- Sen. Altschiller pointed to lines 22 and 32 on page 5. She asked what other examinations are available that are of the same standard within the National Dental Examinations.
 - Mr. Auerbach said that in this version, the CSG version, that provision was placed into language as a living document. He said that if another equivalent or better exam was introduced then this compact would defer to that.
- Sen. Altschiller asked that language increases the probability for a competing examination to develop from a competing organization. She said that could create tension in the examination world. She asked who the gold standard for examinations is. She asked who the competing organizations are and is this an opening that someone is already waiting to jump into.
 - Mr. Auerbach said that he does not know. He said the writers did not expect there to be someone waiting in the wings. He said that standards improve all the time. He said the provision was written so they would work from an equitable basis.

Jen Pearl, RDH, CPHDH, BSBA

Joan Fitzgerald, ASHD, BS, CPHDH, CDP

New Hampshire Dental Hygienists' Association

- Ms. Pearl stated support for the bill. She said that Maine has adopted the licensure compact. She said Vermont and Massachusetts have also proposed bills to join the compact. She said that twelve other states are looking at joining the compact.
- Ms. Pearl said that the bill would streamline the licensure process to provide better access, especially for professionals who work on the borders of the state.
- Ms. Pearl said that the NHDHA conducted a survey with the University of New Hampshire on workforce issues within the profession in 2022. She said one of the top responses was license reciprocity. She said that is something that many dental hygienists would like to see changed.
- Ms. Pearl said that the compact ensures the requirement that practitioners who would come into the state would have to practice within the scope of New Hampshire dentists and dental hygienists.

- Ms. Pearl said this bill supports active military members and their spouses.
- Ms. Pearl stated that New Hampshire is experiencing an ongoing workforce shortage in the dental professions. She noted that many dental professionals are at or approaching retirement age, which will cause an additional issue with access to care within the state. She said that the NHDHA believes this bill will help improve dental access to New Hampshire residents.
- Ms. Fitzgerald stated her support for the bill.
- Ms. Fitzgerald provided her extensive background in the field and stated that she could answer any logistical and credentialing questions with respect to the interstate compact.
- Ms. Fitzgerald addressed the concern that the compact does not give a state dental board authority over people practicing from a remote state. She said that states have authorization from the compact in Section 4-D and 6-E. She said that the privilege model has been used by other professions in compacts, and none of those professions have had issues with States being unable to discipline a privilege holder.
- Ms. Fitzgerald addressed the concern that the compact undermines State authority. She said that having a license is a privilege from the State, and that they would never want to undermine the State's authority. She said that, as stated in Section 9-A, the commission has no legislative authority.
- Ms. Fitzgerald addressed the concern that the compact may exacerbate workforce shortages within the state. She said that dental hygienists understand the workforce shortage issue and they see this as a way to address that issue. She noted that there is only one dental hygiene program and no dental school in New Hampshire. She said there is no evidence from any of the established compacts to support the claim. She said that a study of the interstate medical licensure compact showed that joining that compact correlated with an increased number of practice locations.
- Ms. Fitzgerald read portions of letters of testimony from dental professionals.
- Ms. Fitzgerald said that this would have immense value for dental hygienists who work along the state's borders.
- Sen. Altschiller pointed to Section 7 on page 8. She said it looks like participating states are part of the commission, which is a joint agency. She pointed to line 27 on page 11 and said that it looks like the commission can collect an assessment and impose fees in a state to cover the cost of operation. She noted it appears the State would be charged, and individual members would be charged. She noted an absence of language discussing the fees. She asked about the fee.
 - o Ms. Fitzgerald said that there was an argument that the compact created an unmandated tax. She said that every compact of which New Hampshire is a member contains that provision. She said that only the nursing and psychology compacts charge the fee. She said that they do not anticipate they will charge this fee. She said that the intention is that use fees by individuals who use the compact will fund it. She said States will have the ability to charge a fee for compact privilege. She noted that most states' bills to join the compact have had a low or no fiscal note.

Neil Hiltunen, DMD

- Dr. Hiltunen said his comments are based on twenty-five years of examining candidates for licensure and thirteen years serving on the New Hampshire BoDE.
- Dr. Hiltunen stated that the purpose of state boards is serving and protecting the public. He said that monetary gain is not their purpose. He stated that the purpose of professional or trade organizations is serving their constituents and growing membership. He questioned who this bill is serving.
- Dr. Hiltunen explained that the two most important ways that dental boards act to fulfill their mandate of protecting the public are examining candidates for licensure and discipline. He said that standards have dropped. He stated that public health is at risk if standards for licensure are removed.
- Dr. Hiltunen noted that the compact does not require examinations. He pointed to line 17 on page 2. He said the word “or” means that the prior words are optional and not required.
- Dr. Hiltunen said that Wisconsin has passed legislation that gives Marquette dental students licenses to practice dentistry merely by graduating, without a third-party examiner.
- Dr. Hiltunen said that his main point is that examinations are critical. He said that the use of the word “or” throughout the compact eliminates many standards. He said that discipline is an issue.
- Dr. Hiltunen pointed to lines 27-28 and lines 33-34 on page 10. He said that it seems that provision usurps the authority of dental boards.
- Dr. Hiltunen stated that the safety of the public is at risk, and that dentists who have not been examined would be free to practice dentistry if this bill was enacted.
- Sen. Gannon asked about the Marquette graduates who do not have to pass examinations.
 - o Dr. Hiltunen said that this compact would make it so New Hampshire would have to allow dentists who have not been examined.

Stacy Plourde, RDH, MS, CPHDH

- Ms. Plourde stated her opposition to the bill.
- Ms. Plourde said that New Hampshire should have a dental and dental hygiene compact, but that it should not be this one. She said that it is not the New Hampshire way to pass legislation without careful examination of its impact on the professions and the people it serves.
- Ms. Plourde said that portability is important and can be addressed with the institution of a well-designed licensure compact.

- Ms. Plourde stated that this bill would lower, and could remove, the standards for dental and dental hygienist licensure. She said that the use of the word “or” leaves things open ended.
- Ms. Plourde said that this compact fails to create a licensure standard that enables participating jurisdictions to confidently license qualified individuals.
- Ms. Plourde noted that the compact lacks a hand skill requirement, which is critical. She said the compact does not require a Commission on Dental Accreditation (CODA)-accredited program as an educational foundation. She said it could allow those with discipline problems and criminal convictions to practice where otherwise disallowed.
- Ms. Plourde said that the bill grants members of the compact a privilege, not a license. She said that the BoDE only has control of licensees. She said this bill provides no authority to investigate complaints about those with a privilege.
- Ms. Plourde encouraged the Committee to rerefer the bill to do more research and compare alternative compacts.

Carmen Negron-Dupee, American Dental Hygienists’ Association

- Ms. Negron-Dupee stated that she was part of the group when the ADHA and ADA worked together to create the compact. She said that the compact was brought forward by the Department of Defense (DOD), who sought its development as a mechanism for ensuring that professional licenses for military spouses are easily portable.
- Ms. Negron-Dupee said that the group that crafted this compact were aware of possible concerns. She said that the group was comprised of dental professionals from around the country.
- Ms. Negron-Dupee said the competing compact has put many doubts on this bill. She said the intention of this compact is to have communities who lack access to health care reach out.
- Ms. Negron-Dupee explained the long process of moving from Puerto Rico and obtaining a license to practice in Massachusetts. She explained that the process for obtaining a Vermont license was long as well, despite reciprocity between the two states.
- Ms. Negron-Dupee stated that the ADA is looking out for the safety of the public.
- Sen. Gannon asked if this bill would water down New Hampshire’s standards.
 - o Ms. Negron-Dupee said that the compact was drafted so that someone can be licensed in a state and if they want to go to a partner state, they will need to meet that partner state’s requirements. She said that people cannot work without the requirements for licensure.
- Sen. McGough asked how many people from the group that crafted this compact were from New Hampshire.
 - o Ms. Negron-Dupee said that none of the members were from New Hampshire, but some others may be from states with similar standards to New Hampshire.

- Sen. McGough asked Ms. Negron-Dupee if she had reviewed the aspects of the other possible compact. He asked if there are elements of the competing compact that could be beneficial to Granite Staters. He suggested possible combining the two.
 - o Ms. Negron-Dupee stated her belief in cooperation to benefit the public. She said that is something to consider.

Virginia Kapetanakis, New Hampshire Board of Dental Examiners

- Ms. Kapetanakis said that the New Hampshire BoDE has no position on the bill.
- Ms. Kapetanakis stated that the BoDE did research on the bill. She said that they believe the compact poses potential unintended consequences to the public.
- Ms. Kapetanakis explained that the BoDE is responsible for protecting the public by ensuring appropriate standards of education. The BoDE are standardizing the licenses to standardize the practice and patient care. She said that the compact does not require graduation from a CODA-accredited school or the hands-on examination. She said this conflicts with New Hampshire statutes and would reduce educational requirements for practicing in the state.
- Ms. Kapetanakis said another thing the BoDE does is follow and discipline licensees and make sure that the standard of care is followed. She noted that the compact allows for compact privilege, not a license. She explained that New Hampshire issues licenses, not privileges, and the BoDE is unsure if that is legally equivalent.
- Ms. Kapetanakis said that currently of the states that have adopted the compact, only one of the members of the commission is a licensed dental professional.
- Ms. Kapetanakis said that there are unclear fiscal aspects of the bill.
- Ms. Kapetanakis provided the Committee with a packet outline the BoDE's findings and concerns.
- Sen. Altschiller asked if information regarding the uncertainty around privileges versus licenses is included in the information packet.
 - o Ms. Kapetanakis said that it is.

Tom Prasol, American Association of Dental Boards

- Mr. Prasol explained that he was representing the American Association of Dental Boards.
- Mr. Prasol said the Committee passed a bill amending RSA 310:17 a few years ago. That bill addressed reciprocity with states with substantially similar standards.
- Mr. Prasol pointed to line 27 on page 11, which deals with the annual assessment. He said that Maine appropriated over \$200,000 annually to cover that assessment fee.

- Mr. Prasol pointed to line 17 on page 15, which says that the rules of the established commission have the force of law in the states.
- Mr. Prasol pointed to line 10 on page 17, which says that the State's rulemaking authority shall not apply to the compact.
- Mr. Prasol pointed to line 1 on page 21, which says that any state laws are superseded by the compact.
- Mr. Prasol said that if the Committee were to rerefer the bill then he would be willing to help compare the two different compacts and help figure out what may or may not work for New Hampshire.

KC

Date Hearing Report completed: February 11, 2025