

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 2528 - 7

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Michael Graham
Reviewed by: John Borden, Tom MacDonald, Haylee Morse-Miller, Laurie Byerly, Paul Siebert
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Measure Description:

Directs the Oregon Board of Dentistry to issue dental therapist license to qualified applicant.

Government Unit(s) Affected:

Department of Administrative Services (DAS), Oregon Judicial Department (OJD), Oregon Health Authority (OHA), Oregon Board of Dentistry (OBD), Emergency Board

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

House Bill 2528, as amended by the -7 amendments, replaces the introduced version. The measure prohibits dental therapy examinations from being affiliated with, or administered by, a dental pilot project or dental therapy education program. It requires dental therapists to have a collaborative agreement with a supervising dentist that outlines the supervision logistics and requirements for the dental therapist's practice. It specifies the information to be included in a collaborative agreement. It specifies that if a dental therapist is supervised by more than one dentist, each collaborative agreement must include the same supervision requirements and scope of practice. The measure allows dentists to supervise up to three dental therapists at a time. It clarifies the scope of a dental therapist's practice, including specifying procedures requiring general or indirect supervision by a dentist. It allows a dental therapist to supervise up to two dental assistants or expanded function dental assistants. It requires a dental therapist to purchase and maintain liability insurance. It requires a dental therapist to dedicate at least 51 percent of practice to patients who represent underserved populations or practice in dental health professional shortage areas. It removes the dental therapist representative from Oregon Board of Dentistry. The measure takes effect 91 days after adjournment *sine die*.

Department of Administrative Services

The measure would have no fiscal impact on the Department of Administrative Services.

Oregon Judicial Department

The measure would have a minimal fiscal impact on the Oregon Judicial Department.

Oregon Health Authority

The measure may impact the Health Policy and Analytics Division. It would add a category of licensed oral health professionals, covered under the statutes of the Healthcare Workforce Reporting Program. Dental therapists would be required to complete a survey upon renewal of their license, just as dentists and dental hygienists currently do. OHA anticipates that the measure may increase these revenues, though it would not be in the 2021-23 biennium, which will be the period of initial licensure. Health Policy and Analytics would be required to modify its Intergovernmental Agreement (IAA) with the Board of Dentistry, which would fall within the normal scope of its work program. Additionally, adding this category of licensed provider may necessitate revisions to OAR 409-036 to include "Dental Therapists" in the definition of health professionals eligible to receive financial incentives under the Health Care Provider Incentive Program; however, this is also within the normal scope of work and would not create a fiscal impact to Health Policy and Analytics.

The measure also may impact the work of the Oregon Health Authority's Health Systems Division. The measure is anticipated to increase utilization of services to primarily underserved populations. The number of this population is unknown and therefore the amount of increased utilization for the procedures performed by dental therapists is currently unknown. The number of dental professionals who would seek dental therapy licensure is also unknown. Because of these unknown factors, this bill has an indeterminate fiscal impact for HSD. The Medicaid Management Information System (MMIS) will require modifications to add this provider type for reimbursement; however, this work can be accomplished with existing staff and resources.

Oregon Board of Dentistry

To implement the measure, the Oregon Board of Dentistry would need to need to create a new committee to specifically draft new rules relating to dental therapist licensure, education and supervision. Any committee recommendations would need to be reviewed by the board and its rules oversight committee. The rules would then be subject to public notice and comment, in accordance with the board's rulemaking processes. In addition to forming this committee, the board anticipates it would need to create forms and instructions for applications; create applications and systems to track collaborative agreements; update the board's website and database; and notify stakeholders and interested parties of the new statutory changes and rule rules.

The board estimates that the number of new dental therapists over the next two to four years will be small, which will allow the board time to implement these new rules, policies, forms and communications. At present, the measure would have a minimal fiscal impact on the board's biennial budget, as the board estimates it would incur \$50,000 in 2021-23 to implement these changes. However, depending on the number of dental therapists that become licensed over the next few years, the board may need additional budgetary resources.

Emergency Board

While this measure does not have a fiscal impact on the Emergency Board, the provision requiring a report to the Emergency Board prior to adopting fees and charges seems to contemplate Oregon Board of Dentistry action that would occur only during interims when the Emergency Board is meeting; there is no role for the Joint Committee on Ways and Means. In addition, it is unclear what the report on fees and charges to the Emergency Board is intended to accomplish since approval of the report does not appear to be required.