

**MEETING MINUTES OF THE
AMERICAN DENTAL ASSOCIATION
COUNCIL ON GOVERNMENT AFFAIRS
VIRTUAL
AUGUST 14-15, 2020**

CALL TO ORDER

The second regular meeting of the Council on Government Affairs (CGA) was held virtually and was called to order by Dr. Phillip Fijal, CGA chair, at 9:32 AM CDT on August 14, 2020.

ROLL CALL

Members: (District 1) Dr. Mark Desrosiers, 2020; (District 2) Dr. Raymond Miller, 2023; (District 3) Dr. John Reitz, 2021; (District 4) Dr. Mark Vitale, 2022; (District 5) Dr. Deborah Bishop, 2020; (District 6) Dr. Leon Stanislav, 2022; (District 7) Dr. Matthew Messina, 2021; (District 8) Dr. Phillip Fijal, chair, 2020; (District 9) Dr. David Clemens, 2020; (District 10) Dr. Emily Willett, 2021; (District 11) Dr. John Hisel, 2022; (District 12) Dr. Matthew Cohlma, 2022; (District 13) Dr. John Blake, 2023; (District 14) Dr. David White, 2021; (District 15) Dr. Matthew Roberts, 2023; (District 16) Dr. Mark Crabtree, 2023; (District 17) Dr. Zack Kalarickal, 2020; (New Dentist Member) Dr. Adam Shisler, 2020.

Liaisons: Dr. George Shepley, Board of Trustees (District 4); Dr. Kate McPherson, American Student Dental Association; Dr. David Watson, chair, American Dental Political Action Committee; Dr. Richard Stevenson, chair, Council on Advocacy for Access and Prevention; Ms. Janette Sonnenberg, Alliance of the American Dental Association.

Council Staff: Mr. Michael Graham, senior vice president, Government and Public Affairs; Ms. Roxanne Yaghoubi, director, Legislative and Regulatory Policy; Mr. Robert Burns, manager, Legislative and Regulatory Policy; Mr. David Linn, manager, Legislative and Regulatory Policy; Dr. Robert Mitton, manager, Legislative and Regulatory Policy; Ms. Ajeya Clouden, intern.

Other ADA Staff Present for All or Part of the Meeting: Dr. Chad Gehani, president, ADA; Dr. Kathleen O'Loughlin, executive director, ADA; Mr. Christopher Tampio, director, Congressional Affairs; Ms. Jennifer Fisher, lobbyist, Congressional Affairs; Ms. Megan Mortimer, lobbyist, Congressional Affairs; Ms. Natalie Hales, lobbyist, Congressional Affairs; Ms. Sarah Milligan, director, American Dental Political Action Committee; Mr. Peter Aiello, senior manager, American Dental Political Action Committee and Political Affairs; Ms. Jennifer Garvin, Washington editor, Publications; Ms. Katherine Merullo, manager, Public Affairs and Advocacy Communications; Ms. Kathy Clary, manager, Business Administrative Services; Dr. Jane Grover, director, Council on Advocacy for Access and Prevention; Ms. Tooka Zokaie, manager, Fluoridation and Preventive Health Activities; Mr. C. Michael Kendall, senior associate general counsel, Legal Affairs; Mr. Chad Olson, director, State Government Affairs; Mr. Jeffrey Troupe, senior legislative liaison, State Government Affairs; Mr. Paul O'Connor, senior legislative liaison, State Government Affairs; Dr. David Preble, senior vice president, Practice Institute; Dr. Pamela Porembski, director, Center for Dental Practice/Practice Institute; Dr. Elizabeth Shapiro, director, Practice Management Resources and Strategy; Dr. Marko Vujicic, chief economist and vice president, Health Policy Institute; Dr. Chelsea Fosse, senior health policy analyst, Health Policy Institute; Mr. Bill Robinson, president and ceo, ADA Business Innovation Group; Ms. Deborah Doherty, ceo, ADA Business Enterprises, Inc.

Guest Speakers: Mr. Landon Lemoine, vp of Growth, Bento; Rear Admiral Timothy Ricks, deputy director, Indian Health Service Division of Oral Health.

Friday, August 14, 2020

Adoption of Agenda: Upon vote, the Council adopted the agenda.

- **Resolved**, the meeting agenda is adopted.

Approval of Consent Calendar: Upon vote, the Council approved the consent calendar.

- **Resolved**, the consent calendar is approved.

Conflict of Interest (Disclosure) Policy: The Council was reminded of the Conflict of Interest (Disclosure) Policy.

Welcome and Report of the chair: Dr. Fijal thanked the Council. He also spoke about his decision to retire from organized dentistry after concluding his term as CGA chair.

Report of the senior vice president, Government and Public Affairs: Mr. Graham spoke about the American Dental Association (ADA)'s response to COVID-19, especially its grassroots advocacy. Dentists and others connected to dentistry sent over 150,000 emails to Capitol Hill on the pandemic, and will need to keep up that level of involvement going forward.

Report of the Board of Trustees: Dr. Shepley thanked CGA for its work. He spoke about the challenges with the ADA's budget and the work the organization is doing to identify essential and non-essential activities, with advocacy being an essential activity. There are many unknowns with COVID-19, but it is an opportunity for positive transformation for the ADA.

Report of the Council on Advocacy for Access and Prevention: Dr. Stevenson presented on the work of the Council on Advocacy for Access and Prevention (CAAP), including Emergency Department (ED) referral, Community Water Fluoridation (CWF), Medicaid, oral cancer, vaping, safety, medical-dental collaboration, and Community Dental Health Coordinators (CDHCs). Dr. Stevenson also talked about the resolutions CAAP is bringing to the House of Delegates, and discussed areas of collaboration between CAAP and CGA.

Report of State Government Affairs: Mr. Olson spoke about State Government Affairs' response to COVID-19, including on issues such as access to personal protective equipment (PPE), compliance with Occupational Safety and Health Administration (OSHA) regulations, and testing. He also discussed the ADA's preparations for a COVID-19 resurgence. Mr. Olson also talked about State Government Affairs' work on third party payers, including putting together a document on ERISA, doing message testing on how to talk about third party payers, and conducting research on assignment of benefits. Lastly, he gave an update on the Dental Care Bill of Rights model legislation, which will be considered at the National Council of Insurance Legislators (NCOIL) meeting in September.

Mr. Troupe gave an update on workforce legislation, and said that so far in 2020, no states have passed dental therapy laws. However, states have been working on the rulemaking process for dental therapy. Additionally, the first Commission on Dental Accreditation (CODA)-accredited dental therapy education program was approved in Barrow, Alaska.

Report of the State Public Affairs Oversight Workgroup: Mr. Olson said that State Public Affairs (SPA) had a budget this year of \$1.7 million, of which \$1.1 million was allocated in the first half of the year, and nearly a million in the second half of the year. \$600,000 was pumped into the SPA budget from the Fighting Insurance Interference Strategic Taskforce (FIIST).

2020-2021 CGA chair and vice-chair Candidate Forum and Elections: Dr. White, who ran unopposed, was elected chair, and Dr. Vitale, who also ran unopposed, was elected vice-chair. The new officers gave brief remarks on their plans for the next year.

Report of the American Student Dental Association: Dr. McPherson spoke about the legislative priorities of the American Student Dental Association (ASDA) on COVID-19, including the licensure process, provider relief funding, Medicaid provider funding, liability protections, testing, and flexibility for Paycheck Protection Program (PPP) loans.

Report of the New Dentist Committee: Dr. Shisler discussed the issues facing the New Dentist Committee (NDC), including the New Dentist Conference, diversity and inclusion, and the challenges faced by start-ups. The Council spoke about ways the ADA could encourage women who are new dentists to join the association.

Report of the American Dental Political Action Committee: Dr. Watson gave an update on the activities of the American Dental Political Action Committee (ADPAC), including the challenges in raising funds due to COVID-19. He emphasized that – especially during an election year – ADPAC needs to continue to raise money, and encouraged CGA members to donate and assist with fundraising.

Additionally, Mr. Graham gave an update on the Senate property, and asked CGA members to buy planks at the property.

Update on 2020 Elections and Lobby Day: Ms. Milligan and Mr. Aiello discussed the 2020 elections. ADPAC has set up a website (vote.ada.org) that will serve as a one-stop shop for dentists to register to vote, sign up to vote by mail, and be educated on the candidates. Ms. Milligan and Mr. Aiello also spoke about the 2020 electoral map for the Presidential, Senate, and House elections and highlighted competitive races. For the dentist members of Congress, Representatives Simpson, Gosar, Babin, and Ferguson are in safe races, but Representative Van Drew's race is a toss-up.

Additionally, Ms. Milligan and Mr. Aiello gave an update on Lobby Day, which will be virtual this year.

Remarks by ADA President: Dr. Gehani thanked the Council for its advocacy work and said that COVID-19 had proven the ADA's, and especially CGA's, resiliency, innovativeness, and commitment.

Discussion on CGA Self-Assessment: The Council discussed the Council self-assessment, including the process of developing the survey and ways the Council can use the results to improve on items such as orientation and communication. The Council also talked about doing the self-assessments more often.

Update on In-Office Dental Plans: Mr. Linn spoke about the ADA's recent letter to the Internal Revenue Service (IRS) on in-office dental plans, and Mr. O'Connor talked about state legislation on these plans. The Council discussed the use of both a dental insurance plan and an in-office

dental plan. Additionally, CGA heard a presentation from Mr. Landon Lemoine from Bento. CGA agreed to form a workgroup on in-office dental plans and work with other Councils on this issue.

Discussion led by ADA executive director: Dr. O'Loughlin gave an update on the impact of COVID-19 on the ADA, including the organization's membership numbers and budget. She also spoke about the ADA's Common Ground 2025 strategic plan.

Presentation by Health Policy Institute on the Economic Impact of COVID-19 on Dental Practices: Dr. Vujicic said that the Health Policy Institute (HPI)'s polling data is showing that 98% of dental practices are open. These practices are seeing a new normal where patient volume is estimated at 73% of pre-COVID levels. Staffing is at 94% of pre-COVID levels. Dr. Fosse presented on questions HPI has been asking about wait times for dentists who use hospital or ambulatory surgical center operating rooms. Additionally, Dr. Fosse spoke about HPI's questions on dental practices' disenrollment from Medicaid. Lastly, Dr. Vujicic discussed polling on consumer sentiment toward visiting the dentist.

Update on Congress: Mr. Tampio, Ms. Fisher, Ms. Mortimer, and Ms. Hales spoke about Congress' response to COVID-19. Congressional negotiations on the next COVID-19 package are currently stalled, but the ADA lobbyists continue to fight for dentistry's priorities, including liability reform, PPP loans, Medicaid, the Indian Health Service, and McCarran Ferguson reform. Ms. Hales also discussed the House Energy and Commerce Committee's investigation into dental insurers.

Discussion on COVID-19 and Future Pandemics: Dr. Fijal and Ms. Yaghoubi spoke about the ADA's legislative and regulatory accomplishments during COVID-19, many of which would not have been possible without grassroots advocacy by dentists. The Council discussed resolutions being proposed by the Pennsylvania Dental Association on testing and vaccinations. Upon vote, the Council agreed to the following resolutions:

- **Resolved**, that it is the position of the American Dental Association that dentists have the requisite knowledge and skills to administer diagnostic medical tests to screen patients for chronic diseases and other medical conditions that could complicate dental care or put the patient and staff at risk, with appropriate referrals when indicated.
- **Resolved**, that it is the position of the American Dental Association that dentists have the requisite knowledge and skills to administer critical vaccines to prevent life or health-threatening conditions associated with the orofacial complex (e.g., oral cancer) and protect the life and health of patients and staff at the point of care.

Update on Action for Dental Health: Dr. Grover spoke about Action for Dental Health (ADH)'s key initiatives, including Medicaid, CWF, ED referral, medical-dental collaboration, and CDHCs. CDHCs play an important role in identifying and addressing patients' social needs. CAAP's goals in 2020 include promoting ADH in all states, including contracting with a consultant to apply for grants from the Health Resources and Services Administration (HRSA) and the Centers for Disease Control and Prevention (CDC).

Ms. Zokaie discussed the 75th anniversary celebration of CWF. She also said that the National Academies of Science, Engineering, and Medicine (NASEM) is conducting a peer review of the

National Toxicology Program (NTP)'s study on fluoride and the judge has not yet ruled on the fluoridation lawsuit. CAAP has established an Advisory Committee on dental sealants.

Indian Health Service/Public Health Service Workgroup: Dr. Ricks gave an update on the Indian Health Service (IHS) and oral health, including oral health disparities and recent progress. He also spoke about the IHS' collaboration with the ADA on Give Kids A Smile.

Ms. Yaghoubi spoke about Dr. Winifred Booker's programs for children, including "Lessons in a Lunch Box."

The workgroup discussed its ideas, including allowing IHS dentists to vaccinate, getting PPE to IHS dentists, and supporting initiatives similar to the "Pathways into Health" program that encouraged Native Americans to become dentists. The workgroup would also like to tour IHS facilities.

Update on Public Affairs: Ms. Merullo spoke about the ADA's digital marketing campaign, Oral Health is Health, including social media ads on COVID-19. The ADA is now the number one social influencer on oral health in DC. She also gave an update on the ADA's earned media coverage, including on the World Health Organization statement. The Council discussed best practices for speaking to the media and engaging on social.

Policy Review Resolutions: Dr. Desrosiers and Dr. Kalarickal said that the resolutions previously approved by the Council are going to the House of Delegates. The Council agreed to assign members of the Council who are delegates to each of these resolutions so they are ready, if needed, to address the resolutions at the reference committees and House. Dr. Desrosiers and Dr. Kalarickal also mentioned the idea of, in the future, reviewing the resolutions by subject matter instead of every five years.

Saturday, August 15, 2020

Orientation Workgroup: Dr. Willett spoke about the work of the Orientation workgroup, including developing and disseminating a survey to the Council members. Based on the survey results, the workgroup members recommend that the Council should:

- Create CGA-specific orientation modules.
- Develop a CGA mentorship program for incoming Council members.
- Develop best practices to facilitate communications between outgoing and incoming Council members.
- Provide biographies and personal statements for each Council member.
- Provide a calendar of expectations and duties for Council members.

Council members spoke about their other ideas for orientation, including having calls between the CGA leadership and the new Council members, using technology like Zoom and YouTube to introduce Council members, clarifying staff member responsibilities for the Council members, and planning a social event for the Council during annual session. The Council also discussed the importance of clarifying that in fulfilling their fiduciary duty the Council members can take into account their district but their ultimate duty is to act in the best interest of the ADA as a whole.

Veterans Workgroup: The workgroup discussed the VA Innovation Center (VIC) pilot program on dental care, including concerns about the VA's focus on dental schools, whether the veterans in the program would find a dental home, the VA's poorly defined criteria for veteran selection, the VA's lack of a definition for "discounted fees," the need for treatment planning, and the transfer of patient record data to the VA. The VA and the ADA have discussed signing a memorandum of understanding (MOU) on the pilot program. Additionally, the ADA's Department of Corporate Social Responsibility and Philanthropy is planning a "Give Veterans a Smile" Summit to share best practices.

The workgroup also spoke about a possible expansion of its charge, including on issues such as reservist dentists, renumeration for VA dental services, funding for VA research in dentistry, and the wellbeing of VA dentists and patients.

The Council discussed its proposed policy on "Resources for Veterans Ineligible for VA Dental Care." Upon vote, the Council agreed to the following substitute resolution:

- **Resolved**, that the ADA supports the federal authorization of administrative support resources within the VA Medical Centers to assist veterans to identify and utilize dental services offered by federally qualified health centers, not for profit dental care facilities, and volunteer dental professionals, and be it further
- **Resolved**, that the ADA supports the work of component and constituent dental associations, dental organizations, societies, and dentists to develop new programs with outreach strategies to assist veterans with unmet dental treatment needs, and to serve as a resource in finding dental homes for Veterans.

Discussion on Council Priorities: Dr. Fijal clarified that the purpose of the priorities list is to determine what the Council should work on and not what the ADA should lobby for on Capitol Hill and with the administration. To guide its lobbying, the staff relies on the Common Ground strategic plan, ADA policy, the CGA workgroups, and the opinion of the leadership of CGA and other Councils. The Council agreed to shorten the priorities list through the use of an online survey that will ask CGA members and state and caucus leaders to pick the top 10 federal priority issues for CGA.

Update on Student Loan Action Plan: Dr. Bishop and Mr. Burns gave an update on the ADA Task Force to Study Alternate Student Loan Repayment Strategies. The Task Force's goal is to come up with impactful (and attainable) ideas to reduce student debt. Due to COVID-19, the work of this Task Force has been delayed and their recommendations will go to the 2021 House of Delegates.

Update on Vaping: Ms. Hales said that there was a big win on vaping in 2019, when Leader Mitch McConnell's bill on raising the age to buy tobacco to 21 became law. Since then there has not been much action by Congress on vaping. Mr. Burns spoke about resolutions going to the House of Delegates on vaping.

Report of the Alliance of the American Dental Association: Ms. Sonnenberg spoke about the activities of the Alliance, including its Leadership Conference, its new and more inclusive tag line, its purchase of a brick at the ADA House, and its newsletters and seminars. Ms. Sonnenberg also discussed the need to support dentists and their family members' mental health. The Alliance also wants to assist with the "Lessons in a Lunchbox" program.

Q+A with ADABIG and ADABEI: Mr. Robinson spoke about the ADA Business Innovation Group (ADABIG), which is a startup whose ultimate strategic goal is to provide non-dues revenue to the ADA. There are currently seven transactions under contract, but ADABIG has recently decided to expand more quickly and open up the platform nationwide. ADABIG's approach is different than other practice brokers because matches are done based on the dentists' philosophy of care.

Ms. Doherty discussed ADA Business Enterprises, Inc. (ADABEI), which like ADABIG is a wholly owned subsidiary of the ADA with its own independent board. ADABEI has two equally valued missions: creating revenue for the ADA and creating value for ADA members. ADABEI does in depth research prior to endorsing a product. It generates around \$6 million in revenue per year, of which \$4 million goes to the ADA. The state dental societies can co-endorse with ADABEI.

The Council discussed the budget challenges the ADA is currently facing.

Teledentistry Workgroup: Dr. Messina said that the revised teledentistry policy that the workgroup provided comments on is going to the House of Delegates this year from the Council on Dental Practice (CDP). He also spoke about telehealth legislation on Capitol Hill. The Council members talked about teledentistry legislation in their states. Additionally, the Council discussed insurance reimbursement for teledentistry.

Medicaid Workgroup: The workgroup spoke about its review of Medicaid issues, including block grants, work requirements, non-emergency medical transportation, postpartum coverage, payment rates, administrative burdens, funding, the Children's Health Insurance Program (CHIP), adult dental services, peer-to-peer audits, and tax incentives. The workgroup also surveyed the Council on who is a Medicaid provider. The workgroup supported the ADA's lobbying on Congressional bills to support Medicaid and ensure Medicaid services, including oral health, are not cut during the pandemic.

New and/or Unfinished Business and Open Forum: Dr. Bishop spoke about the Dental Quality Alliance (DQA) and the concern that there will no longer be a CGA representative to DQA.

Dr. Messina discussed the Elder Care Workgroup. The Workgroup report to the House of Delegates is currently embargoed but it contains 13 resolutions. The Council agreed to have a call to discuss the Elder Care Workgroup's recommendations before the House of Delegates.

The Council discussed other plans for annual session, including assigning CGA members to resolutions in case they need to discuss them at the reference committees or House of Delegates and holding a social event with new and current Council members.

The Council on Government Affairs meeting adjourned at 3:30 PM CDT on August 15, 2020.