

**MEETING MINUTES OF THE  
AMERICAN DENTAL ASSOCIATION  
COUNCIL ON GOVERNMENT AFFAIRS  
ADA OFFICES, WASHINGTON, DC  
AUGUST 1-3, 2019**

**CALL TO ORDER**

The second regular meeting of the Council on Government Affairs (CGA) was called to order by Dr. Craig Armstrong, CGA chair, at 4:00 PM EDT on August 1, 2019 in the 11th Floor Conference Room at the ADA Washington Office, 1111 14th Street, NW, Washington, DC 20005.

**ROLL CALL**

**Members:** (District 1) Dr. Mark Desrosiers, 2020; (District 2) Dr. Lauro Medrano-Saldana, 2019; (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, 2020; (District 9) Dr. Lisa Knowles, 2020; (District 10) Dr. Emily Willett, 2021; (District 11) Dr. John Hisel, 2022; (District 12) Dr. Matthew Cohlma, 2022; (District 13) Dr. Ariane Terlet, 2019; (District 14) Dr. David White, 2021; (District 15) Dr. Craig Armstrong, chair, 2019; (District 16) Dr. Dan Cheek, 2019; (District 17) Dr. Zack Kalarickal, 2020; (New Dentist Member) Dr. Robin Nguyen, 2019.

**Liaisons:** Dr. Lauren Yap, American Student Dental Association; Dr. Tommy Harrison, chair, American Dental Political Action Committee; Dr. Richard Herman, chair, Council on Advocacy for Access & Prevention; Ms. Janette Sonnenberg, Alliance of the American Dental Association.

**Not in Attendance:** Dr. Dan Klemmedson, Board of Trustees (District 14).

**Council Staff:** Mr. Michael Graham, senior vice president, Government & Public Affairs; Ms. Roxanne Yaghoubi, interim director, Legislative & Regulatory Policy; Mr. Robert Burns, manager, Legislative & Regulatory Policy; Ms. Emily Wright, senior project assistant.

**Other ADA Representatives Present for All or Part of the Meeting In Person or By Phone:** Dr. Kathleen O'Loughlin, executive director, ADA; Dr. Jeffrey Cole, president, ADA; Dr. Chad Gehani, president-elect, ADA; Mr. Chris 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, ADPAC; Mr. Peter Aiello, manager, ADPAC Grassroots & Digital Advocacy; Ms. Jennifer Garvin, Washington editor, Publications; Dr. Jane Grover, director, Council on Advocacy for Access & Prevention; Mr. C. Michael Kendall, senior associate general counsel, Legal Affairs; Mr. Chad Olson, director, State Government Affairs; Mr. Paul O'Connor, senior legislative liaison, State Government Affairs; Dr. Dave Preble, senior vice president, Practice Institute; Ms. April Kates-Ellison, director, Client Services; Mr. Matt Warren, manager, Forecasting and Analytics; Dr. Marko Vujcic, chief economist & vice president, Health Policy Institute; Ms. Abby McDonough, intern.

**Guests of the ADA:** Congressman Mike Simpson (R-ID), Congressman Paul Gosar (R-AZ), and Congressman Brian Babin (R-TX) joined the meeting by phone on Thursday afternoon.

## **Thursday, August 1, 2019**

**Adoption of the Agenda and Consent Calendar:** The Council adopted the agenda by general consent and gave the chair permission to reorder the items as needed.

- **Resolved**, the consent calendar was approved as presented.

**Report of the chair:** Dr. Armstrong welcomed a new Council member, Dr. Knowles from the ninth district. Dr. Armstrong also noted that the minutes from CGA's July 2 call did not reflect that the Council on Scientific Affairs (CSA) would not be able to review the VET CARE Act until after this Council meeting.

**Report of the senior vice president, Government & Public Affairs:** Mr. Graham spoke about the partisan and divisive nature of Washington, but said the ADA stands apart because it is a unified voice for its members and dentistry is a highly respected profession in Washington.

**Report of the Council for Advocacy on Access and Prevention (CAAP):** Dr. Herman spoke about CAAP's work, including Emergency Department (ED) referral, Community Dental Health Coordinators (CDHCs), water fluoridation, Action for Dental Health (ADH), the human papillomavirus (HPV) vaccine, a resolution on safety, National Children's Dental Health Month, tobacco, and health literacy.

**Remarks by Dentist Members of Congress:** Congressman Simpson spoke about his work on the House Appropriations Committee and his efforts to get funding for oral health programs. Congressman Gosar talked about McCarran-Ferguson reform. Congressman Babin discussed student loan reform and the Resident Education Deferred Interest (REDI) Act.

**Report of the State Public Affairs (SPA) Oversight Work Group:** Mr. Olson and Mr. O'Connor spoke about the SPA Oversight Work Group, including its work with states on dental therapists. The SPA Oversight Work Group is working with states on three areas regarding dental therapists: 1) Supervision, 2) Graduation from a CODA-accredited program, and 3) Limitation on practice settings. Mr. Olson and Mr. O'Connor also spoke about the Fight Insurer Interference Strategic Task Force (FIIST), which is a pilot program to work with states on five issues: 1) Virtual credit cards, 2) Leasing, 3) Prior authorization, 4) Retroactive denial, and 5) Assignment of benefits. The board of trustees allocated \$600,000 to FIIST in the ADA's 2020 budget.

**2018-2019 CGA chair and vice chair Candidate Forum and Elections:** Dr. Phillip Fijal, who ran unopposed, was nominated to serve as chair. Dr. David White was elected to serve as vice chair.

## **Friday, August 2, 2019**

**Presentation and Discussion by ADA executive director:** Dr. O'Loughlin updated the Council on the ADA's Members First 2020 Strategic Plan as well as the Common Ground 2025 Strategic Plan. The Council discussed and asked Dr. O'Loughlin questions about the ADA's membership numbers, budget, and relationships with stakeholders including state dental associations, dental schools, and specialty societies.

**Presentation and Discussion on Economic and Demographic Shifts Are About to Reshape Dentistry. Is the ADA Ready?:** Dr. Vujicic gave a presentation on the growth of

consumer-directed health care and how the dental industry is evolving to address consumers' demands for this type of care. He also spoke about dental service organizations (DSOs). The Council discussed principles to guide the ADA's response to these changes and the legislative and regulatory issues that could arise. The Council also explored options to help dentists navigate these challenges.

**Update on Action for Dental Health (ADH):** Dr. Grover spoke about ADH, including access to care and prevention initiatives such as CDHCs, ED Referral, Medicaid, and water fluoridation. Additionally, another key ADH priority is connecting dentists with pediatricians for the age 1 dental visit. Ms. Fisher spoke about the Action for Dental Health legislation, which was signed into law in 2018. The ADA was successful in requesting that the House Appropriations bill include report language on ADH and the ADA's policy staff is working with the Centers for Disease Control and Prevention (CDC) and the Health Resources and Services Administration (HRSA) on the implementation of this law.

**Update on Community Volunteer Dentistry Efforts:** Dr. Grover said that she had spoken to Dr. Renee Joskow from HRSA. HRSA is looking for dentists to volunteer in Community Health Centers (CHCs) and CAAP approved language encouraging dentists to volunteer.

**Update on the Proposal to Streamline the Current Dues Structure:** Ms. Kates-Ellison spoke about the dues streamlining study. The current dues rate is \$554 but the average dues paid across all members is \$284. The number of members gained through the discounting of dues is not enough to ensure sustainable growth and the number of dentists entering the profession is not keeping pace with the number of dentists leaving the profession. As a result, the biggest driver of declining dues revenue is the declining number of full dues paying members. The Council on Membership studied this problem for two years. The proposal the Council on Membership is bringing to the 2019 House of Delegates would:

- Eliminate the \$30 dues for graduate students,
- Give new dentists a 100% discount in their first year out of school, a 50% discount in their second year out of school, and no discount in their third year out of school and beyond,
- Eliminate the 25% discount for active life members and charge them full dues, and
- Base year-over-year increases on the Consumer Price Index (CPI).

Mr. Warren said that forecasts predict that the dues change will not have a big impact on market share (the impact will only be a reduction of about 1% of market share per year) but there will be a steady increase in revenue.

These dues changes would begin in the 2021 membership year to give the states and ADA time to implement them.

**Policy Review:** In accordance with Resolution 170H-2012 (*Trans.*2010:603; 2012:370), Regular Comprehensive Policy Review, the Council voted to review 30 policies for continued need, relevance, and consistency with other Association policies.

- **Resolved,** the Council will move forward with considering the policy resolutions.

On consent, the Council voted to retain, amend, or rescind the following policies, respectively, and submit those recommendations to the 2020 House of Delegates.

- **Resolved**, the Council agreed to send the following policies to the 2020 House of Delegates with a recommendation to retain as written:

<b>Policy Title:</b>	<b>Supporting Council(s):</b>
Legislative Clarification for Medically Necessary Care ( <i>Trans.</i> 1988:474; 1996:686)	CDBP
ADA Support for Constituent Societies Dealing With Dental Mid-Level Provider Proposals ( <i>Trans.</i> 2008:502)	CDEL, CDBP
Health Care Reform ( <i>Trans.</i> 2009:485)	CDBP
Advocate for Adequate Funding Under Medicaid Block Grants ( <i>Trans.</i> 2011:498; 2014:499)	–
Rank Equivalency for Chief Dental Officers of the Federal Dental Services ( <i>Trans.</i> 2012:496)	–

- **Resolved**, the Council agreed to send the following policies to the 2020 House of Delegates with a recommendation to amend:

<b>Policy Title:</b>	<b>Supporting Council(s):</b>
Legislation to Guarantee Patient’s Freedom of Choice of Dentist ( <i>Trans.</i> 1995:631)	CDBP, CEBJA
Legislative Separation of Medicine and Dentistry ( <i>Trans.</i> 1996:715)	CAAP
ERISA Reform ( <i>Trans.</i> 1998:738)	CDBP
Fee-For-Service Medicaid Programs ( <i>Trans.</i> 1999:957)	CDBP
Limited English Proficiency ( <i>Trans.</i> 2001:442; 2005:338)	CAAP, CDP
Increase Federal Medicaid Funding ( <i>Trans.</i> 2002:409)	CDBP
Federal Tax Credit/Voucher for Medicaid Dentist Providers ( <i>Trans.</i> 2003:383; 2014:499)	CDBP
Support for Adult Medicaid Dental Services ( <i>Trans.</i> 2004:327)	CAAP
Medicaid and Indigent Care Funding ( <i>Trans.</i> 2006:338; 2014:499)	–
Freedom of Choice in Publicly Funded Aid Programs ( <i>Trans.</i> 2006:344)	CDBP

Reauthorization of the State Health Insurance Program ( <i>Trans.</i> 2007:451)	CAAP, CDBP
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- **Resolved**, the Council agreed to send the following policies to the 2020 House of Delegates with a recommendation to rescind:

<b>Policy Title:</b>	<b>Supporting Council(s):</b>
Dental Research by Military Departments ( <i>Trans.</i> 1970:451; 2016:316)	CSA
Availability of Dentists for Underserved Populations ( <i>Trans.</i> 1986:532; 2016:318)	CAAP
Restoration of the Rank of Brigadier General to the Army Reserve Position of Deputy Assistant Surgeon General for Dental Services ( <i>Trans.</i> 1992:622)	—
Dentists' Choice of Practice Settings ( <i>Trans.</i> 1994:637)	CDBP
Costs for the Submission of Electronic Dental Claims ( <i>Trans.</i> 1995:623)	CDBP
Advocating for ERISA Reform ( <i>Trans.</i> 2009:474; 2014:500)	CDBP

Additionally, the Council voted to further examine the following policies and consider recommendations to retain, amend, or rescind at its next meeting.

- **Resolved**, the Council agrees to further study the following policies:

Amendment of Employee Retirement Income Security Act ( <i>Trans.</i> 1982:550; 1989:561)	CDBP
Legislation Reflecting ADA Policy on Primary Dental Health Care Provider ( <i>Trans.</i> 1990:559)	CAAP
Employee Retirement Income Security Act (ERISA) Enforcement Activities ( <i>Trans.</i> 1992:622)	CDBP
Amendment of Employee Retirement Income Security Act ( <i>Trans.</i> 1994:644)	CDBP
Amendments to ERISA to Achieve Greater Protections for Patients and Providers ( <i>Trans.</i> 1995:649)	CDBP
Adding the ADA Definition of Dentistry to Existing Dental Regulatory Provisions ( <i>Trans.</i> 2001:440)	CEBJA
Maldistribution of the Dental Workforce ( <i>Trans.</i> 2001:442; 2014:500)	CAAP

**General Policy Discussion:** The Council discussed Congressional legislation on surprise billing. The ADA Washington office staff has spoken with the House Energy and Commerce Committee and Senate Health, Education, Labor, and Pensions Committee to explain the differences between medical insurance and dental benefit plans and to ask that dentists not be included in the surprise billing legislation.

**Report of the American Dental Political Action Committee (ADPAC):** Dr. Harrison spoke about ADPAC's four major responsibilities, which are: 1) Raising money, 2) Distributing contributions, 3) Grassroots advocacy, and 4) Political education. ADPAC is the third largest health care PAC in the United States. As of the end of June, ADPAC has distributed \$600,000 this year, primarily to dentist members of Congress. ADPAC has also been doing grassroots alerts on issues including the Ensuring Lasting Smiles Act (ELSA) and the REDI Act. And at annual session in San Francisco, ADPAC will celebrate its 50th anniversary and have a booth. Also during that meeting, Congressman Mike Simpson (R-ID) will receive the Distinguished Service Award and ADPAC will hold a fundraiser for Congressman Jeff Van Drew (D-NJ), who faces a challenging re-election campaign.

**Report on ADA Dentist and Student Lobby Day:** Ms. Milligan and Mr. Aiello updated the Council on Lobby Day 2019. Over 1,000 people from 50 states, Puerto Rico, and DC attended Lobby Day, including ADA member dentists; American Student Dental Association (ASDA) dental students; ADA, ASDA, and constituent staff members; guests; and Alliance members. Attendees' review of Lobby Day were overwhelmingly positive with 97 percent of attendees indicating they would return next year. The reviews did indicate some pain points with the hotel, and 87 percent said they prefer the Sunday-Tuesday schedule. ADPAC is looking into options for hotels and dates for Lobby Day 2020.

**Update on Congress:** Mr. Tampio, Ms. Fisher, Ms. Mortimer, and Ms. Hales gave an update on the ADA's work on Capitol Hill. The ADA is working on a bipartisan basis to lobby for the ADA's priorities, including issues such as McCarran-Ferguson reform, appropriations, ELSA, the Dental and Optometric Care (DOC) Access Act, and student loans. The Council also discussed the ADA's work to reform Section 1557 of the Affordable Care Act (ACA), which currently requires health plans and providers to post notices in 15 different languages.

**Update on Elder Care Work Group:** Dr. Preble and Dr. Messina spoke about the ADA's Elder Care Work Group, which is looking at the overall issue of how to meet the dental needs of the elderly while balancing the needs of the profession.

**Update on Medicare Medically Necessary:** Ms. Yaghoubi spoke to the Council about Medicare medically necessary oral health coverage, including the Medicare medically necessary coalition led by Eric Berger and the Center for Medicare Advocacy (CMA). That coalition recently had a meeting with the Department of Health and Human Services (HHS) during which it presented models for expanding the definition of medically necessary oral health care beyond what the ADA has told the coalition it supports. Upon vote, the Council agreed to remove the ADA from the coalition.

- **Resolved**, to remove the ADA from the CMA coalition.

**Remarks by ADA President:** Dr. Cole updated the Council on dental therapists, including his discussions with the Assistant Surgeon General, Dr. Ricks, and his trip to the oral health summit in the US Virgin Islands. He also discussed the successful effort to remove the *Root Cause* documentary from Netflix. He talked about his work with ADPAC and ASDA and gave an update on the ADA Foundation. Additionally, he said he has been working on the citizen petition on Smile Direct Club.

### **Saturday, August 3, 2019**

**New Business and/or Unfinished Business and Open Forum:** The Council members spoke about several issues in an open forum, including a lawsuit in New Jersey on Smile Direct Club.

The Council also discussed the recent CAAP meeting that was attended by Dr. Ricks. ADA staff agreed to sign up the Council to receive Dr. Ricks' newsletter.

The Council spoke about having a breakout session during lobby day for the state PACs. Upon vote, the Council agreed to have the existing lobby day work group, which two CGA members participate in, consider the proposal for a breakout session on state PACs.

- **Resolved**, that the lobby day work group consider a proposal to have a breakout session to deal with state PAC issues.

The Council talked about in-office dental plans and will collaborate with other ADA Councils on the issue.

The Council discussed forming Council work groups. Upon vote, the Council agreed to form a work group on the Indian Health Service (IHS) and the Public Health Service (PHS).

- **Resolved**, that CGA establish a work group to study the IHS/PHS in collaboration with the appropriate ADA agencies and come back to CGA next year with recommendations. The work group may use outside consultants as needed and would like funding for one face to face meeting if necessary.

Upon vote, the Council also agreed to establish a work group on teledentistry.

- **Resolved**, that CGA establish a work group on teldentistry to report back to CGA at its next meeting on state and national efforts to define and implement teledentistry in consultation with other appropriate agencies as necessary.

The Council also discussed looking into the medically necessary and Medicare and Medicaid policies. No vote was taken.

**Update on Surgeon General Report and Dental Amalgam:** Mr. Burns updated the Council about the Surgeon General report on oral health. It is currently under development and being reviewed. There have been delays in receiving the section drafts. Although the report was going to be released in 2020 it, may not be finalized until 2021.

Mr. Burns also spoke about the Minamata Convention on mercury. Currently, that convention calls for a phase-down of discharges of dental amalgam. However, several African countries are now proposing to modify the agreement to phase out amalgam discharges entirely. The

Environmental Protection Agency (EPA), the FDA, and the State Department have indicated to the ADA that they are not interested in renegotiating the agreement.

**Report of the Alliance of the American Dental Association:** Ms. Sonnenberg spoke about the Alliance's work developing and distributing dental health education kits, attending school fairs, and hosting events for dental students and their families. Last year the Alliance's leadership conference was in Las Vegas, Nevada and next year's conference will be in Charleston, South Carolina. At annual session in San Francisco, the Alliance will be collecting donations for the Head 2 Toe Project. Alliance members also attend Lobby Day and participate in the ADA's grassroots alerts and contact their members of Congress.

**Report of the New Dentist Committee (NDC):** Dr. Nguyen highlighted the NDC's initiatives, including the 10 under 10 award and building the leadership pipeline. The NDC has provided input on the ADA Practice Transitions program and also had a discussion with the Board about DSOs. Additionally, the NDC recommended that the ADA consider expanding its resources to address the challenges of being a pregnant dentist. The Council on Dental Practice is working on that issue.

**Report of the American Student Dental Association (ASDA):** Dr. Yap talked about ASDA's advocacy work, including its action alert system, its ADPAC events, and its participation in Lobby Day. Dr. Yap also spoke about the importance of having ADA members mentor ASDA members.

**CGA Representatives on ADA Workgroups, Committees, and Subcommittees:** Dr. Bishop gave an update on the Dental Quality Alliance (DQA) and the two DQA meetings she attended this year. DQA released three adult dental quality measures, and Dr. Bishop asked DQA to delay the measure on oral evaluations for adults with diabetes until CGA considers the issue of a dental benefit in Medicare, but DQA did not do so. Additionally, Dr. Bishop expressed concern about the proposal from a DQA member to streamline its membership and not have representation from as many councils.

Dr. Terlet spoke about FIIST. State Government Affairs performed an exhaustive review of the dental benefit landscape, and 35 different issues were considered. FIIST members and consultants were then asked to rank the concepts, and 5 top issues were identified as a result of this survey. FIIST funded pilot projects in six states on these issues, and this funding increased the chances of legislative success in the states. Based on this success, State Government Affairs will develop toolkits for other states. CGA discussed whether FIIST will continue in the future and in what form.

**Update on ADA/FDI World Dental Conference 2019:** Dr. Armstrong encouraged CGA members who are delegates to attend the Reference Committee D meeting in case there are questions on the Council's policy resolutions. He also told CGA members that they would be receiving an invitation to a Council reception during annual session.

**Dentists Supply Company:** Dr. Bishop spoke about the Dentists Supply Company and the savings that she has received on supplies as a result of joining. She said this could be a good recruitment tool for the ADA.

The Council on Government Affairs meeting adjourned at 10:40 AM EDT on Saturday, August 3, 2019.