

2023 Action of the House of Delegates

R4:

RESOLVED, that the MDA Board of Trustees explore whether the MDA should advocate for using county-based purchasing programs that are advantageous to the dental provider network and its patients, as a model for the state to consider if a single administrator is pursued.

ADOPTED

R5(a):

Resolved, that the Minnesota Dental Association supports having a functionality to utilize a comprehensive list of gender identity, and sex assigned at birth choices as guided by the Centers for Disease Control into medical histories.

ADOPTED

R5(b):

Resolved, the Minnesota Dental Association provides educational resources regarding diversity and inclusion, including but not limited to, gender identity, sexual orientation, and sex assigned at birth.

ADOPTED

R1:

Resolved, that regardless of practice modality, treating dentists are legally and ethically responsible for the care provided under their supervision. Accordingly, dental office policies and protocols should permit dentist discretion and facilitate compliance with the ADA Principles of Ethics & Code of Professional Conduct. Practice policy should support such discretion regarding patient care and autonomy including scheduling, billing practices, selection of dental materials, patient selection, referrals, and delegation of tasks.

ADOPTED

R2:

Resolved, that the Minnesota Dental Association supports the concept of a “Medical Loss Ratio” for dental plans defined as the proportion of premium revenues that is spent on clinical services. And be it further

Resolved, that if dental insurance companies, including private and public dental plans, spend less than the Medical Loss Ratio of patient premiums on actual dental care, they must refund the difference to covered individuals and groups. Be it further

Resolved, that dental plans, both for profit and nonprofit should be required to make information available to the general public and to publicize in their marketing materials to plan purchasers and in written communications to their beneficiaries the percentage of premiums that fund treatment and the percentage of premiums that go to administrative costs, promotion, marketing and profit, or in the case of nonprofit entities, and reserves.

ADOPTED

R3:

Resolved, that the following Resolutions be deleted (archived/sunset) from the MDA HOD Digest of Adopted Resolutions:

DOP-2003-03: MINNESOTA HEALTH CARE TAX
DOP-2013-03: MDA TO STUDY THE PLANS AND GOALS OF THE MINNESOTA DEPARTMENT OF HEALTH TO IMPROVE THE ORAL HEALTH OF MINNESOTA'S CITIZENS.
DOP-2013-07: CONTINUING EDUCATION CREDITS FOR MEMBERS OF THE SCIENTIFIC SESSION COMMITTEE.
DOP-2014-03: PROTOCOL FOR ADDRESSING ACUTE PAIN AND PRESCRIBING OPIOIDS.
DOP-2015-05: ACCEPTANCE OF NON-PATIENT BASED LICENSURE EXAMINATIONS AS DENTAL CERTIFICATION OUTSIDE OF MINNESOTA.
DOP-2019-01: MDA BYLAWS CHAPTER 9
DOP-2019-02: MDA BYLAWS AMENDED--J. LOSS OF MEMBERSHIP
DOP-2019-03: MDA DIGEST OF ADOPTED RESOLUTIONS UPDATE
DOP-2019-05: TAX ON SUGAR-SWEETENED BEVERAGES
DOP-2020-01: HOUSE OF DELEGATES RULES CHANGE
DOP-2020-02: MDA MEMBER CONDUCT POLICY

And be it further

Resolved, that the Resolutions listed below be amended as follows: strikethroughs indicate deletions and underlines indicate additions.

DOP-1996-03: DENTAL PATIENT BILL OF RIGHTS: that the third Resolving Clause be amended:
RESOLVED, that the "Dental Patient Bill of Rights" should clearly show that it is endorsed by the Minnesota Dental Association whenever it is published or displayed, and be it further
RESOLVED, that the ~~Public Relations Committee may~~ MDA Board of Trustees is authorized to make changes to the wording on the "Dental Patient Bill of Rights" if deemed appropriate.

DOP-2001-04: HUMAN SUBJECTS IN DENTAL LICENSURE EXAM: that the second Resolving clause be deleted.

Revised 2008

RESOLVED, that the Minnesota Dental Association support the elimination of human subjects in the clinical licensure examination process.

~~BE IT FURTHER RESOLVED, that the Association transmit this policy to all clinical testing agencies.~~

DOP-2008-13: THIRD PARTY AUDITS: that this Resolution be amended by substitution of the following:

RESOLVED, that the MDA should approach third-party payers to seek amendments to their respective contracts with their member dentists to ensure the opportunity to challenge the

~~audit findings before an independent tribunal. If that is rejected, the MDA should seek legislation which requires the third-party payer to provide for an independent adjudicative process to allow the dentist an opportunity to be heard and challenge the findings.~~

RESOLVED, the MDA supports a dentist's right to challenge audit findings of third-party payers by an independent tribunal, delineated either contractually or by state law.

DOP-2011-01: HMO ACCOUNTABILITY AND TRANSPARENCY: that this Resolution be amended by substitution of the following:

~~RESOLVED, that the MDA should work with other organizations to pursue legislation and/or carry out other strategies to increase accountability and transparency of third-party payers when taxpayer money is involved. The priority of this legislative item and its details shall be determined by the Legislative Affairs Committee and the Board of Trustees.~~

RESOLVED, that the MDA supports accountability and transparency of third-party payers when taxpayer funding is involved.

DOP-2014-12: RESEARCH CREATION OF A LEADERSHIP MENTORING PROGRAM: that this Resolution be amended by substitution of the following:

~~RESOLVED, that the MDA be charged with the study and implementation of a Leadership Mentoring Program.~~

~~BE IT FURTHER RESOLVED, that this program be made available to any member of the Minnesota Dental Association who desires to improve his/her leadership skills.~~

RESOLVED, that the MDA recognizes the value of leadership mentoring programs to our Association and as a member benefit.

DOP-2015-02: REGARDING ELIMINATING THE PROVIDER TAX FROM MEDICAID AND MNCARE PROCEDURES: that this Resolution be amended by substitution of the following:

~~Revised 2021~~

~~RESOLVED, that the MDA will seek legislation to end the 2% Provider Tax on all state funded program dental procedures.~~

RESOLVED, that the MDA supports elimination of a provider tax on all dental procedures reimbursed by state funded programs.

DOP-016-06: SCHOOL LUNCH OPTIONS: that the following Resolution be amended as indicated.

~~RESOLVED, that the Minnesota Dental Association be charged with helping implement~~ supports ongoing education and promotion of healthy options for students within the school food program.

DOP-2018-04: SUGAR-SWEETENED AND ACIDIC BEVERAGES: that the following Resolution be amended as indicated.

~~RESOLVED, that the Minnesota Dental Association supports public awareness and education regarding potential in collaboration with allied health professions, health care organizations, and the Minnesota Department of Health, create a public awareness campaign to educate the public on the detrimental effects that sugar-sweetened and acidic beverages have on oral health and overall health.~~

DOP-2018-06: DEFINING THE PRACTICE OF DENTISTRY: that the following Resolution be amended by deletion of the last Resolving clause.

RESOLVED, it is the position of the Minnesota Dental Association (MDA) that ownership/proprietorship and management of a dental practice means that one or more dentists, individually or in partnership or incorporation with other dentists, has management control and authority over all aspects of a dental practice, including clinical procedures and services and the business activities and services that support the dental practice.

BE IT FURTHER RESOLVED, it is the position of the MDA that it is appropriate for dentist-owned dental practices to contract with non-licensed persons or entities for business, professional, and support services to assist dentists in the operations of dental practices, but such services must be subject to the oversight and control of licensed dentists. Dentists do not retain management control if a non-licensed contractor has the absolute authority to set, approve, or disapprove policies or practices relating to the clinical practice of dentistry, including any of the following clinical activities:

- a) Patient scheduling,
- b) Treatment planning,
- c) Selecting or purchasing dental equipment, dental materials, or dental laboratories,
- d) Referral of patients, or
- e) Access to patient data and patient records.

BE IT FURTHER RESOLVED, it is the position of the MDA that dentists must also maintain management control over activities that might be viewed as the business side of the practice. By way of example and not as an exhaustive list, a dentist could be deemed to have relinquished management control of their practice of dentistry if a contractor has any of the following authorities or characteristics:

- a) Authority over dental practice bank accounts,
- b) Ability to make key financial decisions for the practice,
- c) Power to employ clinical or office-based staff,
- d) Control over whether a refund payment to a patient is made,
- e) Authority to establish billing policies or practices,
- f) Ability to determine which dental benefit plans are accepted.

BE IT FURTHER RESOLVED, that the Minnesota Dental Association encourage the Minnesota Board of Dentistry:

- a) To establish a program to register dental support organizations,
- b) To clearly articulate and establish its authority to review all contracts between a dentist and a dental support organization to ensure that the contracts do not allow the unauthorized practice of dentistry, and
- c) To clearly articulate and provide information to the Minnesota dental community about clinical and business practices that, if not subject to the management and control of licensed dentists, may jeopardize a dentist's ability to exercise their professional responsibility as a dentist licensed in Minnesota.

~~BE IT FURTHER RESOLVED, that the MDA submit a resolution to the ADA House of Delegates in 2019 proposing the following items:~~

- ~~a) The American Dental Association (ADA) adopt the positions stated in the first three resolutions identified above as positions of the ADA.~~
- ~~b) Directs the ADA Legal Division to create a document on what a dentist needs to know when reviewing a business services agreement with a dental support organization (similar to "Dentist Employment Agreement: A Guide to Key Legal Provisions").~~
- ~~c) Directs the ADA State Government Affairs division to track dental support organization related legislative and regulatory activities in the states and make the information available to ADA members.~~

DOP-2020-03: PLASTIC WASTE: that the following Resolution's first Resolving clause be amended by substitution of the following and the second Resolving clause be deleted/archived.

~~RESOLVED, that the MDA request that all vendors eliminate the handing out of single-use plastic bags at all MDA and district events.~~

~~BE IT FURTHER RESOLVED, that the MDA request the 10th District of the ADA submit a resolution to the ADA House of Delegates that creates ADA policy encouraging the elimination of handing out single-use plastic bags by vendors at all state and national dental meetings.~~

~~that the MDA supports the reduction of single-use plastic and requests that all vendors eliminate distribution of single-use bags at all MDA and district events.~~

DOP-2021-02: MEDICAID REFORMS; that the Second Resolving clause be amended as indicated.

RESOLVED THAT: The Minnesota Dental Association supports innovation in how the state dental Medicaid program is administered and programs that are inclusive of all dental providers, encourages increased provider participation in the state Medicaid program, and focuses on improving health outcomes and prevention. The MDA supports a state Medicaid program that is comprehensive, continuously accessible through a dental home, and is coordinated and family-centered care managed by a Minnesota licensed dentist.

APPENDIX

COMPANION GUIDE (EXPLANATION/RATIONALE) FOR INDIVIDUAL RESOLUTIONS

Deletions (1st Resolving Clause)

Archive/Sunset

Resolution:

- 2013-03
 - MDA TO STUDY THE PLANS AND GOALS OF THE MINNESOTA DEPARTMENT OF HEALTH (MDH) TO IMPROVE THE ORAL HEALTH OF MINNESOTA'S CITIZENS.
 - COMPLETED
- 2013-07
 - CE CREDITS FOR MEMBERS OF THE SCIENTIFIC SESSION COMMITTEE
 - COMPLETED
- 2014-03
 - PROTOCOL FOR ADDRESSING ACUTE PAIN AND PRESCRIBING OPIOIDS
 - SUPERCEDED BY RESOLUTION 2015-04 AND FORTHCOMING ADA GUIDELINES
- 2015-05
 - ACCEPTANCE OF NON-PATIENT BASED LICENSURE EXAMINATIONS AS DENTAL CERTIFICATION OUTSIDE OF MINNESOTA
 - COMPLETED/ONGOING
- 2019-01
 - MDA BYLAWS CHAPTER IX
 - ACCOMPLISHED
- 2019-02
 - MDA BYLAWS AMENDED-J. LOSS OF MEMBERSHIP
 - ACCOMPLISHED
- 2019-03
 - MDA DIGEST OF ADOPTED RESOLUTIONS UPDATE
 - ACCOMPLISHED
- 2019-05
 - TAX ON SUGAR-SWEETENED BEVERAGES
 - ACTION ITEM COMPLETED OVER ONE (1) YEAR AGO
- 2020-01
 - HOUSE OF DELEGATES RULE CHANGE (AMEND STANDING RULES)
 - ACCOMPLISHED
- 2020-02
 - MDA MEMBER CONDUCT POLICY
 - ACCOMPLISHED

2ND RESOLVING CLAUSE: AMENDMENTS TO PASSED RESOLUTIONS

- 1996-03
 - DENTAL PATIENT BILL OF RIGHTS
 - THE PUBLIC RELATIONS COMMITTEE NO LONGER EXISTS SO RESPONSIBILITY PLACED WITH MDA BOT TO MAKE APPROPRIATE CHANGES IF NEEDED
- 2001-04

- HUMAN SUBJECTS IN DENTAL LICENSURE EXAM (REVISED 2008)
2ND RESOLVING CLAUSE: COMPLETED/ACCOMPLISHED
- 2008-13
 - THIRD PARTY AUDITS
 - SUBSTITUION CONVERTS RESOLUTION FROM AN ACTION ITEM TO ONGOING POLICY
- 2011-01
 - HMO ACCOUNTABILITY AND TRANSPARENCY
 - SUBSTITUTION CONVERTS RESOLUTION FROM AN ACTION ITEM TO A MORE GENERAL ONGOING POLICY STATEMENT.
- 2014-12
 - RESEARCH CREATION OF A LEADERSHIP MENTORING PROGRAM
 - SUBSTITUTION CONVERTS RESOLUTION FROM AN ACTION ITEM TO AN ONGOING POLICY STATEMENT. THE MDA LAUNCHES IT'S LEADERSHIP PROGRAM THIS FALL AND ENCOURAGES MEMBER LEADERSHIP DEVELOPMENT.
- 2015-02
 - REGARDING ELIMINATING THE PROVIDER TAX FROM MEDICAID AND MNCARE PROCEDURES
 - SUBSTITUTION OF THIS RESOLUTION UPDATES ITS LANGUAGE AND CONVERTS THE RESOLUTION TO A BROADER ONGOING POLICY
- 2016-06
 - SCHOOL LUNCH OPTIONS
 - AMENDMENT CLARIFIES THE MDA LIMITATION TO IMPLEMENT AND CONVERTS AN ACTION ITEM TO AN ONGOING POLICY
- 2018-04
 - SUGAR-SWEETENED AND ACIDIC BEVERAGES
 - AMENDMENT COVERTS AN ACTION ITEM TO AN ONGOING POLICY RECOGNIZING THE EXISTING MDA PUBLIC MATERIALS ON THE TOPIC AND THE CONTINUOUS ROLE OF EDUCATION
- 2018-06
 - DEFINING THE PRACTICE OF DENTISTRY
 - AMENDMENT DELETES THE 4TH RESOLVING CLAUSE OF THE RESOLUTION, IT HAVING BEEN COMPLETED
- 2020-03
 - PLASTIC WASTE
 - THIS RESOLUTION IS CONVERTED FROM AN ACTION ITEM TO AN ONGOING POLICY AND DELETES THE COMPLETED 2ND CLAUSE
- 2021-02

- MEDICAID REFORMS
 - RESOLUTION AMENDED FOR CLARITY.

ADOPTED