



**Council on Governmental Affairs
ZOOM Conference
May 4, 2022**

MINUTES

The NYSDA Council on Governmental Affairs met by ZOOM conference on Wednesday, May 4, 2022, at 1:00 p.m. Present were: Drs. Richard L. Rubin, chair and Seventh District; Raymond A. Flagiello, Second District; Seth T. Farren, Third District; Phong T. Chung, Fourth District; Robert F. Schaefer, Jr., Fifth District; Howard J. Warner, Sixth District; Michael Ehlers, Eighth District; Paul J. Kim, Ninth District; James A. Wanamaker, New Dentist Representative; Amarilis Jacobo, Board of Trustees Liaison; and Raymond G. Miller, ADA Representative. Also present were Mr. Lance R. Plunkett, General Counsel; Michael Herrmann, Interim-Executive Director; Mr. Roy E. Lasky, NYSDA Lobbyist; and Ms. Patricia J. Marcucia, Administrator. Absent from the meeting were Drs. Maryann T. Riordan, New York County; Michael S. Shreck, Nassau County; Joseph R. Caruso, Queens County; Kerry Lane, Suffolk County; Moshe Glick, Bronx County; and Michael R. Breault, EDPAC Chair.

Dr. Rubin called the meeting to order at 1:04 p.m. Dr. Rubin recognized the passing of NYSDA Executive Director, Dr. Mark Feldman and asked the Council to observe a moment of silence.

Roll call of Council members and NYSDA staff was taken.

Chairperson's Report

Dr. Rubin mentioned that this was his last meeting on the Council because his term will end at the close of the House of Delegates. He has enjoyed serving on this Council and working with NYSDA staff. He mentioned that he attended both of the NYSDA advocacy webinars held in the middle of April. The first was "A View from Washington" and the speakers were Congressman Andrew Garbarino and Mike Graham, Senior Vice President of Government and Public Affairs at the American Dental Association. The second webinar was "New York State of Health." Governor Kathy Hochul introduced New York State Department of Health Commissioner, Mary T. Bassett, MD, MPH. Both webinars were well attended and Dr. Rubin thought they were a great benefit to members and gave a good view into the politics of dentistry.

Dr. Rubin called for a motion to accept the agenda as printed. The agenda was approved unanimously.

Dr. Rubin also called for a motion to accept the minutes from the November 12, 2021 meeting. The minutes were approved unanimously.

Overview of 2021-22 Legislative Session and Legislative Priorities

Mr. Plunkett told the Council that NYSDA was poised for an excellent legislative session this year; both with bills that have passed and/or are expected to pass as well as items of interest to dentistry in the Executive Budget.

Budget Item 1: He explained the items that stayed in or were restored in the final budget include the Dental Demonstration Project grant, which was approved for \$125k with no restrictions on how the funds can be applied, unlike previous years that required that work be done only with Article 28 facilities or Federally Qualified Health Centers (FQHC).

Budget Item 2: Another budget victory is related to the Medicaid reimbursement rates. There was an overall 1% increase in Medicaid reimbursement rates and a restoration of a previous reduction of 1.5%, effectively making it an increase of 2.5%.

Budget Item 3: \$750,000 was appropriated through the New York State Education Department for the Dental Grants Program. This appropriation is to teach dental students to work with individuals with developmental disabilities.

Budget Item 4: Mr. Plunkett explained that there are three small business tax benefits in the budget. There is a credit for COVID-19 capital costs for items needed to deal with COVID-19 in a business, student loan forgiveness awards not to be included in income, and increasing from 3% to 15% the amount of small business income that can be excluded from taxation in the Revenue Budget Bill.

Budget Item 5: Excess Medical and Dental Malpractice Insurance Program remains in the budget for a year and eliminates any changes to the payment structure of that program.

Budget Item 6: An independent contractor will be used to review and evaluate the Medicaid managed care program.

Budget Item 7: Frontline healthcare workers (including dental hygienists and dental assistants) earning less than \$125k during the COVID pandemic are entitled to receive a bonus up to \$3,000 paid by the employer. The employer is then reimbursed by Medicaid. The caveat is the employer must serve at least 20% Medicaid patients as a basis for the bonus.

Budget Item 8: Conforming to federal law, New York No Surprises Act makes the New York version of that law apply to dentists and other health care professionals. The New

York law is not a great deal of concern for dentists because of its limited applicability (mainly that it does not apply to billing under dental insurance plans).

Legislative Item 1: NYSDA introduced S.6694b (Harckham) / A.9478a (Lupardo), which is a bill to allow dental hygienists to use nitrous oxide and local infiltration anesthesia to assist a dentist with all dental procedures. This bill passed both houses and is current awaiting Governor Hochul's signature, which must be acted upon by May 9, 2022. This bill is expected to be signed into law.

Legislative Item 2: NYSDA introduced S.8533a (Harckham) / A.7754c (McDonald), which is a bill to allow registered dental assistants to place and remove temporary restorations. This bill passed the Assembly and is currently on the Senate Floor Calendar. It is expected to pass both houses this session and should be signed by Governor Hochul.

Legislative Item 3: NYSDA introduced S.8808 (Stavisky) / A.9967 (Glick), which is a bill that removes the phrase "clinically-based" from the dental residency program licensing qualifications in order for the accredited dental specialty residencies in orofacial pain, oral medicine, and dental public health to qualify residents for licensure. This bill in the Senate Higher Education Committee and is on the Assembly Floor Calendar. It is expected to pass both houses with little to no push back.

Mr. Lasky reported to the Council that NYSDA is going try to get the Dental Demonstration Project grant money in the initial Governor's budget as opposed to the Senate or Assembly Budget. He would like to see the amount raised back up to \$250k and eventually like to see it reach the \$1M level over the next 2-3 years. NYSDA has fostered a good relationship with the Department of Health and he thinks it would be wise to work with them on this project moving forward.

The Council was provided with a list of bills that NYSDA has been tracking during the 2021-22 legislative session. Dr. Rubin gave Mr. Lasky the floor to discuss where NYSDA stands in the current session. Council members were given the opportunity to ask questions about any of the legislation NYSDA is tracking.

Mr. Lasky was asked about the status of the scope of practice bill S.6383 (Gounardes) / A.7195 (Abbate). On April 29, the NYSDA dental scope of practice bill was introduced by Assemblyman Abbate as A.7195. These bills remove limiting language that has been misconstrued by the New York State Education Department to effectively eliminate the maxillofacial area from dentistry and limit dentists to the teeth and mouth. The bills sit in the Higher Education committees of the Senate and the Assembly. There will likely be no movement on these bills this session.

Dr. Schaefer asked about S.5505 (Rivera) / A.6256 (Woerner), which is a bill that would require that a telehealth visit, including audio-only visits, be reimbursed at the same rate as a traditional in-person visit and provides for patient protections. Such protections include requiring consent for the use of telehealth as a delivery modality for health services in place of an in-person visit. NYSDA supports this bill.

ADA CGA Report

Dr. Miller discussed the work of the Council on Governmental Affairs (CGA) since the last meeting of this Council. He submitted a detailed written report, which is attached. During his discussion of Give Veterans a Smile Summit, Mike Herrmann mentioned that NYSDA donated \$20k to sponsor that summit.

Advocacy Webinar Update

Mr. Lasky discussed the two webinars that were held in April. He said they were both a huge success. Specifically, the webinar with Governor Hochul and Commissioner Bassett was a stepping stone to a productive working relationship with the Department of Health. He mentioned that since that webinar, the Department of Health has asked to set up a meeting with NYSDA and the dental directors on a matter. NYSDA is appreciative of the offer and looking forward to working closely with the Department of Health on future issues related to dentistry.

New Business

Dr. Rubin told the Council that Dr. Robert Schaefer from the Fifth District Dental Society has expressed an interest in becoming the next chair of the Council. Dr. Warner made a motion to recommend Dr. Schaefer and Dr. Flagiello seconded the motion. The Council members unanimously voted to recommend Dr. Schaefer to Dr. Galati for consideration for appointment as Chair of the Council from the date of the 2022 House of Delegates meeting until the 2023 House of Delegates meeting. This will be his first term as chair.

The next meeting of the Council on Governmental Affairs will be decided by polling Council members on Survey Monkey later in the year. It will likely take place by ZOOM in late fall.

Adjournment

There being no further business, a motion to adjourn was approved by unanimous consent at 1:51 p.m.