

Approved 4/30/87
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

8:00 a.m. ~~xxx~~ on April 8, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Bill Wolff, Legislative Research
Norman Furse, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Senator Eugene Anderson
Emeline B. Abay
Karl Schmitthenner, Executive Director, Kansas Dental Association
H. Phil Elwood, General Counsel, Board of Dentistry
Lyle Eckhart, Bureau of Emergency Medical Services
James P. Cooney, Jr., PhD., Dean of School of Allied Health of UMKC
Marlin Rein, Associate Director, Business Affairs, University of Kansas

Others attending: see attached list

Senator Morris moved to approve the minutes of March 30, 31, and April 1, 1987. Senator Bond seconded the motion. The motion carried.

Senator Anderson told the committee he had introduced SB-405 in the hope of providing an avenue to deal with difficulties encountered by Emeline Abay in obtaining a license to practice orthodontics in the state of Kansas. The statute requires successful completion of a remedial or refresher instruction course prior to the Dental Board's consideration of the application for examination for license for foreign dental graduates.

Emeline B. Abay spoke to the committee relating her training both in the Philipines and the United States. Dr. Abay stated she was willing to sit for the necessary examination. However, the only approved remedial or refresher course was in New York and she would be forced to leave her family to attend, all this just to be allowed to take the examination when she has completed a Masters Degree and also a three year residency in orthodontics at Mayo Clinic. (attachment 1)

Karl Schmitthenner spoke to the committee concerning SB-405 stating that the proposed amendments would allow a foreign trained dentist to practice in Kansas with far less training and education than those currently licensed and practicing dentistry in Kansas. (attachment 2)

Phil Elwood testified on SB-405 stating concerns that once licensed in Kansas, the licensee was not restricted to practicing within their "speciality" and this caused great concern to the dental board. It was also stated that the dental board did not feel graduate work could be considered "remedial" as it would not necessarily cover basic dentistry.

Considerable discussion followed as to ways this situation could be handled.

Senator Salisbury made a motion that the committee address a letter to the Board of Dental Examiners to express the committee's interest in facilitating this matter. Appropriate statutes that would provide the board with some flexibility beyond regulations pertaining to licensure which have been adopted by the board should be cited; the second letter be addressed to legislative leadership indicating the need for a

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

room 526-S, Statehouse, at 8:00 a.m. ~~xxx~~ on April 8, 1987.

legislative review of the licensure requirement of foreign educated candidates. Senator Salisbury suggested that the joint committee on administrative rules and regulations might undertake this in conjunction with a regulatory review. Senator Hayden seconded the motion. The motion carried.

Lyle Eckhart presented testimony on SB-418 stating that this bill would amend the Emergency Medical Services statutes authorizing the council to approve training programs and train instructors/coordinators for training programs for personnel certified under the statutes. This bill would place the operation of the entire EMS program under one administrator responsible to the council and the superintendent of the Highway Patrol. It provides the necessary structure to effectively plan all aspects of EMS more efficiently and will better meet the needs of the state. The EMS budget will then be clearly identified in one program budget for legislative consideration each year. (attachment 3)

James P. Cooney, Jr. testified concerning SB-418 stating that it appears to be in the best interest of the Kansas Emergency Medical Services program to make this transition. Mr. Cooney stated that the major concern was that a dedicated medical oversight similar to that now provided by the University must continue. Amendments were presented in the written testimony. (attachment 4)

Marlin Rein testified concerning SB-418 stating that this change has been under discussion for some time. Mr. Rein further stated that Section 10 would allow the university to contract to use the people now working in this area through the period ending June 30, 1988.

Senator Morris moved to accept the amendments presented by Mr. Cooney. (shown in attachment 4) Senator Kerr seconded the motion. The motion carried.

Senator Morris moved to pass out SB-418 favorable for passage as amended. Senator Kerr seconded the motion. The motion carried.

The meeting adjourned at 8:55 a.m. No further meetings are scheduled at this time.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE April 8, 1987

(PLEASE PRINT)
NAME AND ADDRESS

Carl Schmitthener
Cynthia G. Barrett
Phil Wood
EMERINE B. ABAY, D.D.S.

EUSTAQWIO O. ABAY, II, M.D. - 818 N. EMPORIA STE 301
WICHITA, KS 67214

David Dallan
DARR BEINERT
KEITH R LANDIS
LYK ECKHART
Jackson Ambrose
ED Moanan Topeka

Michael O'Keefe
Marlin Riem
JAMES P. COONEY, JR
Bill Henry

ORGANIZATION

Ks Dental Assn.
Ks. Dental Board
Goodell et al. atty for KOB
PRIVATE PRACTICE

Division of Budget
KS PEACE OFFICERS ASSOC
CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS
KHP - BEMS
KHP
KHP
University of Kansas
Medical Center
KU
KUMC
Ks Engineering Society

EUSTAQUIO O. ABAY II, M.D., M.S.

NEUROSURGERY

DIPLOMATE - ABNS

April 7, 1987

Kansas Legislature
Public Health and Welfare Committee

Re: Proposed Senate Bill 405

Emeline B. Abay, D.M.D., M.S. is a very well qualified orthodontist. She completed the two year Master's Degree program in Orthodontics at the St. Louis University, in St. Louis, Missouri, in 1978 and subsequently completed a three year residency program in Orthodontics at the Mayo Clinic in Rochester, Minnesota. Her main difficulty arises from the fact that she completed her undergraduate studies and earned her dental degree from the University of the Philippines.

She had made inquiries about how a foreign dental graduate (FDG) like herself might earn a license to practice dentistry in Kansas about a year ago. But to date we have nowhere to start. She is willing to comply with the State of Kansas Board of Dental Examiner's requirements and sit for examination to earn this license.

As far as we can determine, the KSA 65-1426(c) requires an FDG to "successfully complete a remedial or refresher instruction" course before his/her application might be considered by the Kansas Dental Board. However, the remedial or refresher instruction is not defined or specified but rather discretionary on the part of the Board. The only one approved is a program in New York, which means that Dr. Abay would have to leave her family in Kansas to attend remedial classes in New York, courses she will not use or be doing professionally.

While the Dental Board functions to protect Kansas from poorly qualified FDGs who might desire to practice general dentistry in the State of Kansas, shouldn't there be exceptions for a specialty practice such as this? Is not a two year graduate degree program in Orthodontics from St. Louis University, and a three year residency program in Orthodontics at the Mayo Clinic enough "remedial or refresher instruction"? Aren't these institutions good enough?

I am a Foreign Medical Graduate (FMG). I do neurosurgery on the basis of having completed a neurosurgical residency at the Mayo Clinic. I did not have to take an undergraduate "remedial or refresher" course in order to be able to practice in Kansas. I deal with the brain and the spinal cord. Why should dealing with the teeth be treated differently?

We do not intend to criticize the Dental Board. We are hoping for a just and reasonable resolution to this problem with your help. Anything you can do to help resolve this problem will help not only Dr. Abay, but also others who will prove to be assets to this state.

Your consideration is appreciated.

E. Abay B.D.M.

STATE OF KANSAS



BOARD OF DENTAL EXAMINERS

April 3, 1987

ROGER P. RUPP, D.D.S.
PRESIDENT
2107 E. 12TH
WINFIELD, KANSAS 67156-4198
TELEPHONE NO. (316) 221-7230

AUBREY A. GENTRY, D.D.S.
VICE PRESIDENT
1428 S. 32ND STREET
KANSAS CITY, KANSAS 66106-2192
TELEPHONE NO. (913) 677-1509

CYNTHIA G. BARRETT, R.D.H.
SECRETARY-TREASURER
3115 W. 20TH
TOPEKA, KANSAS 66604-3239
TELEPHONE NO. (913) 357-6693

NORMAN G. GIEBLER, D.D.S.
BOARD MEMBER
3003 HALL
HAYS, KANSAS 67601-1097
TELEPHONE NO. (913) 625-3117

PHYLLIS WATKINS
BOARD MEMBER
643 INDIANA
LAWRENCE, KANSAS 66044-2329
TELEPHONE NO. (913) 842-8794

BUSINESS OFFICE
KANSAS DENTAL BOARD
4301 HUNTOON, SUITE 4
TOPEKA, KANSAS 66604-1096
TELEPHONE NO. (913) 273-0783

MARIANNE SPANO
OFFICE SECRETARY

BOARD ATTORNEY
H. PHILIP ELWOOD
215 E. 8TH
TOPEKA, KANSAS 66603-3999
TELEPHONE NO. (913) 233-6503

Emeline B. Abay, D.M.D., M.S.
818 North Emporia Street
Suite 301
Wichita, Kansas 67214

Dear Dr. Abay,

The Kansas Dental Board met with Dr. Michael Reed, Dean of the University of Missouri at Kansas City Dental School on Saturday, February 28, 1987 to discuss the pre-doctoral remedial or refresher instruction requirement per K.S.A. 65-1426 (c). Dr. Jack Stewart, Associate Dean and Dr. James Holcott, Associate Dean were also in attendance.

The Deans indicated a willingness to work with the dental board in this matter however, there were no specific conclusions from this meeting.

Enclosed for your information is a response from this office to the Governor's office.

Sincerely,

Cynthia G. Barrett
Cynthia G. Barrett, R.D.H.
Secretary-Treasurer

CGB/ms

R. P. RUPP, D.D.S.
PRESIDENT
2107 E. 12TH
WINFIELD, KANSAS 67106-4198
TELEPHONE NO. (316) 221-7230

STATE OF KANSAS



BUSINESS OFFICE
KANSAS DENTAL BOARD
4301 HUNTOON, SUITE 4
TOPEKA, KANSAS 66604-1996
TELEPHONE NO. (913) 273-0785

AUBREY A. GENTRY, D.D.S.
VICE PRESIDENT
1428 S. 32ND STREET
KANSAS CITY, KANSAS 66106-2192
TELEPHONE NO. (913) 677-1509

MARIANNE SPAINO
OFFICIAL SECRETARY

BOARD OF DENTAL EXAMINERS

April 2, 1987

CYNTHIA G. BARRETT, R.D.H.
SECRETARY-TREASURER
3115 W. 20TH
TOPEKA, KANSAS 66604-3239
TELEPHONE NO. (913) 357-6603

BOARD ATTORNEY
H. PHILIP ELWOOD
215 E. 8TH
TOPEKA, KANSAS 66603-3696
TELEPHONE NO. (913) 233-6593

NORMAN G. GIEDLER, D.D.S.
BOARD MEMBER
3003 HALL
HAYS, KANSAS 67601-1897
TELEPHONE NO. (913) 625-3117

David Morris
Office of the Governor
2nd Floor
The Statehouse
Topeka, Kansas 66612

PHYLLIS WATKINS
BOARD MEMBER
643 INDIANA
LAWRENCE, KANSAS 66044-2329
TELEPHONE NO. (913) 842-8794

Dear Mr. Morris,

This letter is in response to your request for comment in reference to Emeline B. Abay, D.M.D., M.S.

I shall attempt to outline the issues raised by Dr. Abay's application for dental licensure in Kansas.

1. Dr. Abay received her D.M.D. from the University of the Philippines. The Kansas Dental Board has not approved the University of the Philippines as meeting the requirement per K.S.A. 65-1426 (a) and (b).
2. K.S.A. 65-1426 (c) states: "Notwithstanding the provisions of subsection (a), the board shall consider an application of any graduate of a dental school which has not been approved by the board if the applicant successfully completes a course of remedial or refresher instruction offered by a dental school or college where both the course and the school have been approved by the board." Dr. Abay must first apply for a license to practice general dentistry therefore, such "remedial or refresher instruction" as stated in subsection (c) must be considered to be pre-doctoral.
3. Dr. Abay holds a graduate degree in orthodontics from St. Louis University Medical Center. Regulation 71-2-5 states: "Qualifications and requirements of an applicant for certification as a specialist. (a) The applicant shall be licensed to practice dentistry in the state of Kansas." The Kansas Dental Practice Act does not mandate that a specialist must limit their practice to such specialty.

Should you have further questions, please do not hesitate to contact the undersigned or Dr. Roger Rupp, President. Thank you for your attention.

Sincerely,

Cynthia G. Barrett
Cynthia G. Barrett, R.D.H.
Secretary-Treasurer

cc: H. Philip Elwood, General Counsel
Dr. Emeline B. Abay

ROGL... P. RUPP, D.D.S.
PRESIDENT
2107 E. 12TH
WINFIELD, KANSAS 67156-4198
TELEPHONE NO. (316) 221-7230

STATE OF KANSAS



BUSINESS OFFICE
KANSAS DENTAL BOARD
4301 HUNTOON, SUITE 1
TOPEKA, KANSAS 66604-1926
TELEPHONE NO. (316) 233-0780

AUBREY A. GENTRY, D.D.S.
VICE PRESIDENT
1428 S. 32ND STREET
KANSAS CITY, KANSAS 66106-2192
TELEPHONE NO. (913) 677-1509

BOARD OF DENTAL EXAMINERS

MARIANNE SPANO
OFFICE SECRETARY

CYNTHIA G. BARRETT, R.D.H.
SECRETARY-TREASURER
3115 W. 20TH
TOPEKA, KANSAS 66604-3239
TELEPHONE NO. (913) 357-6693

November 18, 1986

BOARD ATTORNEY
H. PHILIP ELWOOD
215 E. 8TH
TOPEKA, KANSAS 66603-3997
TELEPHONE NO. (913) 233-6571

NORMAN G. GIEBLER, D.D.S.
BOARD MEMBER
3003 HALL
HAYS, KANSAS 67801-1007
TELEPHONE NO. (913) 625-3117

Eneline B. Abay, D.M.D., M.S.
818 N. Emporia, S-301
Wichita, Kansas 67214

PHYLLIS WATKINS
BOARD MEMBER
643 INDIANA
LAWRENCE, KANSAS 66044-2329
TELEPHONE NO. (913) 842-8794

Dear Doctor Abay:

Following an inquiry from Dr. Terry Duncan, the Kansas Dental Board at its recent meeting again reviewed your letter of August 13, 1986, and your curriculum vitae.

The Board determined it shall attempt to establish specific policy as to the requirement for pre-doctoral remedial or refresher instruction as provided for in K.S.A. 65-1426(c). Presently, the only program approved by the Board as meeting this requirement is The Institute for Foreign Trained Dentists at New York University Dental Center.

If this office may provide additional information, please do not hesitate to contact the undersigned.

Sincerely,

Cynthia G. Barrett, R.D.H.
Secretary-Treasurer

CGB/ms

ROGER P. RUPP, D.D.S.
PRESIDENT
2107 E. 12TH
WINFIELD, KANSAS 67156-4108
TELEPHONE NO. (316) 221-7230

STATE OF KANSAS



BUSINESS OFFICE
KANSAS DENTAL BOARD
4301 HUNTOON, SUITE 4
TOPEKA, KANSAS 66604-1434
TELEPHONE NO. (913) 233-0700

AUBREY A. GENTRY, D.D.S.
VICE PRESIDENT
1428 S. 32ND STREET
KANSAS CITY, KANSAS 66108-2192
TELEPHONE NO. (913) 677-1509

BOARD OF DENTAL EXAMINERS

MARIANNE SPANIO
OFFICE SECRETARY

CYNTHIA G. BARRETT, R.D.H.
SECRETARY-TREASURER
3115 W. 20TH
TOPEKA, KANSAS 66604-3239
TELEPHONE NO. (913) 357-6693

August 27, 1986

BOARD ATTORNEY
H. PHILIP ELWOOD
215 E. 8TH
TOPEKA, KANSAS 66603-3595
TELEPHONE NO. (913) 233-6593

NORMAN G. GIEBLER, D.D.S.
BOARD MEMBER
3003 HALL
HAYS, KANSAS 67601-1897
TELEPHONE NO. (913) 629-3117

ROBERT L. STEPHENS
BOARD MEMBER
2701 W. 6TH
LAWRENCE, KANSAS 66044-1208
TELEPHONE NO. (913) 841-4500

*Eveline B. Abay, D.M.D., M.S.
2968 Penstemon
Wichita, Kansas 67226*

Dear Doctor Abay:

The Kansas Dental Board at its meeting on August 23, 1986, reviewed your letter of August 13 and considered your request in reference to graduate study in orthodontics.

It was the Board's determination that graduate study in a specialty does not meet the requirement for remedial or refresher instruction as set out in K.S.A. 65-1426(c).

Thank you for your attention.

Sincerely,

*Cynthia G. Barrett, R.D.H.
Secretary-Treasurer*

CGB/ms

ROGER P. RUPP, D.D.S.
PRESIDENT
2107 E. 12TH
WINFIELD, KANSAS 67156-4190
TELEPHONE NO. (316) 221-7230

STATE OF KANSAS



BUSINESS OFFICE
KANSAS DENTAL BOARD
4301 HUNTOON, SUITE 4
TOPEKA, KANSAS 66604-1936
TELEPHONE NO. (913) 273-0780

AUBREY A. GENTRY, D.D.S.
VICE PRESIDENT
1420 S. 32ND STREET
KANSAS CITY, KANSAS 66106-2192
TELEPHONE NO. (913) 677-1509

BOARD OF DENTAL EXAMINERS

MARIANNE SPANO
OFFICE SECRETARY

CYNTHIA G. BARRETT, R.D.H.
SECRETARY-TREASURER
3115 W. 20TH
TOPEKA, KANSAS 66604-3239
TELEPHONE NO. (913) 357-6693

March 13, 1986

BOARD ATTORNEY
H. PHILIP ELWOOD
215 E. 8TH
TOPEKA, KANSAS 66603-3999
TELEPHONE NO. (913) 233-0593

NORMAN G. GIEBLER, D.D.S.
BOARD MEMBER
3003 HALL
HAYS, KANSAS 67601-1197
TELEPHONE NO. (913) 625-3117

Emeline B. Abay, D.M.D., M.S.
2 Thomas Drive, R.F.D.-1, Box 4630
Waterville, Maine 04901

ROBERT L. STEPHENS
BOARD MEMBER
2701 W. 6TH
LAWRENCE, KANSAS 66044-1206
TELEPHONE NO. (913) 841-4800

Dear Doctor Abay:

This letter is in response to your inquiry with regard to the requirements for dental licensure in the state of Kansas.

By statute, an applicant for licensure must have graduated from a dental school approved by the Kansas Dental Board and such schools must meet standards not less than those required for accreditation by the American Dental Association Commission on Dental Accreditation. Presently, the Board does not approve graduates from the University of the Philippines. K.S.A. 65-1426 further states ". . . The Board shall consider an application of any graduate of a dental school which has not been approved by the board if the applicant successfully completes a course of remedial or refresher instruction offered by a Dental School or college where both the course and the school have been approved by the board."

Thank you for your attention.

Sincerely,

Cynthia G. Barrett, R.D.H.
Secretary-Treasurer

CGB:ms



St. Louis University Medical Center

3556 Caroline St., St. Louis, Mo. 63104 314/664-9800, Ext. 321-323

Department of Orthodontics

October 17, 1984

TO WHOM IT MAY CONCERN: RE: Dr. Emeline Abay

Dr. Emeline Abay was an orthodontic resident/graduate student at St. Louis University from July 1976 to June 1978, at which time she graduated with a Master of Science degree. Because she was one of the best students I have ever had, I am pleased to have the opportunity to serve as a character reference and to characterize her professional abilities.

Dr. Abay has a lively mind and did very well in all of her didactic courses. More to the point, however, she was an exceptionally adroit and meticulous clinician who was highly regarded by patients and faculty alike. Finally, as her thesis advisor, I am in a position to attest to her scientific acumen: she tackled a technically demanding project (stereotaxic surgery of the cranial base synchondroses) and saw it through to a timely and scientifically useful completion.

As you may gather from the tenor of this letter, Dr. Abay was a complete student, proficient at all aspects of the curriculum and a pleasure to work with. She displayed the highest standards of professionalism and personal integrity. Over the years, I have had over 150 graduate students and thus am in a position to recognize unusual talent: Dr. Abay is among the very best and would, therefore, be a definite asset to the specialty. I support her practice aspirations enthusiastically and without reservation.

If I can be of any additional help, please do not hesitate to contact me (314/664-9800, ext. 321).

Yours truly,

Lysle E. Johnston, Jr., D.D.S., M.S., Ph.D.
Professor and Chairman

LEJ/lm

Mayo Clinic

Rochester, Minnesota 55905 Telephone 507 284-2511


A. Howard Sather, D.D.S.
Orthodontics
Department of Dentistry

October 8, 1984

To Whom It May Concern:

This is to certify that Emeline B. Abay, D.M.D. successfully completed our three year graduate educational program in orthodontics in July, 1982. For admission to our program, which is highly competitive, she was judged to have an outstanding educational background. During her program with us she demonstrated excellent technical abilities and sound judgment in her direct patient care activity. Her academic performance was good and her moral and ethical standards are above reproach. I have every confidence in her capability as a clinical orthodontist and feel that she would make an excellent contribution to her patients in the clinical practice of this specialty.

If there are any further questions, feel free to contact me.



A. Howard Sather, D.D.S.
Associate Professor in Dentistry
Orthodontic Program Director
Mayo Graduate School of Medicine

AHS:mms

CURRICULUM VITAE

Full Name: EMELINE BELEN ABAY, D.M.D., M.S.

Birthdate: August 5, 1951

Birthplace: San Pablo City, Philippines

Citizenship: American

Spouse: Eustaquio O. Abay II, M.D., M.S.

Spouse's Occupation: Neurosurgeon

Children and ages:	Christine Marie Guia	18 yrs.
	Eustaquio Michael III	17 yrs.
	ERL Maximillian	6 yrs.
	Casey Mitchell	4 yrs.

Education:

Graduate School: Mayo Graduate School of Medicine,
University of Minnesota
Department of Dentistry
Section of Orthodontics
Rochester, MN.
Three year residency program in Orthodontics, 1979-1982.

St. Louis University Medical Center
St. Louis, Missouri
1976-1978 - Master of Science in Orthodontics

Dental School: University of the Philippines
Manila, Philippines
Doctor of Dental Medicine, 1974

Predental School: University of the Philippines
Quezon City, Phillipines
1968 - 1970

High School: Maryknoll College,
Quezon City, Philippines
1964 - 1968

Elementary: Maryknoll College
Quezon City, Philippines
1956-1964

Student Awards: Trubyte-Bioblend Award for excellence in denture construction

L.D. Caulk Award for excellence in Restorative Dentistry

Licensure: Placed first among 600+ examinees
Philippine Board of Dentistry
1974

Employment History:

Solo Private Practice Manila, Philippines
1974-1976.

Instructor University of the Philippines
Department of Restorative Dentistry
Department of Prosthetic Dentistry
1974-1976.

Solo Private Practice - limited Makati, Metromanila
to Orthodontics Philippines
1982-1984.

Special Lecturer University of the Philippines
Manila, Philippines
1982-1984.

Professorial Lecturer University of the Philippines
Manila, Philippines
1984-present.

Membership in Professional Organizations:

American Association of Orthodontists,
student member, 1976-1982.

American Dental Association, student member, 1976-1982.

Philippine Dental Association, member, 1982-1984.

Makati Dental Society, member, 1982-1984.

Association of Philippine Orthodontists, member, 1982-
1984.

Philippine Board of Orthodontics, Secretary-Treasurer,
1983-1984.

Academy of Dentists International, member, 1982-present

Mayo Alumni Association, 1982-present.

St. Louis University Alumni Association, 1978-present.

Bibliography:

1. Abay, E.: The Role of the Spheno-occipital Synchron-
sis on the Growth and Development of the
Cranial Base in Albino Rats. Masters Thesis.
St. Louis, Mo., 1978.
2. Abay, E.: Occlusal Forces: Their Relationship to
the Mandibular Plane Angle. Paper, Mayo
Graduate School of Medicine, University
of Minnesota, 1982.
3. Abay, E.: Orthodontic Appliances for the Cleft Palate
Patient. Seminar Paper, University of
the Philippines, Manila, 1974.
4. Abay, E.: Indirect Bonding in Orthodontics, Table
Clinics. Manila Dental Society Annual
Convention, Manila, Philippines, 1983.
5. Abay, E.: Orthodontics for the General Practitioner.
Lecture presentation, Philippine Dental
Association Annual Convention, Davao
City, Philippines, 1983.
6. Abay, E.: Orthodontics and the Dental Practitioner.
Lecture presentation, Quarterly Scientific
Session, Makati Dental Society, Makati,
1983.
7. Abay, E.: The Vital Role of the General Dental practi-
tioner in the Detection of Orthodontic
Problems. Philippine Dental Association
Annual Convention. Manila, 1984.
8. Abay, E.: Occlusal Forces: Their Relationship to
the Mandibular Plane Angle. Paper Presenta-
tion. Minnesota Chapter of the American
Association for Dental Research. Mayo
Foundation House, Rochester, Minnesota,
1982.

References:

1. Dr. Lysle E. Johnston, Jr.
Chairman, Department of Orthodontics
St. Louis University
3556 Caroline St.
St. Louis, Mo. 63103
2. Dr. A. Howard Sather
Head, Section of Orthodontics
Department of Dentistry
Mayo Clinic
Rochester, Minnesota 55903
3. Dr. Luz C. Macapanpan
1969 Spring St.
San Miguel Village
Makati, Metro Manila
Philippines
(Former Head, Department of Orthodontics
College of Dentistry
University of the Philippines)



Testimony
Senate bill 405
Senate Public Health and Welfare Committee
April 8, 1987

Mr. Chairman, Members of the Committee. I am Carl Schmitthenner, Executive Director, of the Kansas Dental Association.

I am appearing today to oppose the amendments proposed in section (b) which would allow a foreign trained dentist to practice in Kansas with as little as one-third (1/3) the training and education as those persons currently licensed and practicing dentistry in Kansas.

Educational standards for licensure are based on pre-doctoral education. Some foreign-trained dentists participate in accredited educational programs. An individual who obtains his/her basic dental education in a non-accredited dental school but later earns a DDS or DMD degree from an accredited dental school is not considered foreign-trained. In contrast, completion of an accredited advanced dental education program does not affect an individual's classification. A person who receives his/her basic dental education in a non-accredited school and later completes a specialty program in an accredited dental school, for example, is still considered foreign-trained.

Association Policy: would extend eligibility for licensure to only those foreign-trained dentists who have successfully completed an education program of at least two years in an accredited dental school. The program should be at the pre-doctoral level and be designed to enable the participant to meet the same minimum didactic and clinical competencies required for graduation from an accredited dental school.

This policy can be viewed as a compromise between two fundamental principles of American society. The United States has a long and proud tradition of offering opportunity to immigrants. Extending eligibility for licensure to foreign-trained dentists is compatible with this tradition. Yet, individual states also protect their citizens from incompetent practice of a profession through licensure. Traditionally, licensure standards in dentistry have been based on a combination of an educational requirement, a written examination requirement and a clinical examination requirement. In the absence of accreditation, the educational requirement has questionable significance. There is reason to question whether licensure based solely on examinations can provide adequate assurance of competence.

5200 Huntoon
Topeka, Kansas 66604
913-272-7360

SPH/w
4-8-87
attachment 2

Satisfactory performance on National Board Dental Examinations is accepted as fulfilling or partially fulfilling the written examination requirement in all U.S. licensing jurisdictions except Delaware. Although a few states have alternate written examinations available for candidates who lack the National Board credential, the more typical pattern is to require passing of National Board Dental Examinations as a condition for licensure. Despite the comprehensive coverage on National Board Dental Examinations, the possibility exists that a candidate could pass through rote memory and without the understanding of the scientific basis for dental practice expected of a dentist in the United States.

Clinical examinations, in a sense, present an even greater limitation. Concern for and availability of patients limit the types of procedures that can be required. For example, a clinical examination might not be able to cover emergency care or performance of extractions. Also, logistics force coverage of a clinical examination to be limited to a relatively few predetermined and announced procedures. Candidates could prepare to pass clinical examinations by refining their skills on only procedures to be covered without achieving overall clinical competence. Existence of coaching courses to prepare foreign-trained dentists for the specific procedures covered on some clinical examinations has been reported.

Association policy on licensure of foreign-trained dentists reflects recognition of the limitation of licensure examinations, and calls for use of a substantive educational requirement. The policy represents a compromise in that the proposed educational requirement for foreign-trained dentists is less restrictive than the traditional standard of graduation from an accredited dental school.

The laws governing professional licensure reflect a balancing of individual rights and the common interests of society to protect itself from unqualified practitioners. An individual has the rights to pursue a profession and to earn a living therefrom. At the same time, the state has the authority to protect the health, safety and welfare of its citizens under its police power. When the pursuit of a profession requires special skills, the state has the power to protect the public by limiting entry through licensure to those individuals possessed of those skills. These same basic rules apply to foreign-trained dentists.

When considering licensure provision, you might consider these questions:

Does the requirement contribute to the legitimate interest of the state in protecting the welfare of its citizens?

Do appropriately qualified individuals have a reasonable opportunity to fulfill the requirement?

The Dental Profession in Kansas has an admirable record as a caring profession and perhaps our system of licensure, credentialing, peer review and investigations have been more effective in assuring competent practitioners.

Failure rates comparisons between foreign-trained dentists and U.S. graduates are sufficiently skewed and demonstrate a need for concern by credentialing agencies.

In recent years the failure rate comparison by the Central Regional Dental Testing Service would give an indication that there may be some basis for additional training:

	Foreign-trained	U.S. Graduates
1983	80%	14.7%
1984	58%	22%
1985	50%	31.7%
1986	62%	28%

The Kansas Dental Association opposes the passage of Senate Bill 405. It does not provide a reasonable assurance of protection for the citizens of Kansas.

SUMMARY OF TESTIMONY
BEFORE THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

SENATE BILL 418

PRESENTED BY THE KANSAS HIGHWAY PATROL

AND

THE STATE EMERGENCY MEDICAL SERVICES COUNCIL

APRIL 8, 1987

APPEARED IN SUPPORT

Senate Bill 418 amends the EMS statutes to authorize the council to approve training programs and train instructor/coordinators for training programs for personnel certified under the statutes. Currently, according to the Office of the Attorney General, the statutes are vague and ambiguous. This bill will correct this statutory defect.

Historically, the program approval was placed at the University in the infancy of the EMS program since there was no Bureau of Emergency Medical Services. Statutory research has shown legislative action through the years transferring the activities from KUMC to the council which has statutory authority for planning and all other aspects of emergency medical services.

The council has considered the matter envisioned under the bill over the past several months and they voted at a recent meeting to recommend legislation to effect the transfer. Representatives from KUMC have also supported the transfer. The Kansas Association of EMS Administrators whose members are directors of EMS services in the state favor the transfer. The Kansas Medical Society has activated a committee of physicians to provide medical consultation to the Bureau and the council. These physicians are for the most part active medical directors of EMS services in the state and represent the medical specialties as well as providing broad geographic representation.

This bill will place the operation of the entire EMS program under one administrator responsible to the council and the Superintendent of the Highway Patrol. It provides the necessary structure to effectively plan all aspects of EMS more efficiently and will better meet the needs of the state. Additionally, the budget for EMS programs will be clearly identified in one program budget for legislative consideration each year.

The Kansas Highway Patrol and the council support SB 418 and encourage your favorable action.

SPH/W
4-8-87
attachment 3

April 7, 1987

I am James P. Cooney, Jr. PhD, Dean of the School of Allied Health of the University of Kansas Medical Center. I am here today to testify on behalf of Senate Bill No. 418.

Bill No. 418 basically transfers authority to approve certain emergency medical services training programs FROM the University of Kansas Medical Center TO the State's Emergency Medical Services Council.

Authority for such approvals was originally vested in the University Medical Center in the 1970's. Within the Medical Center, program administration was originally in the School of Medicine. When the School of Allied Health was established in the late 1970's, the training program approval actions were transferred to the jurisdiction of the School. However, the position of program Medical Director continued to be occupied by a physician member of the School of Medicine faculty.

The transfer of authority reflected in SB 418 was basically suggested by the Kansas Highway Patrol almost a year ago. Within the University the proposal after review was supported as in our opinion it appears in the best interest of the Kansas emergency medical service system. The Highway patrol was so advised of our positive review last Fall. Subsequently, the proposal was jointly reviewed and discussed with the Emergency Medical Services Council. That Council earlier this year formally expressed their approval of the proposed transfer.

It appears that if the organizational proposal of the Patrol is fully realized and supported it could result in a stronger organizational structure. Such a structure, it is anticipated, holds the potential to further enhance the quality of emergency medical services within the State.

It is realized that such changes hold potential but not absolute guarantees. However, the University is optimistic about the eventual service outcome.

Our major initial concern was that dedicated medical oversight similar to that provided by the University must continue. We have been assured by both the Patrol and the Council that such oversight will continue.

While the enactment of the Bill will significantly amend our organizational role in relationship to State-wide emergency medical services, we will continue a strong interest in the services and their quality as well as continuing to serve as a member of the Council.

(continued)

SP4/4W
4-8-87
attachment 4

(Cooney Testimony continued)

In addition to our general support for the amendments, we specifically note that the language of Senate Bills No. 87 and No. 397 must also be amended to conform to No 418.

Further, we specifically recommend that line 0107 of SB 418 be amended to read "--the Executive Vice Chancellor of the University--" in lieu of its present amended language reading "--vice-chancellor--". Also line 0108 should be amended to read "Executive Vice-Chancellor--" in lieu of the present "--vice-chancellor--".

We will be happy to respond to any questions concerning our position in support of this Bill.