

January 24, 2022

Via Email: [donola.fairbanks@senate.ks.gov](mailto:donola.fairbanks@senate.ks.gov)

Re: Comments in support of Senate Bill 121, concerning the dental practices act

Chair Hilderbrand and Members of the Senate Public Health & Welfare Committee:

I am writing to you on behalf of Align Technology in support of Senate Bill 121 which makes changes to the dental practices act. Best known today as the category inventor and technology leader in clear aligner treatment, Align Technology is a global medical device company whose innovations in digital dentistry are transforming the way dental health professionals deliver restorative, preventative and orthodontic treatment to people around the world. Since 2011, hundreds of Invisalign trained Kansas dentists have treated over 16,000 Kansas patients with Invisalign® clear aligner therapy.

Align strongly supports access to care through *responsible* teledentistry, which means simply that the patients who receive care through teledentistry should **have access to the same beneficial expertise and experience of a trained dentist and be no less safe than they would be were their care provided through an in-person interaction with the practitioner.** We believe that initial in-person examinations are essential, especially in orthodontic treatment. Orthodontic treatment is not a cosmetic process, but a medical one, which moves a patient's teeth through the bone of their jaw. Additionally, it is clearly the case that photographs, intra-oral scanning, and impressions capture only what is visible in the oral cavity. They do not allow a dentist to visualize what is occurring below the gumline and are not informed by a full analysis of a patient's bite or jaw. Access to this information requires an in-person examination and review of recent X-rays or other suitable bone imaging.

### **The Importance of Doctor Directed Care in Orthodontic Treatment**

Orthodontic treatment is a complex discipline and to achieve the best patient outcomes and protect patient safety, Align believes doctor involvement is essential through every step of treatment; from an in-office physical exam to confirm a consumer is a good candidate for therapy and continuing through patient assessment and diagnosis, treatment planning, prescription and fitting of the orthodontic appliance. This commitment to doctor directed care is entirely consistent with Align's position that a dental health professional providing a dental health care service or procedure as a teledentistry dental service be held to the same standard of care that would apply to the provision of the same dental health care service or procedure in an in-person setting.

Accordingly, Align supports the patient protections offered in Senate Bill 121. A patient should always know who is treating them, who will answer their questions and respond to concerns and how they can receive follow-up care. Orthodontic treatments can last for many months and treatment plans may need to be altered based on the patient's experience and progress of that treatment. Furthermore, no dentist or company providing dental services should be able to limit a patient's ability to file a complaint for substandard treatment.

### **Responsible Teledentistry is an Important Tool for Dentists**

Advancements in digital technology are driving rapid evolution in dentistry and dental specialties. Use of tools like advanced digital scanners and digital treatment planning, electronic dental monitoring platforms and practice workflow and support software – employed both in traditional practice settings and in teledentistry supported treatment -- have enormous potential to extend high-level professional care to more patients and enhance both patient outcomes and convenience.

However, these advancements in care must not come at the cost of good patient outcomes, safety or responsible treatment. Related laws and regulations must concurrently evolve to ensure that licensed dental health care professionals responsibly utilize new tools to **build on** established practice standard to **enhance treatment**, not cut corners on treatment planning, execution, or safety simply to increase convenience. This is especially true with orthodontic treatment.

Align believes that all patients who receive orthodontic care should have access to a licensed, responsible, dentist **who has established a doctor/patient relationship with the patient before treatment begins** and who can monitor that treatment as it proceeds. We believe that the policies enacted by Senate Bill 121 will do this and protect patient safety.

Sincerely,

*Scott W. Meggs*

Scott W. Meggs  
Vice President,  
Global Public Affairs & Policy