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to address well-founded patient safety concerns based on this longstanding policy approach that staff provide these comments for your consideration. We encourage the legislature to include a consideration of the potential benefits of competition in its analysis of HB 77 the important due diligence it will perform on the safety consequences of the Bill

## **I. The FTC's Interest and Experience in Health Care Competition**

Competition is the core organizing principle of America's economy, and vigorous competition among sellers in an open marketplace gives consumers the benefits of lower prices, higher quality goods and services, increased access to goods and services, and greater innovation.<sup>8</sup> Because of the importance of health care competition to the economy and consumer welfare, this sector has long been a key focus of the FTC's law enforcement, research, and advocacy activities.<sup>9</sup>

The FTC has examined markets for the provision of dental services in the context of both law enforcement actions and policy initiatives. For example, in 2010, the Commission sued the North Carolina Board of Dental Examiners alleging that the

that the North Carolina Board's actions were illegal under the antitrust laws. In another enforcement action, in 2003, the Commission alleged that the South Carolina Board of Dental Examiners illegally had restricted the ability of dental hygienists to provide preventive dental services in schools without a dentist's supervision.



With respect to access, it is well documented that the population in the United States the

of dentures, the availability of denturists may enable more patients to obtain and maintain treatment. Furthermore, to the extent that denturists can serve as complementary oral health providers for example, by safely and competently providing certain types of dental care while identifying and referring patients in need of treatment by a dentist, patients may benefit from a regulatory structure that supports and encourages efficient collaboration between the two types of providers.<sup>28</sup>

In addition to access challenges, many observers have noted that cost can be an additional barrier to oral health care.<sup>29</sup> Certain patients may forego or delay needed care if it is too costly. Cost may be particularly relevant to the patient populations most in need of dentures. For example, dentures may be excluded from Medicaid coverage for adults. Medicare generally excludes dental coverage.<sup>30</sup> Allowing competent oral health professionals, such as denturists, to deliver care at a level commensurate with their training and experience could help to ensure that more patients have access to affordable care. Conversely, unnecessarily excluding oral health professionals, such as denturists, from providing a level consistent with their training and experience may reduce competition among providers serving these patients, which may result in patients going without needed care.<sup>31</sup>

For these reasons, we encourage the legislature to consider whether patient welfare may be appropriately promoted by allowing denturists to treat patients in need of dentures. That, for many years, a number of other states have allowed denturists to make and fit dentures.<sup>32</sup>

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HEALTH DENTISTRY 188, 1994 (2010) (finding fewer dentists in rural and poorer Kentucky counties and suggesting the creation of additional types of dental providers as a possible partial solution to Kentucky's

sometimes with limitations or other requirements. The experience of these other states may be informative as the legislature considers the Bill.

#### **IV. Conclusion**

Competition among oral health care professionals has the potential to benefit consumers by improving access to care, containing costs, and encouraging the development of more effective care delivery models. Denturists can provide safe, quality care to patients, allowing