

MSDA Bill vs. ADSO Alternative

The MSDA is seeking to change current law and put dentists supported by Dental Support Organizations (DSO's) at a competitive disadvantage. The ADSO alternative maintains current law. Contrary to information being promoted by the MSDA, the ADSO alternative does not allow for the corporate ownership of a dental practice.

<u>MSDA BILL (SB 228)</u>	<u>ADSO ALTERNATIVE (SB 1082)</u>
Expands the 1937 concept of “practicing dentistry” from being “a manager, a proprietor, or a conductor” of a dental practice to a new and vast array of items beyond the traditional scope of dentistry, including “any decision” that relates to patient care and treatment, leaving the determination of “any decision” entirely to the dental board comprised of competing dentists.	Maintains existing law and the rights of dentists to choose how to manage the non-clinical portions of their practices. Removes the MSDA language about managers, proprietors, and conductors and, instead, focuses on whether there has been any interference in treatment options, employment, clinical supervision, or termination of employment of a dentist, hygienist or assistant.
Limits the ability of a non-dentist to provide non-clinical services to a short list of specifically-enumerated services.	Maintains existing law by allowing a dentist the right to continue to choose how he/she handles the non-clinical needs for his/her dental practice by allowing the dentist to hire non-dentist experts to handle to non-clinical needs of his/her dental practice.
Gives the Dental Board new and broad powers to issue a cease and desist orders, without judicial oversight, if there is a violation of relating to the support services provided to a dental practice, having nothing to do with clinical care.	Maintains existing law, and does not include any new authority for the Dental Board to issue cease and desist orders.
Increases fines and criminal penalties for anyone who aids or abets in the unauthorized practice of dentistry to a felony. Increases fines to \$5,000 for the first offense or jail up to 1 year. For subsequent offenses a fine of \$20,000 per day or imprisonment of up to 5 years. Additional violations determined by the Dental Board with fines of up to \$50,000.	Increases fines and penalties. Establishes that a party would be guilty of a misdemeanor for the first offense and up to a felony for any subsequent offenses. Allows for a \$3,000 fine or imprisonment up to 6 months and \$8,000 fine or imprisonment up to 18 months for any subsequent offenses.

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