

April 12, 2016

Mr. Ken Levine
Executive Director
Texas Sunset Commission
P.O. Box 13066
Austin, Texas 78711

Dear Mr. Levine:

The Association of Dental Support Organizations (the "ADSO") appreciates the opportunity to comment on the Texas Sunset Commission Staff Report (the "Staff Report") on the Texas State Board of Dental Examiners (the "TSBDE"). ADSO is grateful to the staff for allowing our organization and other members of the public to have meaningful substantive input regarding its review of the agency.

Who We Are

The Association of Dental Support Organizations is a non-profit organization comprised of more than 40 member companies and more than 100 industry partners. DSOs have been providing services in Texas for more than 30 years. ADSO represents DSOs before the public, policymakers and the media.

Our members enable supported dentists to focus on their patients and expand access to dental care while maintaining the highest standards of business and professional ethics. ADSO members operate in 44 states and provide high levels of non-clinical support to more than 11,000 dentists across the country as well as in Australia, Canada, New Zealand and the United Kingdom. DSO-supported dentists, on average, have lower startup costs for a new practice, spend more time on clinical care within their practice than their non-DSO supported counterparts and offer more flexible office hours for their patients.

Focus on patient care

Because our members provide *non-clinical* services to dentists, ADSO especially appreciates that the Staff Report consistently and repeatedly directs the TSBDE's attention to its appropriate mission, which is to protect patient safety. The Staff has recognized, as have ADSO's members, that too often the TSBDE has allowed its focus to wander from this core mission, sometimes to the extent of exceeding its statutory authority.

We fully support the focus in Issue 1 of the Staff Report on protecting patients and its straightforward discussion of the TSBDE's inappropriate efforts to regulate competition between the various business models that Texas

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dentists use to serve their patients and, in the case of DSOs, improve patient access to care. The Sunset staff appropriately took notice of the U.S. Supreme Court's recent decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* and the Federal Trade Commission's negative comments on recent TSBDE attempts at anti-competitive rule making. Statutes provide the enforcement needed to protect patients who undergo dental care, while expressly preserving the rights of dentists to contract for non-clinical services so they can maintain their focus on those high standards of care. It is well-documented that non-clinical support for dentists increases access to care, which Texas sorely needs to do.

We also appreciate the Staff Report's encouragement of the TSBDE's nascent use of stakeholder processes in developing policies and rules that will govern dentistry. ADSO requested the TSBDE to widen the circle of those from whom it gains input and, although it took time and considerable effort for change to get under way, the Staff Report recognizes and strongly encourages the increased stakeholder involvement that appears to have begun.

As the Staff Report recognizes, it is true that the TSBDE has recently experienced a high rate of turnover of key personnel while simultaneously having its focus diverted by a few members' efforts to regulate business arrangements unrelated to patient care and safety. We agree that statutory changes in the the agency's internal procedures coupled with the current Board structure exacerbated these problems.

ADSO has established an active and constructive working relationship with the current staff. We pledge to work with the Sunset Commission and the Legislature to accomplish changes to the Board structure that will keep the agency focused on its mission of protecting patient health and safety. In turn, this improved focus will avoid inappropriate intrusions into proven and efficient business arrangements which allow dentists to focus on patient care and improve access to care for all Texans. .

Thanks again for allowing ADSO to comment on the Staff Report.

Sincerely,



Lauren Rowley
Chief Operating Officer