



AMERICANS *for* TAX REFORM

January 31, 2024

To: Members of the Kansas Senate Committee on Public Health and Welfare
From: Americans for Tax Reform

Re: Senate Bill 103

Dear Chairwoman Gossage, Vice Chairwoman Erickson, and members of the Committee,

While you'll be hearing a lot this session from Americans For Tax Reform about the need for rate-reducing and flattening tax reform that would make the state tax climate more competitive, there are a host of regulatory reforms and other policy changes that have been proposed that would also reduce costs for your constituents and make Kansas an even better place to live, work, and do business. **I write today to urge your support for one such reform, Senate Bill 103, legislation that would expand the supply of oral health care providers in Kansas, something that is greatly needed in many parts of the state.**

SB 103 provides a great example of how, as is often the case, the best solution to a challenge is not to impose a new policy, but to undo a harmful one that is currently on the books. Just as undoing restrictive zoning can bring down the cost of housing and repealing prevailing wage mandates can make transportation dollars go farther, repealing laws and regulations that depress the supply of health care providers can help bend the health care cost curve. The state requirement that owner-dentists be physically present in the office 20% of the time impedes the needed growth in supply of oral health care providers.

By artificially inflating the cost of dental care, the 20% physical presence mandate for owner-dentists acts much like a regressive tax on Kansas residents, all of whom need regular oral health checkups. This mandate is an example of how costly regulations often end up disproportionately harming low- and middle-income households. Aside from the adverse direct effects for patients, maintenance of such a uniquely onerous mandate sends the wrong message about the state's overall business regulatory climate. That's why the effort to end this mandate is about more than expanding access to dental care and reducing patient costs, as important as those things are. It's also about improving the overall regulatory climate such that Kansas becomes an even more attractive place to live, work, do business, and invest.

This mandate effectively caps the number of offices an owner-dentist is allowed to open in the state, artificially limiting the supply of oral health care providers in Kansas. While the 20% mandate is not as harmful as the old 50% mandate that existed prior to 2014, it still restricts the supply of care, preventing dental care providers from opening new offices in parts of the state where the supply of care is lacking.

Supporters of the 20% mandate claim it's intended to safeguard Kansas residents, but **an owner-dentist does not need to be physically present to protect patient safety and ensure quality care.** Even when an owner-dentist is not physically present, the dentists and dental hygienists on site are licensed health care practitioners who are accountable to the Kansas Dental Board, just like the owner-dentist and every other oral health care provider in the state.

There is nothing conservative about the state dictating the amount of time a business owner must physically be on site and how many facilities one owner is allowed to open. That's especially the case when such restrictions drive up the cost of health care. While repealing

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the 20% physical presence mandate would be consistent with conservative principles, with a Democratic governor it also helps that it can garner bipartisan support. The 2014 reform that made the mandate less restrictive was passed with bipartisan support. A repeal bill, should it be brought to the floor, should also be able to pass with bipartisan support for many of the same reasons.

As it currently stands, access to dental care is lacking in too many parts of the state. According to the Kaiser Family Foundation, as of November 2023 there are 174 Dental Health Care Professional Shortage Areas in Kansas. Those shortage areas are home to 590,000 people. Implementation of **SB 103 would help rectify the shortage of dental care that afflicts much of the state and I urge you to pass it.**

I encourage you to make 2024 the year that Kansas ends the state requirement that any owner-dentist be physically present in the office at least 20% of the time, a mandate not imposed by any other state. In fact, **no other health care profession in Kansas is subject to such a physical presence mandate for owner-physicians, and rightfully so.**

For these reasons, I encourage you to approve SB 103 and I thank you for consideration of this input. If you have any questions or if ATR can be of assistance with anything, please contact me or Dennis Hull, ATR state affairs manager, at 202-785-0266 or by email at dhull@atr.org.

Sincerely,



Grover G. Norquist
President, Americans for Tax Reform