

Bill as Introduced

HB 566 - AS INTRODUCED

2011 SESSION

11-0320

10/01

HOUSE BILL

566

AN ACT

relative to the identification of dental prosthetic appliances.

SPONSORS:

Rep. P. Schmidt, Straf 4

COMMITTEE:

Commerce and Consumer Affairs

ANALYSIS

This bill requires removable dental prosthetic appliances fabricated pursuant to a dentist's orders to have markings identifying the patient.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the identification of dental prosthetic appliances.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Identification of Dental Prosthetic Appliances. Amend RSA 317-A by
2 inserting after section 38 the following new subdivision:

3 Identification of Dental Prosthetic Appliances

4 317-A:39 Identification of Dental Prosthetic Appliances.

5 I. Every complete upper and lower denture or removable dental prosthetic appliance,
6 diagnostic or therapeutic mouth guard, athletic mouth guard, or orthodontic retainer, fabricated by a
7 dentist licensed by the board or fabricated pursuant to such dentist's written prescription order,
8 shall be marked with the name of the patient for whom the prosthesis is intended. Such markings
9 shall be applied during fabrication and shall be permanent, legible, and cosmetically acceptable. The
10 exact location of the markings and method used to apply or implant the markings shall be
11 determined by the dentist or dental laboratory fabricating the prosthesis. If in the professional
12 judgment of the dentist, the full name is not practical, the initials of the patient may be shown alone.
13 The identification marks may be omitted only if it is impracticable or not clinically safe.

14 II. Any removable dental prosthesis or appliance described in paragraph I in existence prior
15 to the effective date of this section, which was not marked in the manner described in paragraph I,
16 shall be so marked at the time of any subsequent relining, rebasing, or duplication.

17 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 566

BILL TITLE: relative to the identification of dental prosthetic appliances.
DATE: 3-4-11
LOB ROOM: 302 Time Public Hearing Called to Order: 1001
Time Adjourned: 1030

(please circle if present)

Committee Members: Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meador, Gidge and Schlachman

Bill Sponsors: Rep. P. Schmidt

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Peter Schmidt, sponsor – Introduced bill. Concerned with losing dentures in nursing homes. Wants dentures marked in some way, preferably a name.

***Rep. Karen Umberger** – Opposes the bill. Read a letter from a dentist constituent into the record; copy in file.

***Dr. Richard Scherf**, - Supports the bill. Read prepared statement; copy in file.

Dr. Glenda Reynolds, DDS, NH Dental Society – Opposes bill. We believe this is a patient's freedom of choice. Had some women who were very adamant they did not want their names in the denture. Did not want their privacy disturbed.

***Dr. Dennis C. Hiller, NH Assn. of Orthodontists** – Opposes the bill. Says may be good idea but we don't need legislation. Educate the dental community of the merits; not a law.

Respectfully Submitted:



James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

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Bill Sponsors: Rep. P. Schmidt

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- #1 Rep Peter Schmidt - sponsor - introduced Bill - concerned with losing dentures in Nursing-home. Want dentures marked in some way - preferably, a name
- #2 Rep Karen Umberger - opposes bill - Read a letter from a Dentist constituent into the Record. - Copy in file
- #3 DR Richard Scherf - supports bill - Read prepared statement - copy in file
- #4 Dr Glenda Reynolds - DDS - NU Dental Society opposes Bill - We believe this as a patients Freedom of choice

PJr

HB 566

had several women who were very adamant they did not want their names in the denture, did not want their ~~privacy~~ privacy disturbed

5

Dr Dennis C. Hiller - opposes bill
had - say may be good idea
But we don't need legislator
Educate the Dental community of
the merits - not a law -

Testimony

Richard R. Scherf, DMD
42 Dover Point Road, Unit D
Dover, NH 03820

March 4, 2011

Speaking for HB566

Thank you, Mr. Chairman and members of the Committee, for allowing me to speak this morning. My name is Richard Scherf. I have practiced general dentistry in Dover since 1976. I have also worked as a forensic dentist since 1996. I am director of the New Hampshire Dental Society's Dental Identification Team. We are a volunteer group of dentists and auxiliaries who provide identification services to the Chief Medical Examiner.

I am a member of the American Dental Association, the Academy of General Dentistry, the American Academy of Forensic Sciences, and the American Society of Forensic Odontology.

I believe that this is a good bill. Placing the last name or a traceable ID on a removable dental appliance provides a number of benefits:

1. In the case of the deceased individual, the presence of a labeled removable appliance on or near the body can confirm or contribute to a positive identification. Even the recovery of a lost appliance alone can aid in an investigation and search of a lost individual.
2. In nursing facilities or hospitals, lost dentures taken out at meal times or left in other places such as common spaces and other residents' rooms can be easily identified and returned to the owner.
3. In the case of a living individual who is found and is unable to give law enforcement his or her name, for example, because of dementia, Alzheimer's disease or the fact that he or she is unconscious; a recovered appliance can aid in identification.
4. Teenagers who lose their retainers at school or at sports practices have the opportunity to reclaim their appliances if they are found.

Resin based appliances such as dentures, partial dentures, therapeutic nightguards and standard wire arch orthodontic retainers can be easily labeled.

Other orthodontic retainers, such as those made by Align Technologies, known as Invisalign retainers are not resin based, but they are labeled with a traceable patient ID number.

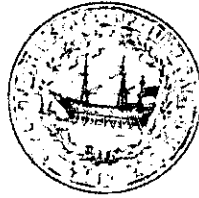
Cost of labeling

I use two dental laboratories to label my cases. One laboratory in Manchester charges me \$20.00 per appliance. The other laboratory, which is a national dental laboratory located in Buffalo, New York, charges me nothing. Considering my fee of \$1517.00 for a single full denture, this cost for labeling is minuscule and not a financial burden to anyone. In fact I do not charge my patients any extra fee at all for appliance labeling. I absorb this cost.

To those people who may speak to you today of how this bill will be a burden to themselves, or those who object to this bill on the grounds that it is government intervention in their lives, I would ask them to reflect on why it was that they entered dental practice and what it is they do for their patients. Do they not provide a service to their patients? Can we not do something better for the families and loved ones of the individuals who wear these appliances? I suggest that we can by labeling their dental appliances.

I encourage your vote on HB566. Thank you, Mr. Chairman and committee members for your time.

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
33 CAPITOL STREET CONCORD, NEW HAMPSHIRE 03301-6397



MICHAEL A. DELANEY
ATTORNEY GENERAL

DEPUTY ATTORNEY GENERAL

OFFICE OF THE CHIEF MEDICAL EXAMINER
246 Pleasant Street Suite 218
Concord, New Hampshire 03301
(603) 271-1235 - FAX (603) 271-6308

March 6, 2011

The Hon. John Hunt, Chairman
House Committee on Commerce and Consumer Affairs
165 Sunridge Road
Rindge, New Hampshire 03461-5478

Dear Rep. Hunt:

I write to express my support for the proposed bill requiring the labeling of full or partial dentures with identifying information. The Office of Chief Medical Examiner (OCME) is, as you know, charged with the investigation of sudden, unexpected and/or violent death. In the course of our duties, the occasional case arises in which persons are found deceased, but due to unusual circumstances, decomposition, skeletonization or fragmentation of remains, identification emerges as the chief aim of the investigation. OCME typically uses methods such as comparison of antemortem and postmortem fingerprints, dental radiographs, and skull, chest, spine or pelvic radiographs. The use of DNA for identification is prohibitively expensive and time-consuming and is thus not a cost-effective way to approach otherwise routine identification.

Unfortunately, there are many instances in which one or more of these avenues of identification are closed to us. The most common stumbling block is the lack of a "starting point" from which to direct our inquiry. In such cases the presence of a labeled full or partial denture can be of great significance in confirming identity. At the very least it allows for a much reduced scope of and therefore more efficient search for antemortem records for comparison.

In the tragic circumstances of lost elderly individuals or children, the person's name in their own denture or orthodontic retainer can confirm identity expeditiously, thus sparing families the emotional toll of prolonged efforts at identification of their loved one. Streamlining this immensely important function would also represent a cost savings in time and resources spent chasing down false leads on the identification of unknown decedents.

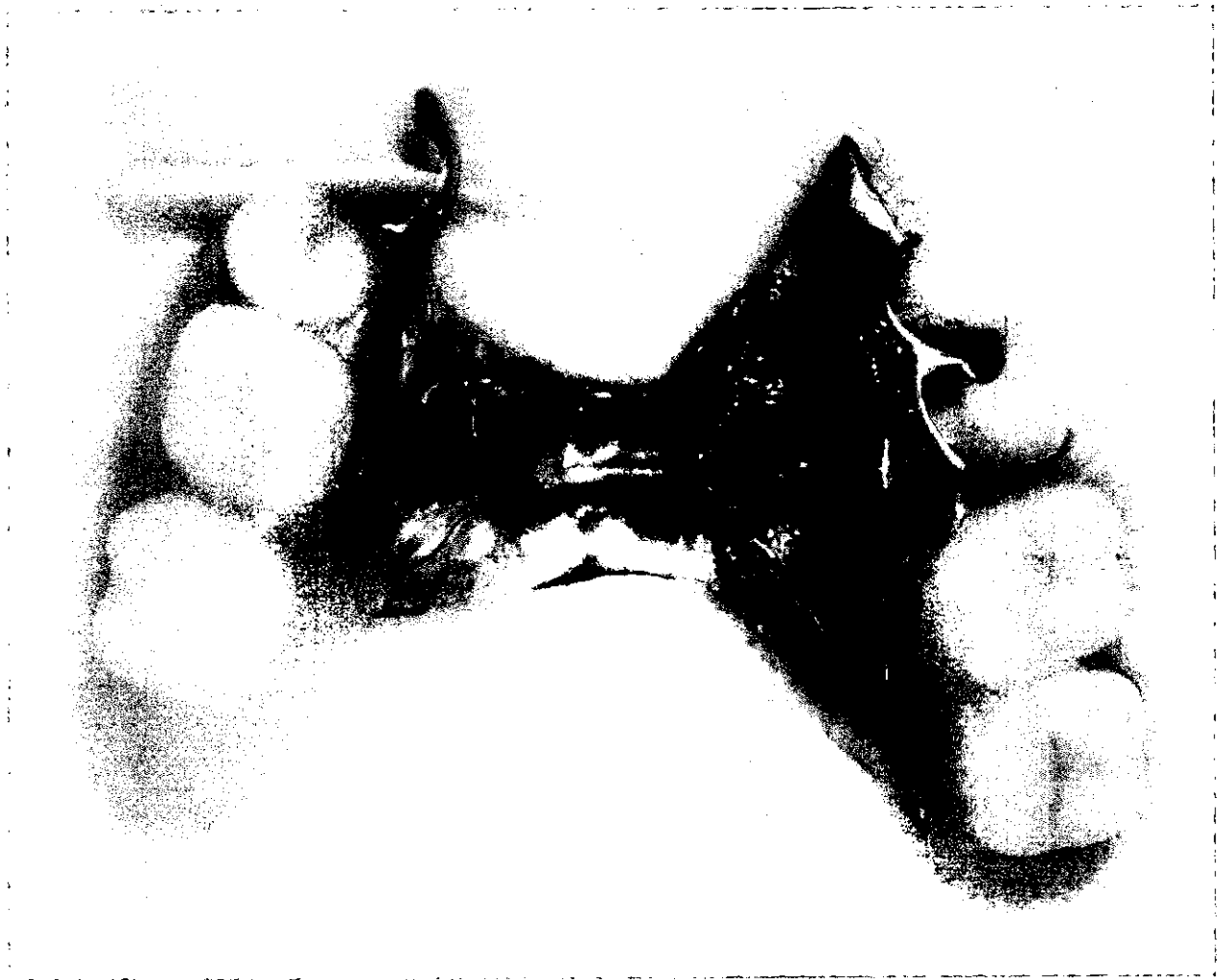
One can also easily envision the value of this measure in circumstances falling well short of the extreme instance of postmortem identification. For example, within extended and acute care facilities, misplaced appliances can be quickly returned to the resident or patient and in the case of school age persons, lost orthodontic retainers or athletic mouth guards can be easily returned when found.

The cost incurred in adding this function to the fabrication of dentures and other dental appliances would seem negligible given the potential for the savings represented in the return of a presumed lost or misplaced appliance or, in the more extreme circumstance of identifying the remains of an unknown decedent by OCME. We enthusiastically endorse the proposed legislation and urge the committee to give it due consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas A. Andrew, MD". The signature is fluid and cursive, with a small "MD" at the end.

Thomas A. Andrew, MD
Chief Medical Examiner
State of New Hampshire







Karen Umberger

From: "Drew G. Smith, D.D.S." <dgs@whitemountainoms.com>
To: <karenu@ncia.net>
Sent: Wednesday, February 16, 2011 12:06 PM
Subject: Re: HB 566

I would appreciate it if you would present this to the committee. I have emailed some of them as well but I certainly would appreciate your help.

Sincerely,

Drew Smith

----- Original Message -----

From: <karenu@ncia.net>
To: "Drew G. Smith, D.D.S." <dgs@whitemountainoms.com>
Sent: Tuesday, February 15, 2011 9:23 PM
Subject: Re: HB 566

> >thank you for this. If you want me to I would be happy to present this
> information as part of the testimony on this bill. Dr. Hiller sent e a
> note on this and I suggested the same to him and he agreed. Please let me
> know and I will be happy to provide this information to the Committee.
> Karen Umberger
>> To the Honorable Karen Umberger,
>>
>> I am writing to express my concerns over HB566. I know I am not the
>> first
>> to contact you about this bill. I have no real objection to requiring a
>> patient's name to be placed in their denture so they are not lost in a
>> mix
>> up in the nursing home or hospital. I find nearly every denture I insert
>> during surgery in my office already has the name on it. I do object to
>> making such a law retroactive. I have a number of patients who come in
>> and look at me as their dentist. The restorative dentist is the
>> specialist in their eyes because they "fix or make teeth". I am
>> considered their dentist because I remove the teeth which is what they
>> consider dentistry. If I am somehow responsible for having to get names
>> put on to existing dentures I see on a routine examination prior to
>> removing a tooth in the opposite arch, this is an unfair burden on me and
>> my fellow oral surgeons. Since I do not make dentures or have a direct
>> relationship with a denture lab, this would be an added burden of time
>> and
>> expense that I do not feel is warranted. Not to mention the disgruntled
>> patient who had to give up their denture for a period of time while the
>> lab put their name on it.
>>
>> In general terms, I feel this is a place where the legislature is solving
>> a problem that does not exist. It will solve itself within a very short
>> period of time with no legislation needed. If the labs simply continue
>> to
>> do what they are already doing, all new dentures will appear with names
>> on
>> them. Those patient's dentures without names will eventually pass on and
>> be taken out of circulation. I think the legislature has far more
>> important issues to tackle this term then to worry about something our NH
>> State Dental Society can solve without any legislation. By simply
>> educating our members of the importance of having names processed into
>> all
>> new dentures, which is basically the policy that is followed in the
>> dentures made by local dentists for the patients that I see already, this

>> problem will be solved without any added expense, extra time or
>> inconvenience to the patients receiving their new dentures.

>>

>> Thanks for your time,

>>

>> Drew G. Smith, DDS

>> dgs@whitemountainoms.com

>> www.whitemountainoms.com

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Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 566

BILL TITLE: relative to the identification of dental prosthetic appliances.

DATE: 3-9-11

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Nevins

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 566

BILL TITLE: relative to the identification of dental prosthetic appliances.

DATE:

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

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Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 16-0 (Please attach record of roll call vote.)

*Coffey
Neuins*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One) 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 566 Title: _____

PH Date: 1/1/11

Exec Session Date: 3.9.11

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Hunt, John B, Chairman	✓	
Coffey, Jennifer R, V Chairman	✓	
Belanger, Ronald J	—	
Flanders, Donald H	✓	
Quandt, Matt J	✓	
Headd, James F	✓	
Nevins, Chris F	✓	
Palfrey, David J	✓	
Sullivan, James M	✓	
Bergevin, Jerry E	—	
Manuse, Andrew J	✓	
Mauro, Donna C	✓	
McGuinness, Sean M	✓	
Rice, Frederick C	✓	
Taylor, Kathleen N	✓	
Meador, David R	✓	
Gidge, Kenneth N	✓	
Schlachman, Donna L	✓	
	16-0	
TOTAL VOTE:		

Committee Report

CONSENT CALENDAR

March 16, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on COMMERCE AND CONSUMER
AFFAIRS to which was referred HB566,**

**AN ACT relative to the identification of dental
prosthetic appliances. Having considered the same,
report the same with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Jennifer R Coffey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB566
Title:	relative to the identification of dental prosthetic appliances.
Date:	March 10, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill requires that removable dental prosthetic appliances that are fabricated pursuant to a dentist's orders, to have markings identifying the patient. The committee respects the intent of the sponsor, however the committee felt this decision should be left up to the consumers. Currently many dentists are now doing this on their own so legislation is not necessary.

Vote 16-0.

Rep. Jennifer R Coffey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB566, relative to the identification of dental prosthetic appliances. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R Coffey for **COMMERCE AND CONSUMER AFFAIRS**. This bill requires that removable dental prosthetic appliances that are fabricated pursuant to a dentist's orders, to have markings identifying the patient. The committee respects the intent of the sponsor, however the committee felt this decision should be left up to the consumers. Currently many dentists are now doing this on their own so legislation is not necessary. **Vote 16-0.**

Original: House Clerk
Cc: Committee Bill File

HB 566

ITL

CC

16-0

Rep. Jenn Coffey

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JBA

HB 566

ITL

CC

16-0

Rep. Jenn Coffey

This bill requires ^{that} removable dental prosthetic appliances ^{that are} fabricated pursuant to a dentist's orders to have markings identifying the patient. The committee respects the intent of the sponsor, however ~~to enact this would cause great~~ ^{the committee} ~~hardship for consumers.~~ Currently many are now doing this, ~~and the issue is~~ ^{on their own s d} ~~being addressed through attrition.~~ ^{les. -> (this is not necessary)}

felt

Dentists

this decision should be left up to the

HB566: ITL

Vote: 16-0 CC

This bill requires removable dental prosthetic appliances fabricated pursuant to a dentist's orders to have markings identifying the patient. The committee respects the intent of the sponsor however to enact this would cause great hardship for consumers. Currently many are now doing this and the issue is being addressed through attrition.

Rep. Jenn Coffey