The COVID-19 pandemic is a poignant example of why all states should adopt minimum operating standards to own and operate a dental laboratory, which may include registration with the appropriate state agency and disclosure.

Transparency in the supply chain is good for the manufacturer/supplier, the dentist, the dental laboratory and ultimately the patient. JDT, as well as other trade press publications, have frequently covered the issue of state regulations.

In most states, disclosure of any kind (whether it be point of origin or patient contact material) is still not required. Many dentists do not know whether the lab made the restoration themselves. In states without disclosure, it is perfectly legal for a lab to provide an imported restoration without disclosing it. This gap in transparency can be filled in a meaningful way and NADL third party research conducted in 2009 and again in 2019 reflects the majority of constituents in the dental laboratory market support required disclosure.

Most dental laboratories are conscientious and ethical. In states without dental lab disclosure and registration, however, there may be little or no practical way to hold an unscrupulous lab accountable if they falsely represent that they made the restoration and it was actually imported.

In the first quarter of 2020, during the peak of COVID-19 in China, NADL received a number of calls from dental offices seeking assistance to find a new dental laboratory to work with, given that their dental laboratory partner was not able to complete cases. In most cases, the dental offices that called NADL were unaware that the dental laboratory partner they had been working with was actually going offshore to have the work completed and were shut down for a period of time due to the pandemic. It only came to light due the long duration of the “shutdown.”

Changing this scenario for the future will take local leadership, as dentistry is regulated at the state level.

The American Dental Association (ADA) policy on dental laboratories does support state-based efforts to register dental labs as a way to enhance the health and safety of patients. The ADA works in partnership with the NADL to educate their members on the issues impacting the dental lab industry, including the registration/licensure of dental labs, grey market production and offshore production of cases.


The ADA recognizes that the current high standard of prosthetic/appliance dental care is directly related to, and remains dependent upon, mutual respect within the dental team and this makes the dentist/laboratory relationship a very important one. Ultimately, however, it is incumbent upon state dental societies to create an accountable system for dental lab registration and disclosure. Dr. Manny Chopra, a member of the ADA’s Council on Dental Practice, and ADA’s representative to the National Board for Certification in Dental Laboratory Technology (NBC), shares more.
"Each dentist has the ability to partner with the dental laboratories that they believe provide the best quality services and prostheses for the patients," said Chopra. "When deciding which labs to use, dentists are aware that the contributions of our lab partners support us as we maintain ultimate responsibility for all aspects of the patient’s dental care. Each state dental association has the autonomy to determine whether or not to pursue legislation or other voluntary agreements that would require domestic dental laboratories to register or reveal to the dentist that they have subcontracted the manufacturing or materials indicated in the dentist’s prescription, either partially or entirely, to either a domestic or foreign (offshore) ancillary dental laboratory.”

NADL urges dentists to contact their state dental society and inquire what steps they are taking to implement minimum standards such as dental laboratory registration and disclosure. If a state wants to get an initiative in motion, the first critical step is to establish a core nucleus of in-state support. This might be the state dental laboratory association, or just three or four lab owners willing to spend some time working on it. NADL offers resources and can help with drafting proposals, setting up meetings and making presentations to state dental societies. From there, NADL can also help with grants and lobbying guidance and materials. Recently, there were three states that decided it was time to take action.

FLORIDA

Florida has had state dental laboratory registration since the late 1980’s. In 2008, Florida law incorporated point of origin and patient contact material disclosure, and continuing education requirements.

In early 2020, the Florida Legislature approved legislation (the first of its kind in the nation) that provided the authorization of dental laboratory technicians to be onsite for chairside services during dental procedures. The legislation takes into account that dentists are seeking the dental laboratory technician to be onsite for complex cases such as full mouth reconstructions and training on technology like intraoral scanning systems.

The Florida Dental Laboratory Association (FDLA) was the lead organization pushing this legislation through. Their overarching initiative was to provide dental clients and patients with sophisticated and professional treatment, whereby dental laboratory technicians can continue to be seen as a valued member of the dental team. The first legislative proposal to meet this objective was submitted two years ago but failed to get passed into law (since it was part of a larger bill that did not pass). In 2019, FDLA hired a professional lobbying firm which was an important step to advance the legislation. With teamwork, they were able to put the concepts into writing and it was successfully passed this year.

The FDLA board members could not have accomplished this on their own. The Florida Dental Association was a powerful ally, the NADL provided organizational and financial support, and a tremendous amount of legwork was done by FDLA Executive Director Jillian Heddaeus, CMP, IOM and NADL Executive Director Bennett Napier, CAE.
The recent chairside legislation passed in Florida includes the term “clinical dental technician.” This term is the codification of a set of tasks that are now a part of the scope of practice for the dental technician in the clinical arena. The implant and digital revolutions have demanded a need for in-depth knowledge of removable prosthodontics, implant restorative processes and digital technology.

In 1995, the National Academy, Committee on the Future of Dental Education, published a report, The Mission of Education. This report addressed dentist education and referenced changes to the educational curriculum of the dentist. It recommended to, “identify and decrease the hours spent in low priority pre-clinical technique, clinical laboratory work, and lectures.... to prepare future practitioners for more medically based modes of oral health care.”

Since this report, there has been a notable decline of dental technology training in the dental school curriculum. This created the void that has been filled by the expanded scope of the clinical dental technician. The Florida Dental Laboratory Association (FDLA) chose to codify this scope for commercial laboratory technicians. The new law is a beginning that recognizes technicians and the clinical tasks they perform.

Much of the current interaction with state dental boards involves laboratory status, dental materials used by laboratories, country of origin for laboratories or CE needed by certified technicians. Until formal education becomes a requirement for dental technicians, the recognition is unlikely. I advocate for formal education for technicians by traditional brick and mortar programs or a program geared to the working technician. Both methods should be formally accredited for legitimacy. The current structure of our standards for accredited dental technician programs does not address the educational needs of the incumbent worker. Hopefully, if we see more clinical technicians in the workforce, an educational module could be added to the existing curriculum of dental technology.

A clinical technician would need a formal education that encompassed removable prosthesis, implant restorative processes and digital technology. The ACP recently developed a digital technology curriculum document that identifies a role for the dental technician in the CAD workflow which could be modified and integrated into our existing accredited dental technology programs.

What would help codify clinical technicians and formal education?

- Advocate with the formal organizations of dentists who use clinical technicians. Fifty percent of conversions are done by specialty dentists.

Getting this legislation passed did require time, effort and money, but this should not serve as a deterrent. If there are states that are interested in pushing legislation, there are resources to help. The first step is to put the end goals onto paper. Look at legislation passed in other states to get the concepts in place. Work with the staff of the NADL and the state dental lab association to draft language. Educate members on the advantages of the bill for their business. Reach out to the board members of states that have legislation and get advice on their process. Get in touch with a good lobbying firm that has solid industry connections. Last, have patience.

With the onset of COVID-19 and the industry determining what comes next, working on state legislation can be an opportunity to re-set, re-charge, and be better than ever before.

Contributed by FDLA President Alexander Wuensche, CDT

THE CLINICAL DENTAL TECHNICIAN

By Elizabeth Curran
Oregon Association of Dental Laboratories (OADL) became interested in the idea of passing a bill that would require dental labs to register their labs after learning what the Washington State Dental Laboratory Association (WSDLA) had accomplished. The idea of establishing basic standards and requiring certain criteria to be met we believe will create a more level playing field and that accountability will only better the industry.

We reached out to WSDLA, and they were very encouraging and shared the details of their process, as well as the bill language itself. The OADL board then developed a plan to reach out to their membership and the laboratory industry in general within the state.

The first event was a town hall meeting in August of 2019 with members of OADL and WSDLA and a call-in from NADL to begin the conversation around what Oregon would like to do, as well as to gather information from WSDLA.

The second opportunity for Q&A and general thought sharing was at an open panel discussion during OADL’s 2019 Annual Conference in September. The open panel discussion resulted in the formation of a committee for the purpose of furthering the legislative effort. The members of this committee are lab owners and managers as well as the Oregon Health and Sciences University Dental Technology instructor.

The next step was an online vote attached to the 2020 OADL membership renewal. This vote was almost unanimous in favor of drafting the bill and moving forward. At present, the OADL board and the legislative committee are holding off on next steps until the COVID-19 impact on our industry is lessened.

OADL has for the past three years participated in the Oregon Dental Associations’ Conference as a partner association. We have always believed in a close working relationship with our state dental association and we will be asking for a letter of support when we begin our legislative process.

It would only benefit our industry if all states were to implement similar requirements. OADL is happy to share any information and our process to other states. Let’s hope that as we emerge from the current state of the world, we are energized and motivated to better our profession.

Contributed by OADL Executive Director Carrie Peil Warner, CDT
The Washington State bill was signed into law in April 2019 and covered three main areas:

1) dental laboratory registration
2) point of origin and material disclosure
3) CE requirements

The Washington State Dental Laboratory Association (WSDLA) started talking about dental lab registration legislation in 2013, spearheaded by WSDLA President Michael Dominguez. In 2016, their members voted in favor of the initial language regarding registration of laboratories and they then hired a lobbyist in 2017. It took three legislative sessions (2017, 2018, 2019) before the bill was passed. From conception to completion, it was a total of eight years of work.

The WSDLA executive board members and staff worked hard to develop agreeable language to all parties involved. An important part of the process was to educate the directors of the health department, lobbyist and lawmakers as to what the dental laboratory industry does and the goals of the bill. The driving goal was to elevate the profession by setting minimum standards across important areas of what laboratories do as medical device manufacturers.

The key to our success was really found in the partnerships with the WSDA and the NADL. Support from the WSDA was critical in building credibility and in proving to our legislators that this was an important bill to pass, and the financial and legal support of the NADL made all of this possible. We believe this will strengthen our WSDLA membership and involvement, and give the dental laboratory community a greater voice in the industry overall.

If a state is interested in pushing legislation, they need to reach out to the NADL for initial support! They will set you up for success in approaching your state dental association, and continue to support you throughout the important and sometimes complicated journey. Constructively work with the state dental association. Get them involved with the process. It is important for them to understand the goals of the dental laboratory association before you move forward.

Contributed by WSDLA President Megan Nakanishi and WSDLA Legislative Committee Chair Matthew Chapman, CDT

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