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THE OHIO STATE DENTAL BOARD

Testimony before the Primary and Secondary Education Sub-Committee
of the House Finance Committee

Presented by:

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February 19, 2015

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THE OHIO STATE DENTAL BOARD

Pursuant to Ohio Revised Code Section 4715.02, the Governor, with the advice and consent of the Senate, appoints individuals to serve on the Ohio State Dental Board (Board). The Board is composed of thirteen (13) individuals including nine (9) dentists, three (3) dental hygienist, and one (1) public member. We currently have two (2) vacancies, and four (4) Board members have terms that expire in April*.

The current members of the Board are:

Marybeth Schaffer, DMD, President
General Dentist, Leetonia, OH

Constance L. Clark, RDH, Vice-President
Dental Hygienist, Dublin, OH

Ashok Das, DDS, Secretary
General Dentist, Mason, OH

Martin Chambers, DDS, Vice-Secretary
General Dentist, Cleveland, OH

W. Chris Hanners, DDS
General Dentist, Chillicothe, OH

Lawrence B. Kaye, DDS*
Periodontist, Akron, OH

77 S. High Street, 17th Floor
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William G. Leffler, DDS*
General Dentist, Massillon, OH

Gregory McDonald, DDS*
General Dentist, Springboro, OH

Susan Johnston, RDH*
Dental Hygienist, Columbus, OH

Ann Aquillo
Public Member, Powell, OH

BOARD STAFF

The Board staff consists of fourteen (14) FTE's including an Executive Director, a Deputy Director (vacant), five (5) enforcement officers and an investigator assistant, and five (5) administrative staff.

Present members of the Board administrative staff include:

Lili C. Reitz, Esq.	Executive Director
Jayne Rasmussen	Deputy Director
Pamela Cartright	Licensing Coordinator
Malynda K. Franks	Administrative Assistant
Samantha Slade	Executive Secretary
Dianna Bowman	Administrative Assistant
	Receptionist

Present members of the Board enforcement staff include:

Jeremy Kimble	Enforcement Officer
Michael T. Flugge	Enforcement Officer
Damon Green	Enforcement Officer
Kathy S. Carson	Enforcement Officer
Barb Yehnert	Enforcement Officer
Erica Tkac	Investigator Assistant
Heidi Massaro	Executive Secretary

THE BOARD'S MISSION

The Ohio General Assembly has recognized that the practice of dentistry is a privilege. As such, those who attempt to engage in the profession without the appropriate training, ethical standards and/or competency levels, pose a threat to health, welfare and safety of the citizens of Ohio. The Ohio State Dental Board has been charged by the General Assembly with regulating the practice of dentistry by setting and enforcing the standards of practice. The core budget is necessary to enable the Board to meet our statutory mandates for the citizens of the state of Ohio.

Founded on a mission of public protection, the goals and objectives of the Dental Board touch on virtually every aspect of the practice of dentistry.

They are:

- To set and define standards to draw the line between safe and dangerous dental practices
- To ensure that those practitioners licensed by the Dental Board have sufficient training and ability to enable them to practice according to the accepted standards of care
- To monitor licensees to identify those who practice below standards or without the necessary qualifications
- To take action to stop substandard practice, or practice by those without necessary qualifications
- To educate and facilitate the ability of others to communicate to the Dental Board those allegedly violating standards of care

The Board's primary functions in fulfilling its mission are in its licensure, regulation and enforcement activities. Our role as the licensing and regulatory agency is clear to the profession and the public we serve.

Board staff has the specialized knowledge necessary to fulfill these key responsibilities in an efficient and timely matter.

We are able to be immediately responsive to licensees and the public since our staffs are devoted entirely to the knowledge and skills needed to administer the unique characteristics of the dental profession. We have a sense of ownership in what we do, which fosters effective productivity and quality of work.

LICENSURE

Through licensure, the Board ensures that those applying for a license as a dentist, dental hygienist or dental assistant radiographer have acceptable education and training to safely practice in Ohio

Licensure statistics for FY 2014 are as follows:

Dental licensed issued by examination	257
Dental Hygiene licensed issued by examination	275
Dental licenses issued by credentials	14
Dental Hygiene licenses issued by credentials	4
Dental Assistant Radiographers certificates issued	1514
Coronal Polishing certificates issued	104
Expanded Function Dental Auxiliaries registered	140
Limited Continuing Education License issued	10
Limited Resident Licenses issued	129
Limited Teaching Licenses issued	2

Licensees Registered to Practice as of June 30, 2014:

Dentists	7,132
Dental Hygienists	8,196
Dental Assistant Radiographers	14,880
Limited Residents	341
Limited Teaching	36
Limited Continuing Education	37
Coronal Polishing	1338
Expanded Function Dental Auxiliary	1805
Oral Health Access Supervision Permit-Hygiene	73
Oral Health Access Supervision Permit-Dentist	25

REGULATION

Through its regulation function, the Board sets and defines standards to draw the line between safe and dangerous dental practices. The Board does this by adopting rules, policies, and position statements and various issues affecting the profession. The Board communicates these matters to the licensees and the public via oral presentations, newsletters and its web site.

The Board has a website which can be viewed at "dental.ohio.gov". This website contains information regarding the Board meetings, the Board's composition and staffing, licensure and continuing education information, as well instructions for filing a complaint with the Board. Further, the consumer is able to verify whether a particular individual is licensed by the Board, and if there has been formal disciplinary action taken against a licensee. Additionally, the laws and rules governing the practice of dentistry are available on line, as well as policies adopted by the Board. A "NEWSBITES" section includes up-to-date information in lieu of publishing a newsletter twice a year. The website contains significant information that can be downloaded which is helpful both to the public and to the profession.

ENFORCEMENT

Through its enforcement activities, the Board monitors its licensees to ensure that licensees are practicing within the accepted standards of care and in compliance with the laws governing the profession. This is accomplished through the investigation of complaints received via a myriad of sources.

The Board's enforcement activities focus on initiating administrative action and disciplining those who have been found to have violated the Dental Practice Act, with the primary goal being to maintain the safety of the public.

Board investigators have expertise in investigating complaints specific to dentistry, and therefore they can efficiently gather information pertinent to the matter. While the goal is public protection, it is important to properly handle these matters since they impact not only the complainant, but also the licensed professional.

Enforcement Procedures

Pursuant to Ohio Revised Code 4715.03, the Board is required to investigate complaints which indicate that a violation of the Dental Practice Act has occurred. The Board has a variety of mechanisms to identify licensees practicing below the accepted standards of the profession or without appropriate qualifications. Those mechanisms include:

- Complaints
- Mandatory reporting
- Continuing education audit findings
- Probationary compliance monitoring
- Approval of drug and alcohol treatment providers
- Infection control evaluations

As stated previously, the Dental Board's enforcement activities focus on initiating and taking disciplinary action against practitioners who have violated the Dental Practice Act.

The Board investigators work with the Supervisory Investigative Panel (Panel) which is comprised of 2 members of the Board, one Secretary and one Vice Secretary elected by their fellow members to serve in this capacity. The Panel oversees all investigative action of the Board.

When the Panel is satisfied that all relevant information has been obtained in order to make a determination in the case, the Panel, in consultation with the Board's assigned Assistant Attorney General, makes a recommendation as to whether charges should be initiated.

Once these charges are approved by the Board and the letter is sent, Ohio Revised Code Chapter 119 hearing and appeal rights of the named licensee are invoked.

If the Panel determines that the evidence does not support a violation of the Dental Practice Act, they may recommend the case be closed. All cases recommended for closure are presented by the Panel to the full Board for a vote to close the cases. The licensee and complainant are then notified that the case has been closed.

The Quality Intervention Program (QUIP)

The Board has in place a Quality Intervention Program (QUIP). This program allows identified licensees who come before the Board with apparent practice deficiencies to remediate through education and training. This affords licensees the opportunity to possibly forego formal disciplinary action if they are successful and can demonstrate that they have improved their skills to safely and competently treat Ohio's dental consumers. The program utilizes a Board member who serves as QUIP Coordinator along with the SIP to review records and make recommendations regarding education/remediation. The Board then works with the state's two dental schools, The Ohio State University College of Dentistry, and Case Western Reserve University College of Dental Medicine, or another Board approved remediation provider, to craft an educational program to address any deficiencies of the particular license holder. Then a panel of experts monitors the licensees to ensure that the education is incorporated into their daily practices.

This type of program has been very successful with the State Medical Board of Ohio and the Ohio Board of Nursing. The Ohio State Dental Board is proud to be the first dental board in the nation to have a program of this kind. I have presented our program at the national level and other states are interested in implementing a similar program, and look to Ohio for assistance in this regard.

Enforcement Statistics for FY 2014

Complaints and Investigations

Cases carried over from previous year	279
New cases assigned	430
Total cases investigated	709

Classification of Cases

Standard of Care	329
Infection Control	23
Unlicensed practice	3
Misrepresentation	35
Drugs (selling, prescribing, giving away)	19
Permitting Unlicensed Person to Practice	9
Practicing w/o License	3

Advertising	21
Impairment	14
Adverse Occurrence	7
Continuing Education	0
Renewal	0
Licensing	2

Charges Filed and Citations Issued

Administrative Charges Filed	8
Evidentiary Reviews	1
Hearings Held	6
Suspensions	10
Revocations	0
Consent Agreements	22
Hearings Pending	1
Warning Letters	57
Infection Control Evaluations	299
Voluntary Surrender/Retirement	1

FUNDING

The Board's funding source is based only upon fees collected through initial licensure and renewal for dentists, dental hygienists and dental assistant radiographers and expanded function dental assistants primarily.

The biennial budget appropriation is based on revenues generated by the Board, and historically any additional funding needed to support increased costs had to be addressed in the form of an increase in fees.

The Board's fees are deposited into the Occupational Licensing and Regulatory 4K9 Fund. Fund 4K9 is a special revenue fund established to stabilize the funding structure of participating regulatory boards. The concept is to provide a continual base of funding for boards whose revenue flow can vary due to a number of variables, mainly license renewal cycles. Some of these boards renew licenses on an ongoing basis, some renew annually on a date-specific basis, and some renew every two years. By merging 26 such boards together, there is always a substantive base to cover the funding needs for all boards on an ongoing basis.

Additionally, the stability and availability of the 4K9 Fund allows for flexibility in developing new technologies and efficiencies to serve common needs of the regulatory boards involved. A key example is the statewide licensing system, eLicense, which is used by all of the regulatory boards to provide a web-based system for managing the licensing process. This system is currently in the process of being updated, with new vendors working with the Boards to make this system more effective and user friendly.

Approximately \$900,000 of the Board's \$1.5 million dollar budget is allotted for payroll. Less than 10% of the budget pays for contract experts, hearing examiners, court reporters, etc. The balance of the budget is set aside for operational expenses, such as rent, communications, equipment and supplies, travel reimbursement for field investigators, vehicle lease, postage and printing. The Board anticipates an increase in rent, and for services provided by the Department of Administrative Services through the Central Service Agency and IT support.

On-Line Renewal

All licensees over the past two fiscal years have had the option to renew their licenses and certificates on-line. The response was tremendous. The initiative has allowed for office staff to process these renewal requests in a much more timely fashion than the paper/mail renewal process.

Central Service Agency

In order to make the best use of funding levels, the boards make efforts to consolidate services and associated expenses where appropriate and necessary.

The Department of Administrative Services, Central Service Agency (CSA), is housed in the Riffe Center where most regulatory boards reside. CSA provides services in the areas of human resources, payroll, and warrant processing, and they also represent the boards in various capacities, such as the OAKS project. Boards share the costs of CSA and they are billed for services based on their individual needs.

Further, boards share the cost of technical support via a DAS employee assigned to the regulatory boards which is shared and paid for by the boards.

Additionally, the eLicense system is another effort by boards to streamline licensure and renewal functions and share costs, which will allow boards to operate consistently and also communicate information in a consistent manner.

BUDGET REQUEST FOR 2016-2017 BIENNIUM

The Board's budget proposal for FY 2016-2017 is based upon the budget levels established by the Office of Budget and Management (OBM) with supplemental requests. The Governor's recommended funding for the Board for each FY, is \$1,579,984. This includes one of the Board's supplemental requests for the new licensing system. Further, the Board is requesting an additional \$11,900 per FY to help address the increases in operational expenses that are anticipated in the next biennium, for rent and other support services provided by the Central Service Agency and IT support.

As stated previously, through implementation of its mission as outlined in the Dental Practice Act, the Board is able to maintain the health, welfare and safety of the public at the funding levels recommended by OBM. Authorization to maintain the Dental Board at the levels requested will allow the Board to continue to provide these services to the public: ensuring that those licensed by the Board are competent and qualified to practice dentistry in this state.

Challenges and Priorities

The Board is striving to continue to work to improve the services delivered by the Board to our licensees and the general public, while at the same time assisting to improve the quality of dental care delivered to the dental consumer. The Board has been effective in protecting the public through licensing, enforcement and regulation. Further, the Board is making improvements as necessary, with patient safety as its primary concern.

The Board has been utilizing the E-License software system to streamline licensure and renewal, and the enforcement responsibilities of the Board. This system is currently in the process of being upgraded. Further, the Board has on-line renewal for all licensees, registrants, and certificate holders.

In addition, pursuant to the passage of HB 93 and SB 301, the Board must focus on educating licensees in the need to report to, and access, the Ohio Automated Rx Reporting System. The Board continues to focus on ways to make information more readily available to both our licensees and the dental consumers we are mandated to protect.

Our website has become a centralized location for up to date information. The Board in the past had mailed two (2) newsletters per year, however, to save money, the Board no longer publishes a hard copy newsletter, rather, information is shared via the web site and the Board's Twitter feed. The web site has proved an invaluable resource for disseminating information. The Board will continue to expand its web site to better serve the licensees and the public. However, due to the mandates set forth in the OARRS legislation, mailings to all dentists will be necessary to ensure they are aware of these new requirements.

The Board approved an Operations Manual and an internal Investigative Manual, which was a culmination of efforts of the Board members and staff. Most of the information in the manuals was already in existence in various locations, but where information was lacking, it was added, and organized and compiled in two manuals. These manuals must be continually updated to reflect the daily operations and processes of the Board, which is ever evolving.

The Board has adjusted the job duties of Executive Director and Deputy Director to more accurately reflect the duties performed. Recent past legislation made changes to the Board's investigative and enforcement activities. In addition to OARRS legislation, HB 463, which becomes effective in March, will make changes to the licensure process which will require additional rules for implementation.

Conclusion:

In summary, the Board is requesting a total appropriation of \$1,591,884 for each FY 2016 and 2017.

Thank you for the opportunity to testify regarding the Board's budget proposal, and for your thoughtful consideration of this matter.