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Written Proponent Testimony in Support of
Amended Substitute House Bill 606

Judiciary Committee
Ohio Senate
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Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee-

My name is David Owsiany, and I am the executive director of the Ohio Dental Association. I appreciate this opportunity to submit written proponent testimony in support of Amended Substitute House Bill 606. This legislation is necessary to provide protection against liability for health care professionals as they provide health care services during emergencies, including the current is coronavirus pandemic.

There are more than 7,000 licensed dentists and an estimated 4,500 dental practices in Ohio. Nearly 30,000 Ohioans work in dental offices across the state, including dentists, dental hygienists, dental assistants and front desk personnel. All of them have been negatively impacted by this crisis.

On March 17, 2020, the State of Ohio issued an order directing all health care providers, including dentists, to delay all non-essential procedures and surgeries. The order was necessitated by the state's desire to preserve PPE for front line health care workers fighting the coronavirus pandemic. Beginning on March 18, Ohio dentists essentially shut down their practices only opening to provide emergency care in order to keep dental patients from presenting to hospital emergency departments, which were dealing with coronavirus testing and treatment. Many dental practices have been financially devastated by this unexpected and unplanned for closure.

Amended Substitute House Bill 606 would provide dentists with immunity against claims of negligence for failing to provide treatment during the time in which the state of Ohio had issued the order directing dentists and all health care providers to delay all elective health care procedures.

Effective on May 1, dentists have been allowed to reopen their practices and provide the full range of dental services. This is important for Ohioans because a continued delay in the prevention, diagnosis and treatment of dental disease can lead to worsening of oral health and more invasive dental procedures and surgery down the road. Moreover, oral health is integral to overall health as studies demonstrate that untreated dental disease has been associated with a number of systemic health conditions, including heart disease, diabetes, stroke and pregnancy complications.

The reopening of dental offices has been measured and controlled. The Ohio State Dental Board has issued guidelines for dentists providing care during this emergency. These guidelines direct specific strategies for screening patients for COVID-19 symptoms, taking body temperatures, regulating patient flow, and maintaining social distancing between patients. The Ohio State Dental Board also directs dentists to follow guidelines from the CDC and the American Dental Association related to the use of appropriate PPE and infection control procedures. While these procedures have been updated for the coronavirus pandemic, dentists are well versed in following CDC guidelines for PPE and infection control. Dentists have followed such protocols for decades, protecting their patients, staff, and themselves.

As Ohio's economy continues its recovery from the coronavirus pandemic, the liability protections contained in Amended Substitute House Bill 606 will give dentists the ability to reopen their practices, restore their staff, and provide the care their patients need and desire, free from unnecessary concern over liability.

Dental offices are already taking steps to mitigate risk of exposure by following professional and regulatory guidelines. Nonetheless, the coronavirus is not going away altogether. Absent an effective vaccine, Ohioans will undoubtedly continue to contract COVID-19, oftentimes through unknown sources. Defending against claims related to exposure will be costly and nearly impossible to determine with certainty. Amended Substitute House Bill 606 would provide dentists with immunity from civil liability related to exposure to COVID-19 as long as they did not act with reckless or intentional conduct or will or wanton misconduct.

We ask you to support giving Ohio's health care professionals, including dentists, protection from liability during this current global health crisis, which they had no hand in creating. Substitute House Bill 606 will help Ohio dentists confidently provide the oral health services Ohioans need and desire free from the unnecessary distraction of the threat of uncontrolled litigation.

On behalf of the 5,300 member dentists of the Ohio Dental Association, I urge your support of Substitute House Bill 606.

Thank you for your attention to this important matter.