



National Center for Interstate Compacts

THE COUNCIL OF STATE GOVERNMENTS

To: Ohio House Health Provider Services Committee
From: Matt Shafer, The Council of State Governments
Date: February 6, 2024
RE: Interested Party Testimony on SB 40

The purpose of this testimony is to provide the committee with CSG's response to the opposition testimony on SB 40.

Claim: SB 40 will permit out-of-state dentists and dental hygienists to practice in Ohio without being subject to the authority of the Ohio State Board of Dentistry or Ohio's laws governing the practice of dentistry.

Under the SB 40, Ohio retains complete jurisdiction over anyone practicing within its borders. As stated in Section 4-D *"A Remote State may, in accordance with due process and that State's laws, by Adverse Action revoke or remove a Licensee's Compact Privilege in the Remote State for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens"*

Any action that a state is authorized to take against a Ohio licensee, can also be taken against a Ohio compact privilege holder. That privilege holder is treated as if they held a license. While a compact privilege holder is in the remote state, they must abide by all of the remote state's laws and rules. If they violate the remote state's laws and rules, they are under the jurisdiction of the dental board and the board can take any action that the law authorizes them to take. Thus, the dental board retains complete jurisdiction over anyone practicing in that remote state.

Claim: SB 40 will permit dentists and dental hygienists licensed by states with less rigorous license requirements to practice in Ohio.

All states require a degree accredited by the Commission on Dental Accreditation (CODA) for licensure. All states require a national board exam for licensure. All states require a clinical assessment for licensure. There are no states where it is "easier" to get a dental license because the standards are less rigorous.

There are multiple types of clinical assessments approved by states. There are hands-based "psychomotor" exams that test a dentist's hand skills, there is a computer based "OSCE" exam which tests clinical judgment/competence, and there is a yearlong residency program know as "PGY-1". All of these pathways to licensure are valid and reliable measures of clinical competence. There is no evidence to show that the OSCE or PGY-1 is "less rigorous". Ohio already allows PGY-1 as a pathway to licensure.



The drafters of the compact did not want to limit participation to only those who have completed a certain type of exam. SB 40 allows multiple pathways to clinical examination rather than dictating a set path.

Claim: SB 40 will permit dentists and dental hygienists licensed in other states and who were convicted of some felonies to practice in Ohio.

There are no blanket bans on felony convictions in the compact because over the past decade, we have seen public policy move away from these types of sweeping restrictions and moving towards individualized analysis of the circumstances that lead to the conviction. From CSG's perspective, we would not expect a compact with a blanket ban on certain criminal convictions to be widely embraced by state legislatures. The compact does require a criminal background check prior to obtaining a compact privilege.

There were 9 dental boards involved in the development process for the compact and a robust public comment period, and this concern was never raised this as an issue. Ohio is a member of seven licensure compacts and five of them do not have restrictions based on criminal history.

Conclusion

Over the course of the past decade, CSG has honed our development process for occupational licensing compacts to ensure a high standard for public protection while providing for the mobility needs of licensed professionals. The Dentist and Dental Hygienist Compact is no different.

CSG would also like to note that in addition to the broad coalition of national dental organizations who continue to support the Dentist and Dental Hygienist Compact, the Ohio Dental Association and Ohio Dental Hygienists' Association, are both strongly in favor of SB 40. CSG is available for additional questions or requests for information.