

Chairman Cutrona, Vice Chair Gross, Ranking Member Somani and all members of the House Health Provider Services Committee, thank you for the opportunity to speak with you again today reaffirming my concerns and my opposition to the current version of Senate Bill 40. My name is Dr. Mark Armstrong and I live and practice in Troy, Ohio. I am currently a general dentist in family practice in Troy for the past 34 years, and in Versailles for the past 20 years. I am also the current Chairman of the CDCA-WREB-CITA, an international 3rd party independent dental testing organization that administers dental board exams in every dental school and over 80% of all hygiene schools in the United States. I was a gubernatorial appointment in 2004 and served two consecutive terms on the Ohio State Dental Board before leaving due to term limits. I served on many different committees while on the Board, and also served as Vice Chair in 2007 and 2008, and as Chairman in 2009. When I took the oath of office in 2004, I swore to protect the citizens of Ohio. I have continued to do that since finishing my two terms on the Board.

The purpose of my testimony is NOT to oppose licensure compacts in general, but to address the critical flaws of this particular compact, that, if enacted as written, would put Ohio citizens at risk.

In previous testimony to this committee on 2/6/24, I spoke to you about discipline of licensees that would not be possible if you choose to pass Sub S. B. 40 and enact the compact language as currently written. I encourage you to please review that testimony before rendering a decision.

A representative from the Council of State Governments in his rebuttal to my testimony, told you that our Ohio State Dental Board would have full authority to discipline dentists that come to Ohio with compact privilege. However, he has not adjudicated cases on the Ohio State Dental Board. I have adjudicated cases as a member of the Ohio State Dental Board. We did have cases come before the board where non-licensed individuals had complaints filed against them with the dental board. The board's Assistant Attorney General, in consultation with the Attorney General's office, advised the dental board that we were prohibited from disciplining those individuals as they were not license holders, and that it could only be done through the Attorney General's office. A compact privilege holder that has obtained a dental license in another state and comes to Ohio to practice

on compact privilege will not be subject to the same discipline that an Ohio license holder will be.

I am not alone in my concerns. I have spoken with several former members of the Ohio State Dental Board and they agree with the deficiencies of Sub. S. B. 40. I have already provided you with a list of those individuals, 5 of whom are your constituents. Current Ohio State Dental Board members have also expressed their concerns even if the full board has not issued a formal position.

Another flaw of Sub. S. B. 40 is its failure to provide its economic impact on the taxpayers of Ohio. The bill, in Section 3 A, lines 204-205, specifically state, "Pay a participation fee to the Commission as established by Commission Rule." Not only does the compact language not provide what the fees for this service will be, these fees will be levied regardless if there is a single compact provider practicing in our state. Our neighbor to our west, Indiana, recently declined to passed this compact legislation, in part, for exactly this reason... they did not want to pass a bill with an unknown financial impact.

Another concern of mine is the establishment of a two-tiered health care system. You may not be aware that, if Sub S. B. 40 is enacted, dentists that enter the state on compact privilege will have been licensed under different requirements that the Ohio State Dental Board requires of its licensees. An example of this is the State of Wisconsin, who is already a member of the compact. Dental students from Marquette University, as of later this year, will receive a dental license by virtue of graduation only. Sub. S. B. 40 gives these licensees an unfair competitive advantage over our own students at Ohio State and Case Western, who must adhere to the licensure requirements established by the Ohio State Dental Board.

I implore the committee to consider amendments to SB 40 to strengthen the public protections as well as ensure Ohio has adequate authority over who is practicing in Ohio. I have included a summary of the amendments I am suggesting.

Once again, I want to thank the members of the committee for your time and attention to a critical matter that could change the face of dentistry and lower the standards of dentistry in Ohio.

Mark T. Armstrong, DDS

Proposed Amendments to SB 40

The following amendments are necessary to address the major issues posed by SB 40. The amendments would:

1. Specify that a compact privilege holder must have passed either: (a) the American Board of Dental Examiners (“ADEX”) initial licensing examinations or (b) a psychomotor examination adopted by the Compact Commission that is an independent, clinical hand-skills test of the candidate’s performance in performing the following dental procedures: restorative, endodontics, prosthodontics, and periodontal diagnosis and treatment and the following dental hygiene procedure: periodontal diagnosis and treatment.

This amendment continues the 100-year old requirement by 47 states of completion of a hand-skills examination as a condition for licensure, and continues a national standard of surgical competence.

2. Clarify that a compact privilege holder is subject to (a) the jurisdiction of the state dental board and (b) all laws governing the practice of dentistry.

While the bill’s supporters claim that compact privilege holders are already subject to the state’s laws and to the jurisdiction of the Ohio Dental Board, the law is unclear. This amendment removes any ambiguity on those points.

3. Require out-of-state licensees to register with the Ohio Dental Board, so the Board knows who is practicing in the state and may review their ability to practice under Ohio’s laws.

This amendment establishes the mechanism necessary to allow the Dental Board to exercise its legal obligations. If the Dental Board does not know who is practicing in the state, it cannot enforce the state’s laws and regulations, especially those regarding criminal convictions and prior disciplinary history.

4. Limit the Compact Commission’s rulemaking authority to: (a) matters concerning the implementation and administration of the Compact, and (b) matters that do not override or conflict with current state laws and regulations.

This amendment helps preserve the state’s legislative authority and prevents regulatory overreach.