



**OHIO
STATE
DENTAL
BOARD**

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Billie Sue Kyger, D.D.S.
President

Lawrence B. Kaye, D.D.S.
Vice President

William G. Leffler, D.D.S.
Secretary

Ketki B. Desai, D.D.S.
Vice Secretary

Jacinto W. Beard, D.D.S.

W.Chris Hanners, D.D.S.

MaryBeth D. Shaffer, D.D.S.

Douglas W. Wallace, D.D.S.

Mary Ellen Wynn, D.D.S.

Clifford Jones, R.D.H.

Linda L. Staley, R.D.H.

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THE OHIO STATE DENTAL BOARD

Testimony before the Senate Finance Committee

Presented by:

LILI C. REITZ, Esq.
Executive Director

May 4, 2011



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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. The current members of the Board are:

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

Douglas W. Wallace, DDS, Vice-President
Oral and Maxillofacial Surgeon, West Chester, OH

William G. Leffler, DDS, Secretary
General Dentist, Massillon, OH

Ketki B. Desai, Vice-Secretary
General Dentist, Columbus, OH

Jacinto Beard, DDS
General Dentist, Columbus, OH

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

Billie Sue Kyger, DDS
General Dentist, Gallipolis, OH

Marybeth Schaffer, DDS
General Dentist, Leetonia, OH

Mary Ellen Wynn, DDS
General Dentist, Cincinnati, OH

Linda Staley, RDH
Dental Hygienist, Lima, OH

Clifford Jones, RDH
Dental Hygienist, Cincinnati, OH

James Lawrence
Public Member, Akron, OH

BOARD STAFF

The Board staff consists of fourteen (14) FTE's including an Executive Director, an Enforcement Supervisor, six (6) enforcement officers, and five (5) administrative staff.

Present members of the Board administrative staff include:

Lili C. Reitz, Esq.	Executive Director
Jayne Rasmussen	Licensing Coordinator
Linda A. Daubenmire	Administrative Assistant
Malynda K. Franks	Executive Secretary
Evelyn Fyffe	Secretary
Megan Bennett	Clerk

Present members of the Board enforcement staff include:

Quentin L. Holmes	Enforcement Supervisor
Larry R. Powell	Enforcement Officer
Michael T. Flugge	Enforcement Officer
Harry J. Pasku	Enforcement Officer
Kathy S. Carson	Enforcement Officer
Gail Noble	Enforcement Officer
Barb Yehnert	Investigator Assistant
Heidi Massaro	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.

The licensure statistics for FY 2010 are as follows:

LICENSES ISSUED:

Dental licenses issued by examination:	257
Dental Hygiene licenses issued by examination:	391
Dental licenses issued by credentials:	11
Dental Hygiene licenses issued by credentials:	1
Dental Assistant Radiographers:	1,498
Coronal Polishing certificates issued	148
Expanded Function Dental Auxiliaries registered	296

LICENSEES REGISTERED TO PRACTICE AS OF JUNE 30, 2010:

Dentists:	6,963
Dental Hygienists:	7,779
Dental Assistant Radiographers:	12,804
Limited Resident Licenses:	281
Limited Teaching Licenses:	31
Limited Continuing Education Licenses:	34
Coronal Polishing	860
Expanded Function Dental Auxiliary	1,342

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.

WEBSITE

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 new NEWSBITES section has been created to give up-to-date information in lieu of publishing a newsletter twice a year. The website contains significant information which 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 Board Secretaries, who oversees all investigative action of the Board.

When the Board Secretaries are satisfied that all relevant information has been obtained in order to make a determination in the case, the Board Secretaries, 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 Secretaries determine 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 Secretaries 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 issues 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 Secretaries 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 panel of experts monitor 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

The enforcement statistics for FY 2010 are as follows:

Complaints and Investigations

Cases carried over from previous year.....	54
New cases assigned	449
Total cases investigated.....	503

Classification of Cases

Standard of Care.....	326
Infection Control	15
Unlicensed practice	4
Misrepresentation.....	31

Drugs (selling, prescribing, giving away).....	4
Permitting Unlicensed Person to Practice.....	7
Practice without License.....	12
Advertising.....	17
Impairment.....	10
Immoral Conduct.....	20
Adverse Occurrence.....	5
Continuing Education.....	2
Renewal.....	4
Licensing.....	2

Charges Filed and Citations Issued

Administrative Charges Filed.....	6
Evidentiary Reviews.....	2
Hearings Held.....	0
Suspensions.....	12
Revocations.....	0
Consent Agreements.....	25
Hearings Pending.....	3
Warning Letters.....	42
Infection Control Evaluations.....	617
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 boards to provide a web-based system for managing the licensing process.

MISCELLANEOUS ISSUES

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 2012-2013 BIENNIUM

The Board's budget proposal for FY 2012-2013 is based upon the budget levels established by the Office of Budget and Management (OBM). The amount approved for the Board for the upcoming biennium is less than what the Board has requested. The Governor's recommended funding for the Board for FY 2012 is \$1,574,715 (\$37,197 less than the requested amount), and \$1,545,684 for FY 2013 (\$36,733 less than the requested amount).

In preparing the Board's original budget proposal that was submitted to OBM in November of 2010, the Board anticipated the need to increase fees to support its funding request. However, after re-examining the figures with our OBM analyst, the Board was willing to trim funding in the area of personal service contracts (experts, hearing examiners, court reporters), and in maintenance expenses. Based on revenue, which is estimated to be \$3,195,302 for FY's 2012-2013, the Board was requesting funding in the amount of \$3,194,329. This left a reserve amount of \$973.

By reducing the requested amount by \$37,197 in FY 2012, and \$36,733 in FY 2013, the Board will have a difficult time operating at the level the Board, our licensees and the public we serve expect and require.

The Board has concerns with this significant decrease. The Board understands that there may be possible savings in the area of employee pension and health insurance contributions. However, the Board is respectfully and cautiously expressing its concerns to have its budget request reduced by this amount.

PROGRAM BUDGET REQUEST

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 FOR 2012-2013

Additional expenses that were not the Board's previously, such as now being required to pay for its audit, and being required to pay a \$265 monthly internet access fee, will have to be accommodated by these funds. Further, recently enacted legislation creates additional licensing and reporting requirements that the Board will attempt to address with current staffing levels and resources.

The majority of the Board's projected budget is slated for payroll. An additional pay period and payroll supplement was also included in the figures for the upcoming biennium.

4K9 FUND

In the past the Board maintained a reserve balance in the 4K9 fund. This balance is no longer an amount the Board can utilize when other mandates and expenses are imposed upon the Board. In the past, certain services and their related expenses were not borne by the Board, such as Treasurer's Office services, computer support through the Department of Administrative Services, etc.

When the Board was required to then cover those expenses, it was able to use reserves from its balance in the 4K9 fund, and then subsequently include those costs in future budget requests. This budget we need to account for additional services that were not historically the Board's.

Not having a balance in the 4K9 fund to draw from when necessary for unforeseen circumstances poses an additional challenge for the Board.

Despite these challenges, the Board is committed to working with whatever funding is appropriated, to continue to be efficient, and most importantly, effective, in the services provided to the public and to the regulated profession.

CONCLUSION

The Board respectfully requests that the budget proposal for FY 2012/2013 be approved at the levels requested by the Board. The amount requested is \$1,611,912 for FY 2012, and \$1,582,417 for FY 2013. This funding will enable the Board to continue its activities and programs with a focus on protection of the public and improved service to both the public and the profession. The Board looks forward to another challenging year, and looks to you for support which will better equip the Board with the means to meet these challenges.