

# Governor's Response to the House Health Committee

(Replication of letter from Governor Taft to Representative VanVyven  
November 2, 2000)

I have reviewed the final recommendations of the Ohio House of Representatives' health, Retirement and Aging Committee regarding the Ohio State Dental Board. I understand and appreciate the Committee's concerns regarding the Board's investigative and hearing procedures. I am also pleased that the Committee recognizes the critical role that the Dental Board plays in ensuring that Ohio's citizens are treated only by competent, ethical and professional practitioners. I, too, recognize this important function of the Board and I am committed to supporting the Board's regulatory role in every way I can.

I am well aware of the issues that have arisen in connection with the Dental Board. Several members of my senior staff have devoted substantial time and energy in examining the fairness of the Board's procedural rules as well as assessing its overall effectiveness as a regulatory board - both in the past and currently. I know your committee also evaluated the Board and the Committee's recommendations are intended to improve the Board's administrative process. Although I do not believe it is appropriate or necessary for me to comment on every recommendation made by the committee, I do want to address a couple of specific issues raised in the Committee's report.

First and foremost, I do not believe that all members of the Dental Board should resign. Given the expertise, experience and commitment to the public safety that current Board members have demonstrated, coupled with recent improvements in a variety of managerial and procedural areas, I believe Board resignations would not be in the public's interest, or in the interest of the dental professionals.

During the past five (5) years, I believe the Dental Board has become a stronger and more effective regulatory body. Improvements were made that have enabled the Board and its staff to increase their effectiveness in protecting Ohio's dental consumers by ensuring that those who violate the Dental Practices Act are dealt with in an efficient, fair and responsible manner. Most notably, the Board has become much more effective in its enforcement activities - as evidenced by the significant increase in the number of Administrative charges filed and resolved.

Although I believe the Board deserves credit for improving its regulatory effectiveness during the past five (5) years, I too was concerned about the Inspector General's investigative report dated February 11, 2000. As you are aware, the Inspector General's report contained no findings of wrongdoing or omission. However, it did identify certain conduct that created an appearance of impropriety. The report also contains a number of recommendations designed to minimize the appearance of conflicts of interest in the future, as well as to improve managerial and operating procedures. I publicly urged the Dental Board to implement those recommendations and it responded in a prompt and productive fashion. It is my understanding that the Dental Board has implemented, or is in the process of implementing, all of the Inspector General's recommendations.

It is also my understanding that the Dental Board has adopted new public hearing rules modeled after those used by the State Medical Board. These new hearing rules should address the fairness concerns raised by licensees who were unhappy with the enforcement action taken against them by the Board. I know that the fairness of procedural rules for conducting administrative hearings was one of the primary issues of concern to your Committee.

The Board has also taken other action to strengthen its organizational structure and management effectiveness. The Board recently hired Col. Kenneth Marshall as Assistant Executive Director of the Board. I strongly recommended Col. Marshall for this position. As you are aware, Cor. Marshall was formerly Superintendent of the State Highway Patrol. Among other duties, the

Dental Board has authorized Col. Marshall to reorganize the enforcement division, develop an enforcement manual and implement specific procedures to better manage investigators' daily activities. I believe that the addition of Col. Marshall to the Board's management team will assist the Board and its Executive Director in fairly and effectively fulfilling its regulatory responsibility.

I have also strengthened the Board during my term as Governor by appointing competent and ethical dental professionals as Board members. These new members already have demonstrated their significant talents and commitment of time and energy to the Board. Furthermore, I appointed Scott Borgemenke as the consumer representative on the Board. As you know, Scott brings a broad range of valuable talent and judgement to the Board that will be of great benefit.

Furthermore, I asked my Chief of Staff and Chief Legal counsel to meet with each member of the Dental Board to assess their demeanor, commitment and effectiveness. Although this task was time-consuming, it confirmed my strong belief that Board members are fair, dedicated professionals who are committed to protecting the public - and to conducting a fair hearing process.

Lastly, my Chief of Staff and Chief Legal Counsel met with representatives of the Ohio Dental Association. It is my understanding that the meeting was informative and productive. It is apparent to me that the Dental Board and the Dental Association need to work harder at developing a healthy and productive relationship. I will do all I can to facilitate the development of such a relationship. I should also point out that with respect to your eighth recommendation, I have given significant consideration to the recommendations I receive from the Ohio Dental Association at the time of their appointment. Having said that, however, Board appointments fall within my responsibilities as Governor and I will continue to appoint people who I believe will do the best job in fulfilling the responsibilities of a Board member.

You may be aware that I recently received the resignation of Board President Dr. Donald E. Demkee, effective December 31, 2000. Dr. Demkee's term would have expired April, 2001. Dr. Demkee expressed the need to devote more time to his other public service responsibilities as well as a desire to take several months off during the first quarter of next year for personal reasons. I have accepted Dr. Demkee's resignation.

Thank you for your Committee's work and I am confident that we will see fair, efficient and effective regulatory action by the Dental Board in the months and years ahead.

Sincerely,

Bob Taft  
Governor