

OHIO STATE DENTAL BOARD POLICY GUIDELINE REGARDING LEGISLATIVE REPRESENTATION

Preamble: The General Assembly has established the parameters of the Board's power, authority and jurisdiction through enabling legislation which created the Dental Board. Thus, the General Assembly has delegated to the Board the responsibility for the implementation of Chapter 4715 of the Ohio Revised Code.

The Dental Board has a unique perspective and thus a responsibility to provide consultation to legislators, through advocacy and consulting efforts, regarding the crafting of laws and rules affecting the regulation of the practice of dentistry, dental hygiene, and dental assistant radiography, as that relates to the public's interest. Advocating and consulting occurs in a variety of ways and includes: contacts and/or meetings with legislators and other interested parties; testifying at hearings; writing letters; and providing oral and written information.

CRITERIA USED TO DETERMINE THE EXTENT OF THE BOARD'S LEGISLATIVE INVOLVEMENT

The extent of the Board's legislative involvement will be directly related to the extent to which the following are affected by a proposed piece of legislation:

- The relationship of the proposed legislation to the power, authority or jurisdiction of the Board.
- The impact of the legislation on the functioning of the Board as a state agency.
- The extent to which the legislation directly affects the ability of the Board to effectively enforce the law and rules regulating the practice of dentistry, dental hygiene and dental assistant radiography.
- If the legislation required the Board to take on new or additional responsibilities:

- Whether the legislation can be effectively implemented.
- Whether the legislation includes adequate funding for a new mandate.
- Whether the legislation includes an appropriation mechanism to obtain the funds needed to implement the mandate.
- The impact of the legislation on the Board's disciplinary or other procedural processes.
- The impact of the proposed legislation on the regulation of the practice of dentistry, dental hygiene and dental assistant radiography.

REGISTERING AS A LEGISLATIVE AGENT

Ohio law requires filings with the Joint Legislative Ethics Committee (JLEC) by legislative agents and their employers. Section 101.70(E) of the Revised Code defines a legislative agent as “any individual...who is engaged during at least a portion of his time to actively advocates as one of his main purposes.” An employer is “any person who, directly or indirectly, engages a legislative agent.” In turn, “actively advocate” means to “promote, advocate, or oppose the passage, modification, defeat or executive approval or veto of any legislation by direct communication with any member of the general assembly, any member of the controlling board, the governor, the director of any department listed in section 121.02 of the Revised Code, or any member of the staff of any public officer or employer listed in this division [including administrative departments of state].” Such registration must be made within 10 days following engagement as a legislative agent.

It should be noted that legislative agents who are also attorneys are governed by the Code of Professional Responsibility of the Supreme Court of Ohio.

In order to ensure compliance with this statutory mandate, the Executive Director will determine which staff members shall register as legislative agents on behalf of the Ohio State Dental Board. The Executive Director shall also assist individual Board members regarding his/her responsibility to register, based upon ongoing or sustained contacts with individual policy makers.

PROVIDING TESTIMONY AND ATTENDING MEETINGS ON BEHALF OF THE OHIO STATE DENTAL BOARD

During the course of the legislative process, it may be necessary for Board members or staff to present written or oral testimony or attend meetings about a legislative issue. When the legislative issue is not one that has been specifically addressed by the Board, the Executive Director shall use the criteria set forth in this guideline to determine the appropriate action to take on behalf of the Board. The Executive Director shall also assure that the position of the Board, as related through testimony or during meetings, is in concert with the Board's mission.

PROVIDING INDEPENDENT TESTIMONY

Any member of the Board or staff may contact a legislative representative, or offer testimony on any legislative issue, as a private citizen, on his/her own time. Such contact or testimony should explicitly state the capacity in which the member is appearing (i.e. personal versus as a representative of the Board). Furthermore, Board members and staff should avoid the perception of a conflict of interest in such situations, and clearly indicate that the views expressed are not representative of the Dental Board itself. Any questions or concerns regarding conflict of interest in these matters should be brought to the Executive Director for discussion and resolution.