

OHIO STATE DENTAL BOARD

ANNUAL REPORT



FY 16/FY17 BIENNIUM

AUGUST 29, 2017

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Ohio State Dental Board
77 S. High Street, 17th Floor
Columbus, Ohio 43215-6135

(614) 466-2580 Tel
(614) 752-8995 Fax
Dental.Ohio.Gov

John Kasich, Governor

Constance Clark, President

Harry Kamdar, Executive Director

August 29, 2017

The Honorable John Kasich
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

Dear Governor Kasich:

On behalf of the Ohio State Dental Board, we are pleased to submit a biennial-format Annual Report that encompasses two fiscal years covering the period July 1, 2015 through June 30, 2017.

During this time period, the Dental Board submitted a biennium budget request for fiscal years 2018 and 2019. In order to have a structurally balanced budget for the biennium, the Board took cost austerity measures by reducing discretionary expenditures and leveraged efficiency and effectiveness. Also, the Dental Board worked closely with stakeholders on the budget. This was to build consensus on an appropriate recalibration of revenues to help address the approximately 36% increase in inflation over the preceding 16 years and the related increase in cost of doing business. To this end, the Ohio Dental Association (ODA) and the Ohio Dental Hygienists Association (ODHA) graciously provided letters of support.

Aggressively combating the opioid epidemic has been a key priority for the Dental Board. An all-hands-on-deck charge with a holistic approach has been deployed. The Board has been actively participating in the Governor's Cabinet Opiate Action Team (GCOAT) and has formed its own Opiate Strategy Team to provide laser sharp focus on the response to this epidemic. Furthermore, the Board partnered with other healthcare regulatory licensing boards and the Ohio Dental Association to develop educational tools, guidelines and rules for the prescribing community.

Also, the Dental Board has been closely monitoring reports generated through the Ohio Automated Rx Reporting System (OARRS) that flag potentially non-compliant dentists. Appropriate action has been taken where needed and dentist prescribers have responded in an increasingly compliant manner with the prescribing protocol for opioids. In this regard, the Board is continuing to work closely with stakeholders on potentially implementing deterrence strategies that could act as early intervention options such as monetary fines as deemed appropriate.

The Dental Board has been conducting due diligence regarding a critical national issue whereby state dental boards are potentially facing a legal challenge to recognize dental specialties over and beyond those sanctioned by the American Dental Association (ADA). Therefore, the Board is faced with making a critical decision on potential modifications to its statute and rules. These modifications would possibly recognize specialties not sanctioned by ADA or the Board could face litigation.

As we continue on this journey to protect consumers, we will embrace the best of yesterday and meld it with the best of today to create the best of tomorrow.

Respectfully,



Constance Clark, RDH
Board President



Harry Kamdar, MBA
Executive Director

BOARD OVERVIEW

The Board is comprised of 13 members: nine dentists (two of which are designated as specialists), three dental hygienists and one public member. All of the Board members are appointed by the Governor and serve four year terms. Two board members are selected by their peers to serve as the Secretary and Vice Secretary and oversee the Board's Supervisory Investigative Panel.

The Board meets at least eight times per year. Meeting agendas and minutes are available on the Board's website.

COMMITTEES

The Board addresses a variety of policy issues through its standing committees. Committees formulate reports and recommendations to take to the full Board for approval. Committee meetings typically are held on the same day as the Board meetings. Board actions on committee recommendations are included in the Board meeting minutes. Additionally, each committee is assigned to champion one or more key priorities from the Board's strategic plan.

EDUCATION COMMITTEE

The Education Committee is a committee comprised of six (6) Board members, one of whom is appointed by the Board President as the chairperson. The Education Committee meets immediately prior to regularly scheduled Board meetings. Primary directives of the Education Committee are to review and make recommendations to the Board regarding continuing education providers, specific educational courses that lead to Board-issued certificates or permitted duties of dental auxiliary, and continuing education audits of minimum requirements for licensure renewal. Recommendations from the Education Committee are forwarded to the full Board for further consideration, review and approval.

LAW AND RULES REVIEW COMMITTEE

The Law and Rules Review Committee is comprised of eight (8) members: Six (6) are current Board members, one (1) representative from the Ohio Dental Association and one (1) representative from the Ohio Dental Hygienists' Association. Also, other regular attendees include the Board's Assistant Attorney General, Executive Director and Deputy Director. The primary purpose of the Law and Rules Review Committee is the five-year review of the administrative rules governing the licensing and regulation of the profession of dentistry and to make changes as deemed necessary by the Board, subject to legislative approval. The Law and Rules Review Committee submits recommendations regarding rule revisions to the full Board for review, consideration, and approval for filing with the Common Sense Initiative and the Joint Committee on Agency Rule Review.

POLICY COMMITTEE

The Policy Committee is comprised of four (4) Board members including a chairperson appointed by the Board President. The committee considers, drafts, and develops policies which clarify the law and rules governing the practice of dentistry, dental hygiene and dental assisting which allow the Board to operate more effectively and efficiently. The Policy Committee makes recommendations to the full Board on policies for review, consideration, and approval.

SCOPE OF PRACTICE COMMITTEE

The Scope of Practice Committee is comprised of four (4) Board members including a chairperson appointed by the Board President. It considers inquiries and develops position statements which clarify the scope of practice for the profession since the field of dentistry is constantly evolving and changing with emerging technologies that offer better solutions to oral health problems. The committee makes recommendations to the full Board with the health, safety and welfare of Ohio's dental consumers as its principal motivation.

OPERATIONS COMMITTEE

The Operations Committee is comprised of three (3) Board members including a chairperson appointed by the Board President. This committee meets on an as-needed basis. The primary focus of the Operations Committee is to review the requirements, responsibilities, processes and procedures for the establishment, operation and management of Board protocols. The Operations Committee reports to the full Board for review, consideration and approval.

AD HOC COMMITTEE

The Ad Hoc Committee is comprised of three (3) Board members including a chairperson appointed by the Board President. The focus of the committee is to review and approve expert witnesses, create disciplinary guidelines and other tasks as assigned by the Board. The Ad Hoc Committee reports to the full Board for review, consideration and approval.

STATEMENT OF REVENUE AND EXPENSES

In odd years, less revenue is collected resulting in a deficit. However, this deficit is offset by a surplus in even years when more revenue is collected. This anomaly is due to the revenue pattern of lower cost license renewals (e.g. EFDAs & Radiographers) occurring in odd years and higher cost license renewals (e.g. Dentists & Dental Hygienists) occurring in even years.

	FY16 (even year)	FY17 (odd year)
REVENUE:		
LICENSURE FEES	\$2,779,297.50	\$552,040.27
EXPENSES:		
PAYROLL	\$1,077,173.18	\$1,148,216.78
PURCHASED PERSONNEL SERVICES	\$50,527.45	\$37,788.05
Administrative	0.00	0.00
Medical Services	34,219.70	27,391.05
State Planned Training	0.00	1,957.00
Vendor Offered Training	1,400.00	430.00
Membership Dues	6,230.00	8,010.00
Witness Fees	182.17	0.00
Unemployment Compensation	13,495.58	0.00
SUPPLIES & MAINTENANCE	\$419,303.56	\$306,528.32
Office Supplies, Equipment & Repairs	14,147.36	7,772.18
Copy, Print, Scan Equip<\$1,000	7,306.14	963.98
Medical Licenses & Permits	99.00	72.38
General Travel & Expenses	39,543.76	38,215.68
Interstate Transfer Goods & Services	286,738.91	227,889.69
IT/Software/Equipment/Perpetual License	778.00	5.96
Network Communications	14,685.35	13,081.22
Bank Fees/Petty Cash/Refunds	48,155.45	8,117.99
Books/Subscriptions	1,276.00	2,518.95
Park/Storage/Messenger/Janitorial/Toll/Equip	6,298.82	7,890.29
Security & Safety	274.77	0.00
OFFICE EQUIPMENT SERVICE	\$0.00	\$11,596.65
IT Equipment/End User	0.00	11,596.65
REFUNDS	\$235.00	\$3,600.00
TOTAL REVENUE	\$2,779,297.50	\$552,040.27
TOTAL EXPENSES	\$1,552,239.19	\$1,507,729.80
SURPLUS or (DEFICIT)	\$1,227,058.31	\$(955,689.53)

LICENSURE

The Board regulates approximately 35,000 licensees, certificate and permit holders. The Board issued 3,004 new licenses, certificates or permits in FY 16 and 2,760 of the same in FY 17.

LICENSURE STATISTICS

	FY 16	FY 17
Dental licenses issued by examination	280	269
Dental Hygiene licenses issued by examination	332	313
Dental licenses issued by credentials	18	18
Dental Hygiene licenses issued by credentials	3	8
Dental Assistant Radiographer certificates issued (Den. X-ray Mach. Oper.)	1,833	1,608
Coronal Polishing certificates issued	145	168
Expanded Function Dental Auxiliary registrations issued	259	226
Limited Continuing Education licenses issued	7	13
Limited Resident licenses issued	122	136
Limited Teaching licenses issued	5	1

LICENSEES REGISTERED TO PRACTICE

	FY 16	FY 17
Dentists	7,088	7,404
Dental Hygienists	8,377	8,720
Dental Assistant Radiographers (Dental X-ray Machine Operators)	16,031	14,421
Limited Residents	353	221
Limited Teaching	37	34
Limited Continuing Education	18	15
Coronal Polishing	1,609	1,784
Expanded Function Dental Auxiliaries	2,221	2,441
Oral Health Access Supervision Permit – Hygiene	98	105
Oral Health Access Supervision Permit – Dentist	31	44
Total:	35,863	35,189

COMPLIANCE AND MONITORING

The Board received 511 complaints in FY 16 and 415 complaints in FY 17. These complaints are followed up on by 5 investigators who travel across the state of Ohio to conduct investigations. Investigative reports are then reviewed by the Supervisory Investigative Panel (“SIP”) consisting of the Board’s Secretary and Vice-Secretary. They make a determination as to whether a case should be presented to the Board for disciplinary action or to close it with no further action. Board members vote on the appropriate action to be taken.

CASE TYPE	FY 16 COUNT	FY 17 COUNT
Adverse Occurrence	11	14
Advertising	8	7
Anesthesia/Sedation Violations	0	0
Bootstrap (Adverse Action Taken by Other Agency)	1	1
Commission of Felony Act	0	0
Commission of Misdemeanor Act in Course of Practice	0	2
Failure to Renew	0	0
Felony	2	1
Fraud/Deception in Obtaining a License	3	1
Fraudulent Billing Practices	15	5
Illegitimately Selling/Prescribing/Administering Drugs	18	12
Impairment	19	8
Infection Control Violations	28	7
Jurisdictional Issues	45	39
Lewd/Immoral Conduct in the Course of Practice	2	0
Manager/Owner Aware of Ongoing Violations by Employee	0	0

Misrepresentation/Deception to Obtain Property	9	1
OARRS Violations	1	29
Permitting	9	2
Practicing Outside Scope	6	1
Standard of Care	297	269
Standard of Care with Significant Patient Injury	7	0
Standard of Care: Excessive/Unnecessary Treatment	11	2
Standard of Care: Informed Consent	5	0
Standard of Care: Patient Records	5	4
Unlicensed Practice	8	10
Violation of Consent Agreement	1	0
Total	511	415

DISCIPLINARY ACTIONS

The Board is authorized to revoke and suspend licenses, certificates and permits, impose probationary requirements, issue suspensions and practice restrictions. The Board is also authorized to deny initial applications or renewal applications.

COMPLAINTS AND INVESTIGATIONS	FY 16	FY 17
Cases carried over from previous year	152	111
New cases assigned	466	415
Total cases investigated	618	526

CHARGES FILED AND CITATIONS ISSUED	FY 16	FY 17
Administrative Charges Filed	5	13
Evidentiary Reviews	0	0
Hearings Held	0	1
Suspensions	11	8
Revocations	0	0
Consent Agreements	20	30
Hearings Pending	0	10
Warning Letters	16	33
Infection Control Evaluations	138	19
Voluntary Surrender/Retirement	2	1

BOARD MEMBERS APPOINTMENT MATRIX

AS OF AUGUST 29, 2017

Board Member Name	Eligible for reappointment?	Expiration of term			
		2018	2019	2020	2021
Constance Clark, RDH - Hygienist, <i>President</i>	No	4/6/2018			
Andrew Zucker, DDS - Dentist	Yes	4/6/2018			
Burton Job, DDS - Dentist	Yes	4/6/2018			
Susan Johnston, RDH - Hygienist	No		4/6/2019		
Bill Anderson, DDS - Dentist	Yes		4/6/2019		
Kumar Subramanian, DDS - Dentist, <i>Vice-secretary</i>	Yes		4/6/2019		
Patricia Guttman, DDS - Dentist, <i>Secretary</i>	Yes		4/6/2019		
Ashok Das, DDS - Dentist, <i>Vice-president</i>	No			4/6/2020	
Michael Ginder, DDS - Dentist, <i>QUIP Coordinator</i>	Yes			4/6/2020	
Ann Aquillo - Public member	No				4/6/2021
Jamillee Krob, RDH, DHEd - Hygienist	Yes				4/6/2021
Vacant (C. Smith, DDS Resignation 2016 - Term ending 4/6/2017)					
Vacant (M.Chambers, DDS Resignation 2016 - Term ending 4/6/2018)					

LEGEND

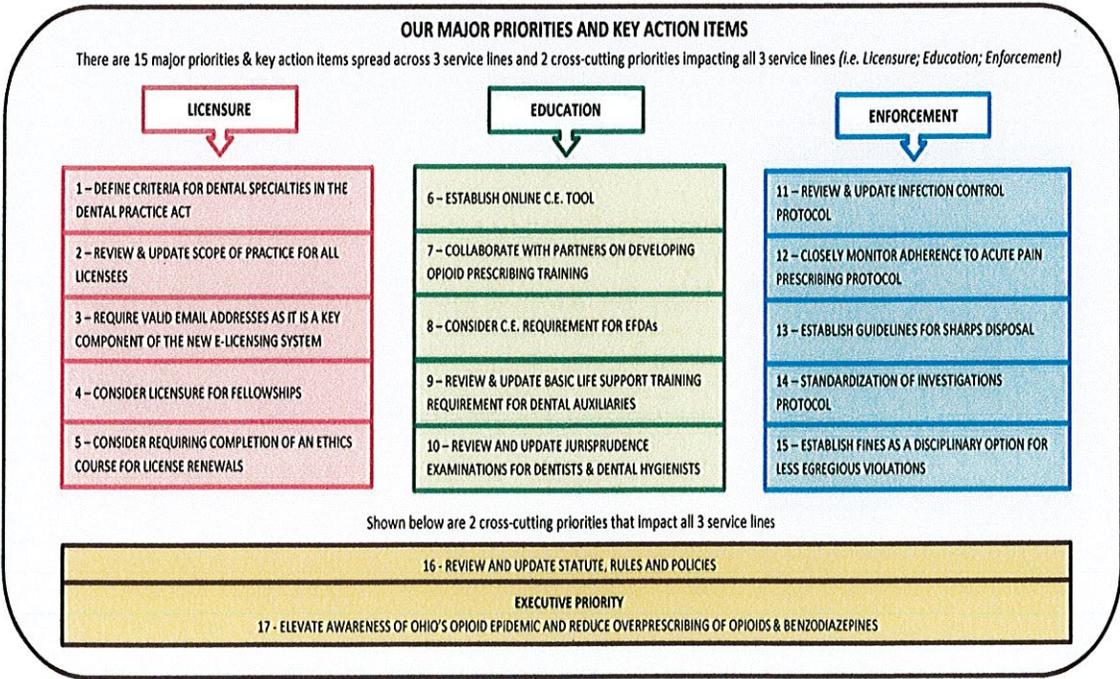
	BLUE - indicates Board member term will expire in 2018
	RED - indicates Board member term will expire in 2019
	YELLOW - indicates Board member term will expire in 2020
	GREEN - indicates Board member term will expire in 2021

**OHIO STATE DENTAL BOARD
STRATEGIC MAP
FOR CALENDAR YEARS 2017 AND 2018**

OUR VISION
Healthy Ohioans through excellence in dentistry.

OUR MISSION
The State Dental Board is entrusted to promote service excellence in dentistry and to protect the public through licensure, education and enforcement of standards with fairness and integrity.

OUR CORE VALUES
S.E.R.V.I.C.E. = Stewardship + Excellence + Respect + Virtuousness + Integrity + Communication + Ethics



OHIO STATE DENTAL BOARD STRATEGIC MAP

FOR CALENDAR YEARS 2017 AND 2018

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OUR MAJOR PRIORITIES AND KEY ACTION ITEMS

There are 15 major priorities & key action items spread across 3 service lines and 2 cross-cutting priorities impacting all 3 service lines (*i.e. Licensure; Education; Enforcement*)

LICENSURE

1 – DEFINE CRITERIA FOR DENTAL SPECIALTIES IN THE DENTAL PRACTICE ACT
2 – REVIEW & UPDATE SCOPE OF PRACTICE FOR ALL LICENSEES
3 – REQUIRE VALID EMAIL ADDRESSES AS IT IS A KEY COMPONENT OF THE NEW E-LICENSING SYSTEM
4 – CONSIDER LICENSURE FOR FELLOWSHIPS
5 – CONSIDER REQUIRING COMPLETION OF AN ETHICS COURSE FOR LICENSE RENEWALS

EDUCATION

6 – ESTABLISH ONLINE C.E. TOOL
7 – COLLABORATE WITH PARTNERS ON DEVELOPING OPIOID PRESCRIBING TRAINING
8 – CONSIDER C.E. REQUIREMENT FOR EFDAS
9 – REVIEW & UPDATE BASIC LIFE SUPPORT TRAINING REQUIREMENT FOR DENTAL AUXILIARIES
10 – REVIEW AND UPDATE JURISPRUDENCE EXAMINATIONS FOR DENTISTS & DENTAL HYGIENISTS

ENFORCEMENT

11 – REVIEW & UPDATE INFECTION CONTROL PROTOCOL
12 – CLOSELY MONITOR ADHERENCE TO ACUTE PAIN PRESCRIBING PROTOCOL
13 – ESTABLISH GUIDELINES FOR SHARPS DISPOSAL
14 – STANDARDIZATION OF INVESTIGATIONS PROTOCOL
15 – ESTABLISH FINES AS A DISCIPLINARY OPTION FOR LESS EGRESSIVE VIOLATIONS

Shown below are 2 cross-cutting priorities that impact all 3 service lines

16 - REVIEW AND UPDATE STATUTE, RULES AND POLICIES

EXECUTIVE PRIORITY

17 - ELEVATE AWARENESS OF OHIO'S OPIOID EPIDEMIC AND REDUCE OVERPRESCRIBING OF OPIOIDS & BENZODIAZEPINES