

OHIO STATE DENTAL BOARD

ANNUAL REPORT



FY 19/FY20 BIENNIUM

SEPTEMBER 10, 2020

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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

Mike DeWine, Governor Jon Husted, Lt. Governor Kumar Subramanian, President Harry Kamdar, Executive Director

September 10, 2020

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

Dear Governor DeWine:

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, 2018 through June 30, 2020.

The year 2020 brought unforeseen challenges in the way of the COVID-19 pandemic that swept through our state, our country, and the entire world. With the health of staff, board members and the public in mind, the Dental Board improvised daily operations and leveraged technology to maintain business continuity during these unprecedented times. This has surprisingly led to the discovery of untapped efficiencies that have created a paradigm-shift in our operations.

Along these lines, the Dental Board voted in the spring to accept manikin-based clinical examinations for new graduates through December 31, 2020 in lieu of patient-based clinical examinations. This was done after careful evaluation and deliberation so as to accommodate the needs of new graduates without compromising the integrity of the licensure process. It is the intention of the Dental Board to thoroughly review all alternatives to patient-based examinations that have recently been introduced by national testing organizations. The protection of Ohioans dental care will remain the most critical priority as the examination methodologies evolve for future graduates.

With the advent of technology, the Dental Board in conjunction with stakeholders has passed rules for the practice of tele-dentistry in Ohio. These rules should conceivably help practitioners address needs in dental access shortage areas of our state. As oral health is commonly considered the gateway to all health, we are hopeful that tele-dentistry will have an impact on the overall health outcomes of Ohioans.

The Dental Board has been conducting due diligence regarding a critical national issue whereby state dental boards including our organization are facing a legal challenge aimed at recognizing dental specialties over and beyond those sanctioned by the American Dental Association (ADA). Therefore, the Dental Board has consulted and worked closely with the Attorney General's office in proposing modifications to its rules on specialty designation and advertising.

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

Respectfully,

Dr. Kumar Subramanian, President

Harry Kamdar, Executive Director

BOARD OVERVIEW

The Board is comprised of 13 members consisting of nine dentists, 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 four (4) Board members, one of whom is appointed by the Board President as the chairperson. The Education Committee generally 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 six (6) members: Four (4) 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.

AD HOC COMMITTEE

The Ad Hoc Committee is comprised of four (4) 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.

RESEARCH COMMITTEE

The Research Committee is comprised of three (3) Board members including a chairperson appointed by the Board President. The focus of the committee is to research any major issues stemming from the other committees that require a deep dive and recommendation on a pathway forward. The Research Committee reports to the respective committee requesting a deep dive and also the full Board.

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.

| | FY19 (odd year) | FY20 (even year) |
|-------------------------------------------------|-----------------------|-----------------------|
| REVENUE: | | |
| LICENSURE FEES | \$797,174.50 | \$3,289,515.00 |
| EXPENSES: | | |
| PAYROLL | \$1,144,733.48 | \$1,172,396.99 |
| PURCHASED PERSONNEL SERVICES | \$40,481.73 | \$32,901.50 |
| Administrative | 164.00 | 0.00 |
| Consultants & Experts | 28,834.19 | 24,791.50 |
| State & Vendor offered Training | 3,750.00 | 1,900.00 |
| Survey services | 0.00 | 0.00 |
| Membership Dues | 7,535.00 | 6,210.00 |
| Witness Fees | 198.54 | 0.00 |
| SUPPLIES & MAINTENANCE | \$341,019.03 | \$389,258.75 |
| Office Supplies, Equipment & Repairs | 4,911.76 | 2,925.81 |
| Copy, Print, Scan Equip<\$1,000 | 8,658.00 | 344.41 |
| Medical Licenses & Permits | 188.00 | 125.50 |
| General Travel & Expenses | 27,966.43 | 23,429.45 |
| ISTV/DAS | 267,261.29 | 279,025.97 |
| IT/Software/Equipment/Perpetual License | 3,150.00 | 3,150.00 |
| Network Communications | 11,672.23 | 12,349.88 |
| Bank Fees for electronic licensing transactions | 14,086.43 | 66,353.42 |
| Books/Subscriptions | 1,410.00 | 1,244.00 |
| Park/Storage/Messenger/Janitorial/Toll/Equip | 1,714.70 | 310.31 |
| OFFICE EQUIPMENT SERVICE | \$0.00 | \$0.00 |
| IT Equipment/End User | 0.00 | 0.00 |
| REFUNDS | \$0.00 | \$4,320.00 |
| TOTAL REVENUE | \$797,174.50 | \$3,289,515.00 |
| TOTAL EXPENSES | \$1,526,234.24 | \$1,598,877.24 |
| SURPLUS or (DEFICIT) | \$(729,059.74) | \$1,690,637.76 |

LICENSURE

The Board regulates approximately 37,000 licensees, registrants, certificate holders and permit holders. The Board issued 2,194 new licenses, registrations, certificates or permits in FY 20 compared to 2,818 in FY 19. The number of dentists licensed to practice in FY 20 was 7,156, a 4% decrease compared to FY 19. The number of dental hygienists licensed to practice in FY 20 was 8,265, a 5% decrease compared to FY 19.

| LICENSURE - NEW | FY 19 | FY 20 |
|----------------------------------------------------------------------------|--------------|--------------|
| Dental licenses issued - examination | 326 | 293 |
| Dental licenses issued - residency | 16 | 19 |
| Dental licenses issued – non-accredited international | 22 | 22 |
| Dental licenses issued - credentials | 7 | 4 |
| General Anesthesia permits issued | 8 | 13 |
| Conscious Intravenous Sedation permits issued | 26 | 10 |
| Dental Hygiene licenses issued - examination | 303 | 96 |
| Dental Hygiene licenses issued - credentials | 4 | 5 |
| Dental Assistant Radiographer certificates issued (Den. X-ray Mach. Oper.) | 1,552 | 1,323 |
| Coronal Polishing certificates issued | 148 | 128 |
| Expanded Function Dental Auxiliary registrations issued | 204 | 101 |
| Limited Continuing Education licenses issued | 53 | 43 |
| Limited Resident licenses issued | 134 | 118 |
| Limited Teaching licenses issued | 3 | 3 |
| Oral Health Access Supervision Permit - Hygienist | 6 | 8 |
| Oral Health Access Supervision Permit - Dentist | 6 | 8 |
| Total: | 2,818 | 2,194 |

| LICENSURE - ACTIVE | FY 19 | FY 20 |
|-----------------------------------------------------------------|---------------|---------------|
| Dentists | 7,461 | 7,156 |
| Dental Hygienists | 8,728 | 8,265 |
| Dental Assistant Radiographers (Dental X-ray Machine Operators) | 14,796 | 16,505 |
| Limited Residents | 314 | 303 |
| Limited Teaching | 39 | 37 |
| Limited Continuing Education | 57 | 55 |
| Coronal Polishing | 2,117 | 2,245 |
| Expanded Function Dental Auxiliaries | 2,778 | 2,834 |
| General Anesthesia permit | 275 | 288 |
| Conscious Intravenous Sedation permit | 475 | 485 |
| Oral Health Access Supervision permit – Hygienist | 101 | 101 |
| Oral Health Access Supervision permit – Dentist | 45 | 35 |
| Total: | 37,186 | 38,309 |

ORAL HEALTH ACCESS SUPERVISION PROGRAM (OHASP)

| Compilation of OHASP Services Based on Self-Reported Data FY 13 through FY 20 | | | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|-------|-------|------|------|-------|------|------|
| OHASP STATISTICS | | DENTISTS | | | | | | | |
| | | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| Number of Applications | | 21 | 6 | 11 | 11 | 9 | 15 | 7 | 8 |
| Number of Permits Issued | | 21 | 6 | 11 | 11 | 9 | 15 | 6 | 8 |
| Number of Permits Renewed | | N/A | N/A | 26 | 20 | 35 | 24 | 2 | 5 |
| Number of Permits Active | | N/A | N/A | 37 | 31 | 44 | 39 | 45 | 35 |
| Geographical Location | # of Facilities | 120 | 102 | 32 | | | 39 | N/A | |
| | # of Counties | 17 | 27 | 18 | | | 22 | N/A | |
| Number of Clinical Evaluations Conducted By A Dentist | | 2,354 | 5,862 | 980 | | | 1,194 | N/A | |
| OHASP STATISTICS | | DENTAL HYGIENISTS | | | | | | | |
| | | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| Number of Applications | | 23 | 17 | 16 | 17 | 4 | 5 | 8 | 8 |
| Number of Permits Issued | | 23 | 17 | 16 | 17 | 4 | 4 | 6 | 8 |
| Number of Permits Renewed | | N/A | N/A | 76 | 81 | 101 | 91 | 0 | 6 |
| Number of Active Permits | | N/A | N/A | 92 | 98 | 105 | 95 | 101 | 101 |
| Geographical Location | # of Facilities | 131 | 164 | 64 | | | 78 | N/A | |
| | # of Counties | 17 | 27 | 18 | | | 22 | N/A | |
| Number of Patients Seen By A Dental Hygienist | | 4,173 | 6,507 | 1,202 | | | 1,465 | N/A | |
| <p>Disclaimer - This table is presented for general information purposes only. Information was arrived at using historical data that was very limited due to system constraints and through self-reported data. N/A was used in cases where information was not available. Geographical location information, number of clinical evaluations conducted by dentists and number of patients seen by dental hygienists for 2020 was not available at time of preparing this table. That information will be available through the license renewal process for dentists and dental hygienists that begins 10/1/21 and concludes 12/31/21 excluding late submissions.</p> | | | | | | | | | |

COMPLIANCE AND MONITORING

The Board received 472 complaints in FY 19 and 398 complaints in FY 20. These complaints are followed up on by 4 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 19 COUNT | FY 20 COUNT |
|--------------------------------------------------------|-------------|-------------|
| Adverse Occurrence | 14 | 8 |
| Advertising | 6 | 2 |
| Anesthesia/Sedation Violations | 1 | 0 |
| Bootstrap (Adverse Action Taken by Other Agency) | 4 | 9 |
| Commission of Felony Act | 0 | 0 |
| Commission of Misdemeanor Act in Course of Practice | 1 | 1 |
| Failure to Renew | 0 | 0 |
| Felony | 12 | 12 |
| Fraud/Deception in Obtaining a License | 4 | 0 |
| Fraudulent Billing Practices | 26 | 17 |
| Illegitimately Selling/Prescribing/Administering Drugs | 11 | 15 |
| Impairment | 14 | 17 |
| Infection Control Violations | 13 | 13 |
| Jurisdictional Issues | 90 | 32 |
| Lewd/Immoral Conduct in the Course of Practice | 6 | 3 |
| Continuing Education | 0 | 0 |

| | | |
|---------------------------------------------------|------------|------------|
| Misrepresentation/Deception to Obtain Property | 3 | 3 |
| OARRS Violations | 6 | 0 |
| Permitting | 7 | 4 |
| Practicing Outside Scope | 0 | 0 |
| Standard of Care | 195 | 231 |
| Standard of Care with Significant Patient Injury | 6 | 0 |
| Standard of Care: Excessive/Unnecessary Treatment | 15 | 6 |
| Standard of Care: Informed Consent | 8 | 0 |
| Standard of Care: Patient Records | 7 | 13 |
| Unlicensed Practice | 18 | 11 |
| Violation of Consent Agreement | 5 | 1 |
| Total | 472 | 398 |

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 19 | FY 20 |
|---------------------------------------|-------|-------|
| Cases carried over from previous year | 158 | 119 |
| New cases assigned | 383 | 367 |
| Total cases investigated | 541 | 486 |

| CHARGES FILED AND CITATIONS ISSUED | FY 19 | FY 20 |
|------------------------------------|-------|-------|
| Administrative Charges Filed | 8 | 7 |
| Evidentiary Reviews | 0 | 1 |
| Hearings Held | 4 | 3 |
| Suspensions | 10 | 6 |
| Revocations | 2 | 2 |
| Consent Agreements | 24 | 8 |
| Hearings Pending | 2 | 6 |
| Warning Letters | 29 | 22 |
| Infection Control Evaluations | 7 | 1 |
| Voluntary Surrender/Retirement | 0 | 0 |

BOARD MEMBERS MATRIX

APPOINTMENTS AS OF SEPTEMBER 10, 2020

| Board Member Name | Eligible for reappointment? | Expiration of term | | | |
|--------------------------------------------------|-----------------------------|--------------------|----------|----------|----------|
| | | 2021 | 2022 | 2023 | 2024 |
| Vacant - Public member | | | | | |
| Jamillee Krob, RDH, DHEd - Dental Hygienist | Yes | 4/6/2021 | | | |
| Theodore Bauer, DDS - Dentist (QUIP Coordinator) | Yes | 4/6/2021 | | | |
| Andrew Zucker, DDS - Dentist (Vice-Secretary) | No | | 4/6/2022 | | |
| Faisal Quereshy, MD, DDS - Dentist | Yes | | 4/6/2022 | | |
| Canise Bean, DMD, MPH - Dentist (Vice-President) | Yes | | 4/6/2022 | | |
| Mary Kaye Scaramucci, RDH - Dental Hygienist | Yes | | 4/6/2022 | | |
| Kumar Subramanian, DDS - Dentist (President) | No | | | 4/6/2023 | |
| Michele Carr, RDH - Dental Hygienist | Yes | | | 4/6/2023 | |
| Kathy Brisley-Sedon, DDS - Dentist | Yes | | | 4/6/2023 | |
| Murali Lakireddy, DDS - Dentist | Yes | | | 4/6/2023 | |
| Timothy V. Kyger, DDS - Dentist (Secretary) | No | | | | 4/6/2024 |
| Paul Kelley, DDS - Dentist | Yes | | | | 4/6/2024 |

LEGEND

| |
|----------------------------------------------------------|
| BLUE - indicates Board seat is vacant |
| RED - indicates Board member term will expire in 2021 |
| YELLOW - indicates Board member term will expire in 2022 |
| GREEN - indicates Board member term will expire in 2023 |
| ORANGE - indicates Board member term will expire in 2024 |

STRATEGIC MAP

OHIO STATE DENTAL BOARD
STRATEGIC MAP
 FOR FISCAL YEARS 2019/2020

OUR VISION

Healthy Ohioans through excellence in dentistry.

OUR MISSION

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

OUR CORE VALUES

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

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 EGREGIOUS 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