



OHIO STATE DENTAL BOARD

e-Bulletin

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*The e-Bulletin is published electronically by the Ohio State Dental Board on a periodic basis and e-mailed to all licensees, registrants, certificate holders and permit holders. It is **best viewed on a desktop** but can also be viewed on mobile devices. The purpose of the e-Bulletin is to provide a quick overview of items of interest and is not intended to be exhaustive and detailed like a journal. Please ensure your email address is current on the e-Licensing system. Other interested parties may subscribe to the e-Bulletin by sending an email to zachary.russell@den.ohio.gov. Additionally, please send your ideas, suggestions and feedback to harry.kamdar@den.ohio.gov.*

DENTAL SPECIALTY DESIGNATION AND ADVERTISING

The Board passed a motion at the March 7th, 2018 Board meeting to temporarily suspend the enforcement of the Board's specialty designation (O.A.C. 4715-5-04) and advertising (O.A.C. 4715-13-05) rules until such time that the Board has amended said rules.

Please note that **not any dentist may claim to be a specialist** and advertise as such. Until the Board revises said rules and the revisions become effective, a dentist may advertise as a specialist if he/she has completed an accredited program in a specialty currently recognized by the American Dental Association (ADA) or is a diplomate of a national certifying board of a specialty currently recognized by the ADA or is a diplomate of a certifying board of a specialty currently recognized by the American Board of Dental Specialties (ABDS). It is anticipated that the Board will vote to amend said rules in the near future.

“BUILDING BRIDGES” WITH THE EXECUTIVE DIRECTOR

To Regulate or Not To Regulate

By Harry Kamdar, MBA, Executive Director, Ohio State Dental Board

harry.kamdar@den.ohio.gov

“*To be, or not to be*” was the opening phrase of a scene in William Shakespeare’s play, *Hamlet*. If I may extrapolate that famous phrase to today’s modern theater of rules and regulations, I would humbly submit, “*To regulate, or not to regulate*”.

This ignites an intriguing chain of thoughts anchored by the question, “Why do we have rules and regulations?” Many philosophers and theologians have tackled this question but this brief article does not contemplate any of those theories. Yet, one has to harken back to certain theological schools of thought that supposedly suggest the failure by the earliest humans to follow the very first rule in the history of the universe ostensibly led to more rules. In other words, the lack of compliance by humans in all walks of life over the course of time has led to an explosion of additional rules in all matters of life.

Dentistry is not an exception to this exponential growth in rules and regulations ever since the inception of the first *Dental Board of Examiners of Ohio* appointed by His Excellency, Governor William McKinley in 1892. Of course, the modern day moniker of dentistry’s independent government regulatory authority in Ohio is the *Ohio State Dental Board*. Ohio’s *Dental Practice Act*, circa 2017, consists of approximately 129 pages of statute and rules. The *Ohio Revised Code* takes up 42 pages and the *Ohio Administrative Code* is double of that at 86 pages.

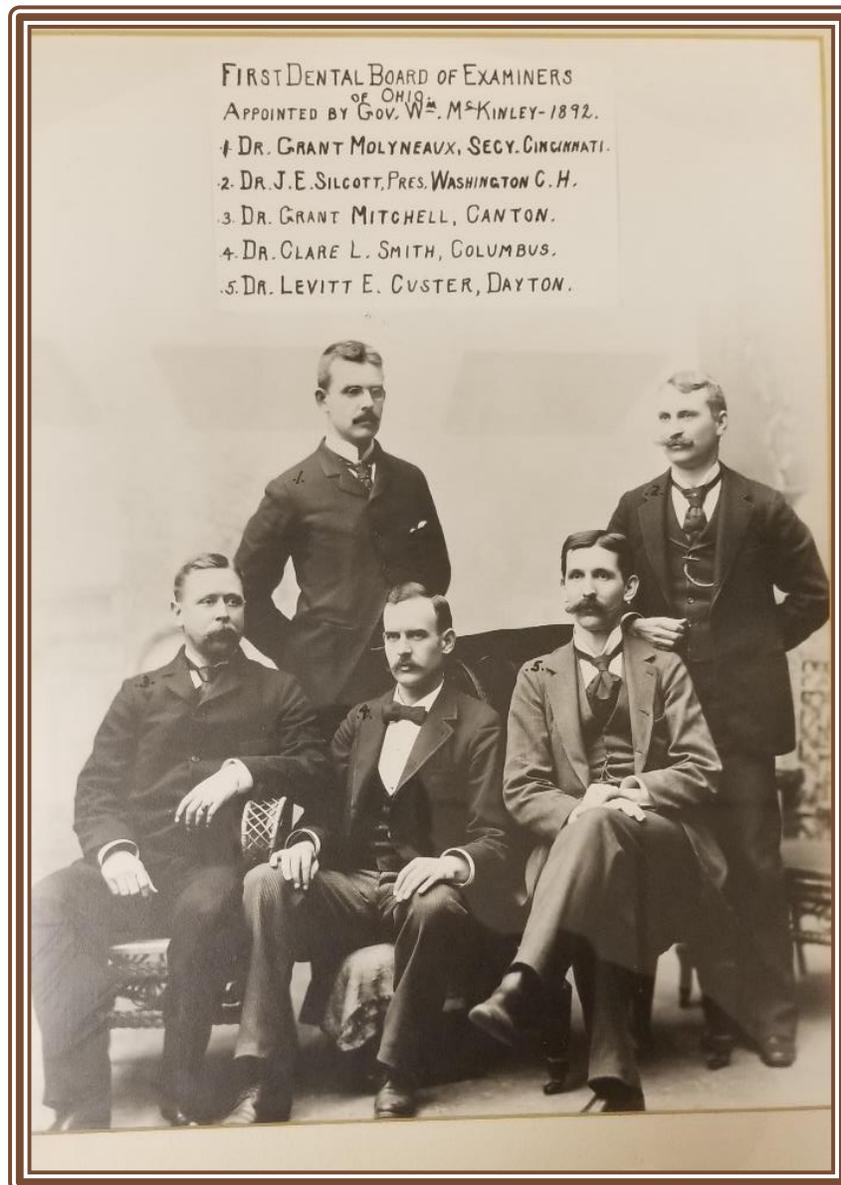
As we contemplate the need for so many rules and regulations, *Merriam-Webster’s* defines “regulation” as, “a rule or order issued by an executive authority or regulatory agency of a government and having the force of the law.” To be clear, we are not talking about ground rules, policy statements or position papers that are largely internally generated by a regulatory board rather than through the legislature. We are talking about rules and regulations that are enforceable under the law of the land, vis-à-vis the *Ohio Revised Code* and the *Ohio Administrative Code*. Non-compliance to the law can lead to a plethora of undesirable consequences for practitioners and other licensees.

More rules and regulations means a bigger government as someone has to enforce all of these rules. Is this how you want your public dollars spent? The profession has a choice as would be the case with any other licensed profession, whereby much greater self-policing by dental professionals and a relentless pursuit of best practices can lead to the need for fewer rules and regulations. Expenditures of public dollars could then have a much greater focus on data mining, leveraging of cutting-edge technology and sharing of resources rather than increasing the size of the enforcement budget. Ultimately, it can lead to lower license application and

renewal fees as the footprint of the dental regulatory authority could potentially muster a reduction organically and through attrition. Maximizing the return on investment of public dollars and creating healthy Ohioans through excellence in dentistry is certainly something that everyone can agree on.

Join us in reviewing the *Dental Practice Act* and helping attain a modest goal of a 10 percent reduction in unnecessary and obsolete rules and regulations as embodied in the *Ohio Revised Code* and *Ohio Administrative Code*. Through this holistic approach with a 360 degree perspective, we can do a better job of protecting the citizens of the great state of Ohio and at the same time helping dentistry fortify its place among the *crème de la crème* of professions. Together, we all win!

Photograph of the first Dental Board of Examiners of Ohio, circa 1892



BOARD MEMBERS UPDATE

We are pleased to welcome Dr. Faisal Quereshy, M.D., D.D.S., F.A.C.S. and Dr. Canise Bean, D.M.D., M.P.H. to the Board as full-fledged members. Our deepest gratitude to Dr. Burt Job, D.D.S., Ms. Constance Clark, R.D.H. and Ms. Ann Aquillo, Public Member, for their tireless service to the Board. Dr. Job retired and moved out-of-state, Ms. Clark was termed out and Ms. Aquillo tendered her resignation due to the very busy nature of her senior executive position in the private sector resulting in a lack of adequate time to devote to the Board. We wish all of these former Board members well in their future endeavors. On a sad note, we regret to inform you of the passing of Dr. T. Michael Murphy, a former Board member. The Board observed a moment of silence at its May Board meeting to publicly pay its respects to Dr. Murphy.

SUB-ACUTE PAIN AND CHRONIC PAIN PRESCRIBING RULE

As you may be aware, Ohio's healthcare licensing boards approved a rule in October, 2017, to govern prescribing of opioid analgesics for the treatment of **acute pain**. In summary, any licensed dentist in Ohio with a D.E.A. registration can prescribe opioid analgesics for the treatment of acute pain for a maximum period of 7 days, with a limitation of 30 M.E.D. (morphine equivalent dose) per day per patient. Exceptions to this rule consist of prescribing up to 90 M.E.D. per day for Day 1 through Day 3, if justifiable. Also, the 7 day limit can be exceeded, if justifiable, for a period not to exceed 6 weeks. Those dentists exceeding the 30 M.E.D. limit per day and/or the 7 day period of time for prescriptions aggregated over 6 weeks for the same patient, will be monitored by the Board and additional information may be requested. Details can be found in [4715-6-02 Prescribing opioid analgesics for acute pain](#).

Now, Ohio's healthcare licensing boards have proposed a rule to govern prescribing of opioid analgesics for the treatment of **subacute pain** and **chronic pain**. This is a natural build up from the acute pain rule. A press conference was held by the Governor's office on May 2, 2018 to announce the kick-off of this initiative.

The primary distinction between the three categories of pain for the purposes of prescribing opioid analgesics in this proposed rule is as follows:

Acute pain – duration of pain and prescribing period is between 1 day and 6 weeks

Subacute pain – duration of pain and prescribing period is for more than 6 weeks but less than 12 weeks.

Chronic pain – duration of pain and prescribing period is for more than 12 weeks. Prescribing cannot exceed 24 weeks unless directed by a physician pain management specialist.

Another important distinction is that only dentists who are qualified to practice in one of the following areas may prescribe opioid analgesics for the treatment of subacute or chronic pain:

*Oral and Maxillofacial Surgery

*Oral Medicine

*Oro-facial Pain

*Endodontics

*Periodontics

*Anesthesia

There are many checkpoints and safeguards in the proposed rule that require additional steps to be followed as variables change such as increase in dosage. One of the objectives is to ensure the lowest dosage is prescribed for the shortest period of time and that all alternative means of treating the pain have been considered.

Please refer to the proposed rule for details (click on link below). Feel free to send any concerns or comments to the Board by June 30th. The Board is expected to conduct a Public Hearing of said rule in July. The effective date of this rule is projected to be in the September or October timeframe.

<http://dental.ohio.gov/Portals/0/Proposed%20Rule%20Changes/4715-6-03%20Prescribing%20for%20subacute%20and%20chronic%20pain.pdf>

SAFE DISPOSAL OF CONTAMINATED SHARPS

Recently the Board adopted a policy (click on the link below) on the safe disposal of contaminated sharps used in dental offices. The new policy refers to Occupational Safety and Health Administration (OSHA) and Centers for Disease Control (CDC) Federal guidelines, as well as Ohio Environmental Protection Agency (EPA) guidelines with regards to contaminated sharps and their disposal using appropriate puncture-resistant containers which have been clearly labeled. The new policy may be found here:

<http://dental.ohio.gov/Portals/0/Policies/J-620%20-%20Policy%20Regarding%20the%20Disposal%20of%20Sharps.pdf>

LEGISLATIVE UPDATE

Presented below is a summary of legislation that may be of interest to the dental regulatory community and stakeholders. The source of this information is Hannah News Service, Inc. and Board staff.

HB75 PROFESSIONAL LICENSURE-ARMED FORCES (GAVARONE T, MERRIN D) To establish an expedited process to grant a professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state.

Current Status: 3/15/2017 - House Armed Services, Veterans Affairs and Homeland Security, (Second Hearing)

HB145 IMPAIRED MEDICAL PRACTITIONERS (HUFFMAN S, SPRAGUE R) To provide for the establishment of a confidential program for the treatment of certain impaired practitioners and to declare an emergency.

Current Status: 2/8/2018 - SIGNED BY GOVERNOR; eff. Immediately

HB167 PHYSICIANS AND DENTISTS-OPIOIDS (EDWARDS J) Regarding addiction treatment and opioid prescribing by physicians and dentists.

Current Status: 5/17/2017 - House Health, (First Hearing)

HB184 AUTHORIZE TELEDENTISTRY SERVICES (GAVARONE T, DEVITIS A) To authorize the provision of dental services through teledentistry, to require a proposal for creation of a primary care dental student component of the Choose Ohio First Scholarship Program, and to make other changes to the laws governing the practices of dentistry and dental hygiene.

Current Status: 12/5/2017 - Senate Health, Human Services and Medicaid, (First Hearing)

HB289 OCCUPATIONAL LICENSING REVIEW (HOOD R, MCCOLLEY R) To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, to require the Common Sense Initiative Office to review certain actions taken by occupational licensing boards, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

Current Status: 1/30/2018 - House Government Accountability and Oversight, (Second Hearing)

HB367 DENTAL PROVIDER FEE SCHEDULES (DEVITIS A) To prohibit a health insurer from establishing a fee schedule for dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider.

Current Status: 3/7/2018 - House Insurance, (Second Hearing)

HB541 HEALTH SERVICES VOLUNTEERS (PATTERSON J, LATOURETTE S) To authorize health professionals licensed in other states to provide volunteer health services during charitable events.

Current Status: 5/16/2018 - House Health, (Third Hearing)

SB16 HEALTH CARE CULTURE COMPETENCY (TAVARES C) To require certain health care professionals to complete instruction in cultural competency.

Current Status: 3/7/2017 - Senate Health, Human Services and Medicaid, (First Hearing)

SB87 HEALTH INSURANCE-DENTAL FEES (HACKETT R, HUFFMAN M) To prohibit a health insurer from establishing a fee schedule for dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider.

Current Status: 3/28/2017 - Senate Insurance and Financial Institutions, (First Hearing)

SB98 DENTAL THERAPY LICENSING REQUIREMENTS (LEHNER P, THOMAS C) To establish licensing requirements for dental therapists.

Current Status: 2/6/2018 - Senate Health, Human Services and Medicaid, (Second Hearing)

SB110 HEALTH CARE PROFESSIONALS-IDENTIFICATION (TAVARES C) To require a health care professional to wear identification when providing care or treatment in the presence of a patient.

Current Status: 1/23/2018 - Senate Health, Human Services and Medicaid, (First Hearing)

SB119 ADDICTION TREATMENT AND PRESCRIPTIONS (HACKETT R, HOTTINGER J) Regarding addiction treatment and opioid prescribing by physicians and dentists.

Current Status: 5/15/2018 - Senate Health, Human Services and Medicaid, (Third Hearing)

OPIOID PRESCRIBING NEWS LINKS

The following news links are courtesy of the Governor's Cabinet Opiate Action Team and the Ohio Department of Mental Health & Addiction Services.

Paulding Progress, May 15, 2018

[Public forum looks at drug epidemic](#)

Akron Beacon Journal, May 15, 2018

[Two Wooster men sentenced to prison for providing drugs that resulted in overdose death](#)

(Toledo) ABC13, May 16, 2018

[Toledo attorney facing heroin possession charge](#)

Ironton Tribune, May 16, 2018

[Overdose deaths in county increase](#)

Cleveland.com, May 16, 2018

[Cleveland couple indicted on involuntary manslaughter charges in overdose death of 2 year old](#)

AP, May 17, 2018

[Senators Tout \\$3 Million Grant for Opioid Treatment Center](#)

The Parkersburg News and Sentinel, May 17, 2018

[Two sentenced in fentanyl overdoses in Washington County](#)

Cleveland 19 News, May 18, 2018

[Cleveland's Recovery Resources combating Ohio's plague of opioid deaths](#)

ADMINISTRATIVE INFORMATION

Board meeting schedule for rest of calendar year 2018:

June 13, Wednesday – full Board will meet in the morning at 9 a.m. and committees in the afternoon in order to accommodate schedules. Please make a note of this anomaly in the calendar as full Board meetings are typically in the afternoon.

July 25, Wednesday – committees in the morning and full board in the afternoon

September 12, Wednesday – committees in the morning and full board in the afternoon

November 7, Wednesday - committees in the morning and full board in the afternoon

December 5, Wednesday - committees in the morning and full board in the afternoon

Board offices will be closed on the following dates:

5/28/18 - Memorial Day; 7/4/18 - Independence Day; 9/3/18 - Labor Day.

To subscribe, ensure your email address in the e-Licensing system is current. Others wishing to subscribe should send an email request to zachary.russell@den.ohio.gov. Any other comments, feedback, or suggestions should be sent to the Executive Director at harry.kamdar@den.ohio.gov.

