

September 16, 2011
PA State Board of Dentistry Meeting
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Issue

NERB is considering not requiring the use of amalgam on licensure exams and have test takers do a composite instead or to give the option to do so. The state of New Hampshire's SBOD queried PA's Board on this matter. It is reported that some schools are not teaching the use of amalgam (NYU) and students there are doing amalgam for the exam and then promising the patients to replace the new restoration with composite later. It was thought that this might be a backdoor way to ban amalgam, which is still used extensively, especially in under served areas.

The Board will discuss whether Pennsylvania should be part of this. It was noted also that Florida is joining ADEX, which is one step towards a unified national exam.

** National Board scores on part 1 and Part 2 of the boards will replace actual scores with

pass/fail

REPORT OF BOARD CHAIR – Dr. Phil Siegel

On the issue of mid-level providers, Dr. Siegel reported that there is “nothing on the legislative front,” and PA has a capable dental delivery system but they will review anything in the future to augment delivery of care.

When asked by PAGD about flexibility towards those displaced by the floods and the usage of mobile vans as offices in the interim, Dr. Siegel stated that the board is sympathetic and empathetic as long as they (licensees) are in compliance and he doesn't see the Board doing anything. The board is there to answer any questions. Regarding using mobile vans as an office, Dr. Siegel said the person operating the van is responsible if acting as individual license holder and when using the facility temporary use to provide care.

REPORT OF THE BOARD PROSECUTOR

Report of board prosecutor involved a dentist

and pharmacist who were members of the same church going on mission trip and dentist wrote prescription for Motrin and antibiotics to take on trip, outside scope of practice. The recommended consent agreement was a \$6000 civil penalty, 1 year probation and 30 hours CE.

Status of regulations

Now that new governor has people in place, regulations are up and running.

- EFDA scope of practice rulemaking 16A4624 published in PA bulletin on 9/19/11 www.pabulletin.com
- Other rulemaking 16A4616 EFDA approval with Governor's policy office. Issue to impose a fee of \$200 on applying and every two years at renewal to approve EFDA programs. The Office of Regulatory Counsel's Policy Office wanted input from SBOD on its thoughts of removing the \$200 fee because of fears Gov. Corbett would not approve any fees. Gov. Corbett has promised no new taxes or fees.

If not approved by Nov 8, the proposed rulemaking would be dead, and the governor must approve all new fees. The board discussed whether the \$200 charge was a new fee or simply one similar to every other application fee. In addition, would the increased work involved cause the SBOD to incur deficit spending if it was not charged. Dr. Siegel discussed whether the fee should be eliminated to expedite the rulemaking procedure. He was asked whether the fee could be inserted later or whether it would involve a whole new rule, which he was told it would involve.

Discussion regarding whether recommending to eliminate fee now means new rulemaking later if they want to add. Original intent was for a clinical exam for EFDA but it was cost prohibitive so they went with a written exams. And worked with schools to standardize EFDA education board gets authority to certify EFDAs who

graduates from approved school. Approximately 12 schools would be affected. If they run low on money it would be made up by increasing licensure renewal fees.

The SBOD felt the ‘onus was on the institutions’ and it was not a new fee on existing programs.

THE SBOD VOTED it is reasonable and rational to “pay as you go for some services provided” and the burden shouldered by those receiving the benefit and to move forward with the policy as written.