

COPY



November 5, 2004

Ms. Lisa Burns, Administrator
State Board of Dentistry
Bureau of Professional and Occupational Affairs
Pennsylvania Department of State
P. O. Box 2649
Harrisburg, PA 17105-2649

Re: Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II

Dear Ms. Burns:

On behalf of the more than 5,700 members of the Pennsylvania Dental Association (PDA), I am writing in regards to the proposed rulemaking to increase biennial licensure renewal fees for dentists and permit fees for restricted permit II holders.

PDA understands that there are increasing expenses incurred with hearings, enforcing disciplinary actions and assisting impaired professionals. However, PDA questions an exponential increase in licensure fees from \$100 to \$250 within one licensure cycle. There does not appear to be sufficient cause for a significant increase of 150 percent in licensure fees. PDA also cautions the Department of State against a trend in raising fees at this level in future licensure cycles, because it could ultimately impact patients' ability to access dental care should dentists and hygienists elect to practice in other states.

PDA encourages the Pennsylvania Department of State and the State Board of Dentistry to consider other methods to meet its budgetary needs, such as raising the disciplinary charges for licensees or raising fees for those dentists who are licensed in Pennsylvania but practice in a different state. PDA also requests that the Department of State consider increasing licensure fees for hygienists because their infractions and subsequent disciplinary hearings incur costs that should not be absorbed by dentists alone.

Please contact the PDA government relations staff at (717) 234-5941, should you have any questions or concerns. Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in cursive script that reads 'Charles R. Weber DMD'.

Charles R. Weber, DMD
President

cc: PDA Board of Trustees and Council on Government Relations
Senator Robert Tomlinson, Chair, Consumer Protection and Professional
Licensure Committee
Representative Thomas Gannon, Chair, House Professional Licensure
Committee
John R. McGinley, Jr., Esquire, Chairman, Independent Regulatory Review
Commission

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NOV 03 2004
HEALTH LICENSING BOARDS

October 28, 2004

Lisa Burns
Administrator
State Board of Dentistry
P. O. Box 2649
Harrisburg, PA 17105-2649

**RE: Biennial Renewal Fees--Dentist, Restricted Anesthesia Permit II
and Calibration of Nitrous oxide machines**

Dear Ms. Burns:

I would like to make a comment on the proposed increase in nitrous oxide anesthesia permit fees and the proposed regulations requiring calibration of nitrous oxide machines.

I propose that the increased fees for nitrous oxide permit should be used to pay for the state of Pennsylvania to inspect a dentist's nitrous oxide machine. My reason for proposing this is that pending regulation will require calibration of a nitrous oxide machine. This threatens to eliminate the use of nitrous oxide from the dental office. This can occur because calibration of a nitrous oxide machine is not an office procedure. The nitrous unit must be mailed to the manufacturer. This places a great burden on dentists and could eliminate the use of nitrous oxide as a safe and effective treatment for Pennsylvania dental patients. Each dentist on the board should talk with their local dental supply repair person concerning calibration of nitrous oxide machines. You will find that no dental repair person is capable of performing a calibration. The only alternative is to mail the nitrous oxide oxygen analgesia machine back to the manufacturer. This is an expensive

proposition and does not guarantee that the nitrous unit is calibrated. When the unit is transported back to the dental office it can be damaged. I predict that dentists will not bother to spend hundreds of dollars to get their units calibrated. They will simply prescribe and use unregulated oral sedatives which require no permit to use. The safe and effective nitrous oxide analgesia machine will simply collect dust.

I propose that a more logical and reasonable regulation would be to require a dentist to have his nitrous oxide unit tested every few years. If the unit fails the test then it could be sent to the manufacturer for calibration. If the unit is not broken and works according to specifications there is no need for a calibration. The testing of nitrous units could be done with an inexpensive oxygen analyzer that a state technician could carry to the office. The testing could be conducted by the state at the same time the dentist's x-ray unit is tested.

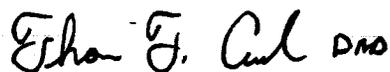
The state technician could check the output of oxygen from the nitrous oxide unit at 50% nitrous oxide and also at the maximum level of nitrous oxide. The fail safe could also be checked at this time.

Hospitals don't periodically recalibrate their flowmeters on general anesthesia machines but they do test the output. Why are Pennsylvania dentists being forced to exceed hospital standards.

Each year, Pennsylvania automobiles undergo testing of the emission system. If the emissions are excessive then the owner is forced to calibrate his engine.

Please consider my recommendation that testing of nitrous oxide machines be performed and that calibration be required only when the machine fails testing. Using the increase in permit fees to pay for testing will satisfy the concerns of the legislature without eliminating nitrous oxide from the armamentarium of Pennsylvania dentists.

Sincerely,

A handwritten signature in black ink that reads "Thomas F. Cwalina DMD". The signature is written in a cursive style.

Thomas F. Cwalina DMD