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From: Angelici, Dino
Sent: Friday, October 17, 2008 9:51 AM
To: Grovich, Christopher
Cc: Ellers, Richard
Subject: act 51

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INDEPENDENT REGULATORY
COMMISSION

Dear Chris,

I hope this note finds you to be well. I know that I may be responding late to this matter. However, I hope the board will consider what I have to offer.

After thoroughly reviewing the proposed language in Act 51, I do believe the board did a fine job in crafting something that will be workable here in Pennsylvania. I do feel that these enhancements to dental practice will benefit dentists and patients.

One area that I am still concerned about is the requirement, no matter what the circumstance may be, for Public Health Dental Hygienists to carry liability insurance.

As I tried to convey to the board last October, employees of the Department of Corrections are already covered by the Department for their dental practice within the system. If they go outside our system to practice, they will require independent insurance coverage.

Requiring a hygienist to carry private liability insurance for their correctional work is redundant. For example, consider that we have PA licensed dentists and hygienists who may be a members of our armed forces. Some of those individuals practice dentistry on soldiers at Ft. Indiantown Gap. These professionals are subject to potential malpractice claims from soldiers. If those occur, they are represented by military attorneys. Any successful claims are paid by the military. I do not believe these individuals will be required to carry additional private liability insurance for their military practice.

The spirit of this new law is that patients are protected in the event that an untoward event occurs during the rendering of dental treatment. I believe the Department of Corrections does currently meet this requirement. It is my hope that the board will consider this and not make redundant insurance coverage a requirement for correctional hygienists.

Please also consider that most insurance companies will not provide coverage to dentists for correctional practice. This is because inmates can be extremely litigious. Even though the vast majority of claims are deemed frivolous and subsequently dismissed, they still require representation, which has significant associated costs. For most companies, adequate coverage cannot be provided at a reasonable fee.

I do thank the Board for considering my concerns and for their tremendous effort in readying this legislation for implementation here in Pennsylvania. Your work has been commendable.

Best Regards,

Dino R. Angelici, DMD
Chief of Dental Services
Pennsylvania Department of Corrections