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Chair

Ariel O'Malley, Board Counsel
State Board of Dentistry
P.O. Box 69523
Harrisburg, PA 17106-9523
RA-STRegulatoryCounsel@pa.gov

Erick J. Bergquist, MD, PhD
Secretary

Martin P. Raniowski, MA
Executive Vice President

Re: State Board of Dentistry
Proposed Regulations: Public Health Dental Hygiene Practitioner
Practice Sites
IRRC # 16A-4633

Dear Ms. O'Malley,

On behalf of the Pennsylvania Medical Society (PAMED), I would like to comment on the proposed regulations for the State Board of Dentistry (Board) regarding public health dental hygiene practitioner practice sites. PAMED appreciates the opportunity to comment on this draft regulation.

PAMED supports the Board's efforts to increase access to dental hygiene services, oral health education, and referrals to dentists. We applaud the Board for taking steps in furtherance of these goals.

PAMED has specific questions concerning § 33.205b(c)(11), which relates to the practice settings where a public health dental hygiene practitioner may perform dental hygiene services without the supervision of a dentist.

In its responses to questions 15 and 16 of the Regulatory Analysis Form, the Board indicates that all the Commonwealth's licensed public health dental hygiene practitioners will be required to comply with these regulations. The Board also indicates small businesses, which would include physician offices, that employ these practitioners would also be affected by the regulations. However, it is not specified to what extent these proposed regulations apply to other health care practitioners, i.e. what extent these proposed regulations would apply to physicians and physician offices that employ public health dental hygiene practitioners.

777 East Park Drive
PO Box 8820
Harrisburg, PA 17105-8820

Membership Inquiries
855-PAMED4U
(855-726-3348)

Tel: (717) 558-7750
Fax: (717) 558-7840
Email: KnowledgeCenter@pamedsoc.org
www.pamedsoc.org

The proposed regulations expand the permissible practice sites of public health dental hygiene practitioners to include the office or clinic of a physician who is licensed by the State Board of Medicine or the State Board of Osteopathic Medicine. However, the proposed regulations do not specify whether allowing public health dental hygiene practitioners to practice in physician offices is a voluntary option left to the discretion of the employing physician.

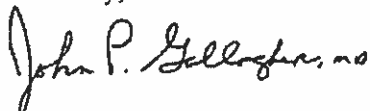
Also, the proposed regulations do not discuss the responsibilities of physicians employing public health dental hygiene practitioners, such as what oversight or supervision must the physician provide to the public health dental hygiene practitioner and what the potential liability is for the employing physician. Nor do the regulations specify to what extent the Board will oversee issues that could arise in a physician's office, including disciplinary actions, which are otherwise regulated by the State Board of Medicine or the State Board of Osteopathic Medicine.

Based upon the above, PAMED is asking the Board to clarify the following:

1. Is physician employment of such practitioners voluntary?
2. What role will the Board play in approving these arrangements or otherwise reviewing the terms or conditions between a physician or physician's office and a public health dental hygiene practitioner?
3. What are the responsibilities of the physician or the physician's office to public health dental hygiene practitioners practicing in their office, i.e. must physicians provide specified oversight and to what extent? If there will be oversight responsibilities, will those responsibilities be specified in the final-form regulations?
4. Will the Board oversee issues that could arise in physician offices, including with physicians specifically, or will the Board refer those issues to the State Boards of Medicine and Osteopathic Medicine or another appropriate agency?

On behalf of PAMED, we appreciate the opportunity to provide comments for the Board's consideration on this set of proposed regulations.

Sincerely,



John P. Gallagher, MD
Board Chair

cc: Independent Regulatory Review Commission - irrc@irrc.state.pa.us