

Message From the Chairperson

By John V. Reitz, D.D.S.

As a license or certificate holder, you may not be aware of how the Dental Board impacts your career. Often, the board is incorrectly viewed as only having a disciplinary function. Although we delegate cases to hearing examiners, it is true that a majority of our board meeting is allocated to deliberating cases from either the prosecuting attorneys or the hearing examiners. However, an equally important function of the board is enacting regulatory changes.

In recent years, the board has been involved in developing regulations concerning anesthesia guidelines, hygiene scope of practice, Expanded Function Dental Assistants education guidelines, and professional-patient relationship guidelines.

In order to be thorough in developing regulations it is important to gain the insight of organizations such as the Pennsylvania Dental Association, National Dental Association, Pennsylvania Academy of General Dentistry, Pennsylvania Dental Hygiene Association, and Pennsylvania Dental Assistants Association. It is with input from these associations and the educators of our dental, hygiene and assisting programs that we can formulate regulations that address the needs of the people of Pennsylvania.

It is my belief that the dental profession has long been held with high regard due to the high ethics of the profession. This board has a part in establishing what is ethical in dental practice.

For this reason, one of the new committees of the board is the Professional Ethics Committee. The role of this committee will evolve to help ensure that our profession maintains its standing while providing for the needs of the citizens of Pennsylvania.

Please feel welcome to attend a meeting to view how your board functions. Suggestions may be directed through the board office via mail, fax or e-mail correspondence. Your input can help the way dentistry is practiced in Pennsylvania.

As We See It – Sexual Misconduct and the Dental Profession

By John V. Reitz, D.D.S., Chairman, and Basil Merenda, Commissioner, Bureau of Professional and Occupational Affairs

Recently the Pennsylvania State Board of Dentistry promulgated new sexual misconduct regulations for board-regulated practitioners. The goal of these regulations is abundantly simple – to protect the public from licensed dental professionals who abuse their authority and position by engaging in sexual conduct harmful to the patient-professional relationship.

These regulations were drafted in a very deliberate, transparent manner, and the board received and reviewed comments from dental professionals and various dental professional organizations across the commonwealth. While it is true that the American Dental Association's Principles of Ethics and Code of Professional Conduct suggests that dentists should avoid exploitative interpersonal relationships, the ADA Code is not enforceable on a state level.

In its June, "Transitions" newsletter to members, the Pennsylvania Dental Association (PDA) argues that the regulations will infringe upon licensees' constitutional right of free association, and that the new regulations would "have a stifling effect on the entry of new professionals into the Commonwealth" in that new practitioners may avoid coming to Pennsylvania to practice because here they would be unable to have sexual relations with their patients.

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Further, the PDA argues that the sexual misconduct regulations were so invasive that practitioners might not be able to buy their patients a drink in a social setting or even speak to a patient outside the office for fear that it might be construed as sexual in nature. The board perceives these views as alarmist and certainly not the intent of the board.

The primary goal of the State Board of Dentistry is to protect the public by ensuring that its licensed professionals maintain the highest possible standard of care and conduct.

Quite frankly, the board does not believe that any health care professional should use their current patient list as a dating pool. The regulation defines "current patient" as someone who has been treated within the previous three months, with an allowance for earlier termination of the practitioner-patient relationship if the patient is accepted as a patient of record at another dental office. The board does not find this standard to be overly burdensome on its licensees.

Licensees must also remember that the disciplinary process is complaint-driven. Complaints filed with the Department's Professional Compliance Office are carefully screened and thoroughly investigated before administrative charges are filed.

Department of State prosecutors use their discretion as to whether a case should be brought before the board, and the board itself uses its discretion and professional judgment when determining if a licensee violates the Dental Law or the board's regulations, and as to the appropriate sanction, if any, to impose. The board is fully aware that not all instances of alleged sexual misconduct are similar.

The board does not intend to become "the bedroom police." The board's primary goal is protecting the public from licensees who abuse their position, and ultimately their profession, whether it is due to malpractice or engaging in sexual conduct with their patients.

Licensees should welcome these regulations, which reassure the public of the dental profession's integrity, and the diligent, trustworthy individuals who provide much needed dental care to people across the commonwealth.

The Right-to-Know Act and Home Addresses

The Bureau of Professional and Occupational Affairs is sensitive to its licensees' concerns about personal privacy. However, the Pennsylvania Right-to-Know mandates release of information contained in a "public record" stored by that agency if a member of the public requests it.

The bureau will take all reasonable steps to safeguard personal information contained in your licensure records. We realize that many of you use home addresses on the licensure records maintained by the bureau.

However, given the uncertainty over what the Right-to-Know Act requires, neither the bureau nor the board that issues your license can guarantee the confidentiality of the address shown on your licensing record. Therefore, if you have a personal security concern, we recommend that you consider what many our licensees have already done: use a business address or post office box number as the official address on licensure records.

Also, with the License 2000 computer system, you may indicate to the board an address for release to the public that may be different from your home address.

To further protect your privacy and identity, the bureau will only accept a request to change a licensee's address if it is submitted in writing and includes the licensee's Social Security number, license number and the old and new addresses.

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