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Submitted via email

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Ms. Hall:

Thank you for the opportunity to comment on the proposed changes to the Dental Pilot Project Rules in Chapter 333, Division 10. As advocates of the original dental pilot project authorizing legislation, the Oregon Dental Association (ODA) appreciates the OHA's attempt to clarify the rules so both applicants and projects have a better understanding of requirements and processes. Further, we believe that better clarity in the rules will translate to increased patient safety.

As participants in the OHA Rules Advisory Committee (RAC), we were able to provide feedback throughout this process and wish to convey general support for the proposed changes. Specially, we appreciate the thoroughness required in the evaluation and informed consent sections. Additionally, we think the proposed rules in the minimum standards section move these rules towards better alignment with some of the Board of Dentistry requirements for other dental practitioners.

There are a few key areas, however, where our feedback during the RAC process was not incorporated into the proposed changes. We would like to again encourage these modifications to the proposed language.

333-010-0700: Dental Pilot Projects Purpose

Section 4 allows current dental pilot projects to have six months to come into compliance with these new rules. We believe that these revised rules are designed to increase patient safety and transparency. We believe current projects should be held accountable to these reasonable standards within three months of implementation. A shorter time frame is in the best interest of Oregonians being served through these pilot projects.

333-010-0710: Definitions

Adverse Event: We encourage you to define "harm" within this definition.

Supervisor: We believe that supervisors in the project should only be dentists. SB 738 requires that all projects operate under the general supervision of a dentist, and we believe that the original legislation's intent was for a dentist to be the immediate supervisor of the trainee.

Minimum Standard of Care: We believe there should be better clarity over the standard of care expected by participants within the pilot projects. Pilot project participants should be held to the same standard of care to which every other licensed dental practitioner in the state are held, as

required by the original authorizing language. This refers to quality, outcome, and appropriateness of care. (Note: the term *minimum standard of care* is used on p. 30 of rules)

333-010-0790 Dental Pilot Projects: Authority Responsibilities

(2): *Advisory Committee. The Authority **may** convene an advisory committee for each approved dental pilot project.*

We encourage you to change this to a “shall” requirement. Dental pilot project advisory committees offer essential technical and clinical expertise and guidance to OHA throughout the oversight of these projects. Further, the advisory committees are the only opportunity for public participation and monitoring of projects’ progress, success, and concerns.

(e) *An advisory committee member must: ...*

We are concerned with the usage of the word “must” in this section. We are concerned that should a committee member miss an advisory committee meeting, or have a scheduling conflict with a site visit, that their participation in the committee will be terminated. It is critical to have clinical expertise from practitioners on these committees, but those practitioners are also humans who have jobs, families, and unforeseen conflicts that do arise. We would be frustrated to see a committee advisory member be dismissed from their volunteer role, simply because a personal or professional conflict prevented attendance at a required event. As we have seen thus far, participation in pilot project advisory committees are a significant time commitment that may be impossible for one person to fulfill 100% of the time.

333-010-0800: Dental pilot project modifications:(b): changes in employment/utilization sites

We strongly believe that changes in the employment/utilization sites should not be considered minor modifications. Original applications should include all possible location sites. Minor modifications are not subject to public comment periods, and the public should have the opportunity to be aware of and comment on where pilot projects will operate and who the projects will treat. Further, project location sites can alter the scope and type of pilot project and should be fully vetted as done through the original application approval process. Projects should be able to foresee potential sites at the time of their application and include those sites within that application.

Thank you again for the opportunity to comment on these rules. We understand the workload required to develop these changes and appreciate the agency’s attentiveness to drafting rules that will improve the pilot project process moving forward.

Sincerely,



Jennifer Lewis-Goff

Government Affairs Director