



December 10, 2008

To: MDH Workforce Group Members

From: Timothy J. Flor, DDS

Dear Members,

I would personally like to say thank you to all the Workgroup members for volunteering their time and talents to the task of defining an Oral Health Practitioner. When the Minnesota Legislature dictated this task they significantly underestimated the difficulty and divisiveness which this task would elicit! I attended a majority of the Workforce Meetings and I must concur with the Minnesota Dental Association's assessment that the Department of Health draft does not adequately represent the comments and concerns from many committee members and that it is important for the draft report to more closely reflect the tone of the proceedings.

After much reflection and consideration, I must conclude that giving the OHP the opportunity to provide a Diagnosis and Treatment Plan and to perform these procedures with "General Supervision" is not only unsafe, but borderlines on unethical! The Hippocratic Oath of Dentistry states that in the process and performance of our sworn duties as a practitioner that "we do no harm". How can Dentistry support a practitioner with little or no education, no experience, no adequate precautions, and with no formally trained Dentist to be on site to come to the aid of the patient when this OHP inadequately Diagnoses and acts beyond their abilities? Clearly, many of the Workgroup members feel this broad interpretation of supervision is necessary, but these members do not reflect the majority opinion of the Dentists present, but rather the non-dentists or non-dentist academic professionals. I am confident in saying that these non-dentists do not fully understand or appreciate the complexity of performing "Irreversible Surgical Procedures" which comprises modern dentistry.

Also, accepted “Standard of Care” as dictated by state statute and enforced by the Board of Dentistry did not enter their thoughts due to the fact that they do not know enough about the surgical procedures to garner a reasonable conclusion. Throughout the Workgroup discussion the comparison is drawn between a Nurse Practitioner and this new OHP. I personally discussed at length the OHP concept with two Nurse Practitioner patients within my practice. These NP’s were very concerned that an OHP could perform under General Supervision and potentially practice in remote locations without a Dentist to provide immediate dental and medical support when performing the suggested Scope of Practice within the draft report. They personally do not know of any medical institution which gives an NP that much independence without adequate supervision while performing “Irreversible Surgical Procedures”. They quickly added that the Patient Safety and Liability aspects make this practice untenable.

Let’s ask some basic questions about performing procedures under “General Supervision”. Who will immediately step-in to safely take-over when the OHP cannot adequately finish a procedure? Who is responsible to stabilize and restore inadequately performed procedures after the OHP has irreversibly completed what they could accomplish? In a medical emergency, who will have the immediate and adequate training to potentially save a human life? Who has the immeasurable liability which inadequate, unsafe, irreversible, and poorly supervised dentistry inflicts upon patients?

I can confidently conclude that no responsible, ethical Dentist practicing in Minnesota would allow an OHP with a simple, “Collaborative Management Agreement” to practice the art of dentistry without a minimum of “Indirect Supervision”. This Contractual Agreement performs and practices dentistry with words, but has no reasonable, safe actions to immediately implement when procedures “go wrong”.

I sincerely ask the Workgroup members to rethink their actions and err on the side of patient safety and conclude that “Indirect Supervision” is the level of practice that could accomplish an outcome which is acceptable to Dentistry and the State of Minnesota.

Sincerely,

Timothy J. Flor D.D.S.