

Testimony to State of Oregon House Committee on Health Care, relating to HB 2065.

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I believe it is in the public interest to not pass HB 2065. 14 years ago the Oregon Board of Dentistry ruled in my favor on a complaint I had filed. The nature of the complaint – which under current law, is intact – was very serious and the disciplinary actions [and there were several] taken by the Board, after a lengthy investigation, were appropriately serious. It was, and is, my hope that because of the Board's diligence the dentist in question has not caused other patients to suffer – in terms of pain and expense – due to similar circumstances. Had I thought that a record of what happened would not be available in the future, I would have had to seek remedies through the legal system. But, that wasn't necessary. The Board did its job.

As alluded to above, when a disciplinary action has been taken it reflects a serious breach of professional conduct. In some cases – perhaps many – three years can be far too short a period of time to evaluate practice changes. In some cases - like mine - the dentist was required to get more training. A change to future patient outcomes may not even be possible to assess for a much longer duration of time after a disciplinary action is outlined. There is also the question of being able to see patterns of unprofessional conduct over time. This would not be possible were records expunged.

As this testimony demonstrates, the House Committee's own ability to evaluate some policy decisions might be related to its ability to review Board disciplinary records [if not the content, then overall statistical data]. To completely expunge records, as though they never existed, would make that impossible.

In a climate where discussion of the public's access to more consumer knowledge about our healthcare system is being encouraged, expunging knowledge of disciplinary actions against health professionals is the completely opposite direction to be taking. Furthermore, people can, and do, publish information about healthcare professionals on the Web. I doubt you would want the public to be relying on the Web, rather than official state records, for information about disciplinary actions. [I realize full information is not available to the public from the state, but the fact that actions were taken is.]

The policy change outlined in HB 2065 has potentially serious ramifications. It is clear that only the interests of those who received disciplinary action would be served by this bill. The question is – would the public's interest be served? It would not.

As you look at this bill, I am hoping that you will inquire about another aspect of the Board of Dentistry's current complaint process. According to ORS 679.230 there are specific requirements for Board membership, including having two members from the general public. At this time, there are not two members of the public on the Board. [See attached.] Yet, the Board is still deciding complaints. I would suggest that this situation be looked at by the Committee and that, should it be confirmed, the Committee direct the Board to fulfill its legal requirement in terms of membership. [It might also be considered additional evidence that, rather than allowing the Board more flexibility in how it handles disciplinary records, the Committee needs to be approaching such as a request in an even more circumspect manner]. Thank you very much.



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