

Oregon House Bill 2683

Testimony Before the Oregon House Committee on Health Care
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Testimony by:

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HB 2683 Title: Relating to dentistry; declaring an emergency.

HB 2683 Catchline/Summary: Requires Oregon Board of Dentistry, upon request of individual who has been disciplined by board, to remove from its website and other publicly accessible print and electronic publications information related to disciplining individual if individual meets certain criteria. Declares emergency, effective on passage.

Dear Representatives:

My position on House Bill 2683: **In favor.**

Position Details:

As a licensee and 12 year watchdog of the Oregon Board of Psychologist Examiners (OBPE), I have become well aware of the great harms health care regulatory boards can inflict upon their licensees. I will skip the dynamics of this for now but will make myself available to anyone who would like me to describe them in further detail.

For now, let us presume the best of intentions on the part of the regulatory boards, and as well, assume they are doing their best, in good faith to competently carry out their charter to protect the public (which I am not actually certain is true).

I am also in the position to speak to harms done against licensees of the Oregon Medical Board (OMB), and the Oregon Board of Licensed Professional Counselors and Therapists (OBLPCT) due to my knowledge of the matter and my many associations with licensees of these other boards.

We regard the excessive publication of disciplinary action taken against licensed health care providers in Oregon to be "**Scarlett Letter**" disciplines, which if not by design,

then in effect, serve to punish by means of humiliation. The “**Scarlett Letters**” health care providers must wear, after a disciplinary measure has been taken against them, ruin careers and in turn, ruin lives. Needlessly.

Speaking for myself and a number of licensees from other Oregon health care regulatory Boards, we support Oregon Dentists in asking that HB 2683 be passed. Frankly, I do not believe the bill goes far enough to rightfully protect Oregon Dentists from the Oregon Dental Board’s current practices. Yes, “protection of the dentists.” Though it is the charter of the Oregon Dental Board to protect the public from gross deviancies from acceptable dental practices, it must be remembered that dentists and other health care providers are members of the public as well, and thus deserving of protections against abuses or excesses of government and regulatory boards.

It does NOT serve to protect the public-at-large nor does it meet the charter of the boards when the charter is exceeded and small pockets of the public (health care professionals) are harmed needlessly and to excess.

We have discovered a growing trend of health care licensing boards to:

- Publish disciplinary action widely and to report disciplinary action to huge world-wide data banks over which, once submitted there is little local control of information or its interpretation.
- Failure of such entities to actively (or even inactively) differentiate between minor infractions (and common mistakes) and egregious, reprehensible behavior by health care providers. In the case of the Oregon Board of Psychologist Examiners (OBPE), in their alliance with the Association of State and Provincial Psychology Boards (ASPPB), OBPE has, upon challenge, shown themselves to be willfully in support of policy which fails to differentiate. Such behavior is unacceptable. Again our support goes out to Oregon Dentists in similar regard.

We believe:

- 1) The public-at-large needs a clearly defined level of protection from dangerous health care (including dentistry).
- 2) An informed public is a public more capable of making intelligent decisions and participating intelligently in government.
- 3) “Punishment” (disciplinary action) should “fit the crime” (or infraction) and not exceed it.
- 4) Disciplinary action should serve a purpose and that purpose, whenever possible, should serve a “corrective” function which returns a dentist, physician or other healthcare professional who had committed some error to their good practice in good service to the community. By far, the vast majority of disciplined healthcare professionals are NOT criminals and do not deserve life sentences, eternal probation (or marginalized status) nor a veritable DEATH sentence to their careers.

- 5) Laws which allow “Scarlett Letter” punishments are purely abusive and all statutes relating to the publishing of disciplinary action against health care providers should be reviewed by the legislature and amended such that they are more appropriate and humane. No more indiscriminate, career ruining “Scarlett Letters.” Defamation does NOT serve to protect the public. In fact, it can be reasonably argued that any *excessive* artifacts of disciplinary action actually causes the public harm and degrades the optimal, good faith, functioning of communities.
- 6) Even an informed public is ill-equipped to understand some matters. For this reason, we support the dentist’s request via this bill’s sponsors, Representatives Gilliam and Clem, to remove ALL actively maintained publication of disciplinary action against dentists under certain circumstances, in a manner consistent with the proposal described in HB.
- 7) Dentists and the sponsors of HB 2683 should consider altering their proposal such that the 10 year time reference written into this bill is amended to propose a lesser amount of time required for eligibility for disciplinary action to be removed from actively maintained publications. Although the bill as written is absolutely reasonable, it may be overly humble in its current form. Dentists should not have to wait 10 years.
- 8) Dentists and the sponsors of HB 2683 should consider the possibility that the proposals (and requests) made in HB 2683 are overly humble in other regards as well.

Conclusion: We support the Oregon Dentists in this reasonable request for the amendments in statute which the passage of this bill would provide. Please pass HB 2683 into law.

Thank you for your kind attention to this matter. We believe it to be of great importance to all of health care.

Respectfully,

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