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April 14, 2016

Rep. Donna Sweeney, Chair
House Committee on Government Operations
Vermont House of Representatives
115 State Street
Montpelier, VT 05633-5301

Re: S. 20 – Licensed Dental Therapists

Dear Chair Sweeney:

In lieu of presenting oral testimony, I am writing on behalf of Cincinnati Insurance Company to offer our views as an interested party on S. 20, legislation which would establish and regulate dental therapists in the Green Mountain State. I would have preferred to provide these views in person or via telephone but ironically, I am scheduled to see my own dentist this morning in the Cincinnati area.

We respectfully submit these views in our capacity as the largest writer of dental liability insurance in the state of Vermont and as a significant writer of dental liability insurance across the country (we insure approximately 15,000 dentists in 39 states, which equates to 10% of the market share in these states).

No one can argue against the intent of this bill: to improve the availability of dental services to low-income, uninsured or otherwise underserved patients. However, we have tremendous concerns with the approach this legislation proposes to achieve that objective. Simply put, we do not believe it would be wise to create a new class of dental practitioner, defined in the bill as a “dental therapist,” with the authority to treat patients without a dentist’s direct, on-site supervision.

Our concerns are driven by patient safety and our belief that the risk of harm to Vermont dental patients will increase if dental therapists are permitted to treat patients without a dentist’s direct, on-site supervision. Let’s just take one example: misdiagnosing oral cancers. Our experience has shown that misdiagnosing oral cancers is a major exposure for dental liability insurers. To prevent cancer misdiagnosis from occurring our dental liability policies are issued with the understanding that a certified and licensed dentist, who has years of proper training, will be on the premises during a patient’s visit. Absent the physical presence of a dentist, our confidence in the proper diagnosis of oral cancers greatly diminishes. But under S. 20, there is no requirement that a dentist be physically present on the premises to directly supervise a dental therapist’s efforts to assess whether a patient has oral cancer. This is just one example of why we believe passage of this bill will increase the risk of harm to Vermont dental patients.

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Liability insurers are in the business of identifying risk, assessing its likelihood to cause harm, preventing the harm from occurring, and providing compensation when the harm causes damage. In the case of dental therapists under S. 20, our most effective tool in preventing harm to Vermont dental patients is taken away: the physical presence of a dentist on the premises during a patient's visit who is directly involved in supervising everyone on the dental care team. Perhaps this is why none of the 15,000 practicing dentists we insure across the country have ever inquired about adding a dental therapist to their liability policy. It is also the reason why our company does not anticipate offering dental liability coverage to dental therapists in the state of Vermont should S. 20 be enacted.

We encourage you to continue tackling access to dental care issues in Vermont. However, we would suggest you explore other options that will not put dental patients at risk in Vermont.

Thank you for the opportunity to present these views.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Gilliam", with a long horizontal flourish extending to the right.

Scott A. Gilliam