

APPROVED

**BOARD OF DENTISTRY
MINUTES OF BOARD MEETING**

Thursday, January 22, 2004

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

- CALL TO ORDER:** The Virginia Board of Dentistry was called to order at 9:05 a.m. for two public hearings on regulatory proposals.
- PRESIDING:** Trudy Levitin, R.D.H., President
- MEMBERS PRESENT:** Meera Gokli, D.D.S.
Michael Link, D.D.S.
Harold Seigel, D.D.S.
Deborah Southall, R.D.H.
Gary Taylor, D.D.S.
James Watkins, D.D.S.
Paul Zimmet, D.D.S.
Darryl Lefcoe, D.D.S.
Millard Stith
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Sandra Reen, Executive Director
Robert Nebiker, Director- DHP
Elaine Yeatts, Senior Policy Analyst
Carmen M. Quiñones, Administrative Assistant
- COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General
- QUORUM:** With ten members of the Board present, a quorum was established.
- PUBLIC HEARINGS:** **Fast Track Regulations to Limit Home Study CE Hours:**
See attached hearing transcript.
- Periodic Review including Standards for Sedation/Anesthesia:** See attached hearing transcript.
- ADJOURNMENT** With all speakers heard, the President closed the hearings at 10:30 a.m.
- CALL TO ORDER:** The Virginia Board of Dentistry reconvened at 10:45 a.m. for a business meeting.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: On a properly seconded motion by Mr. Stith, the Board approved the Minutes of the Formal Hearing of November 13, 2003 and the General Board Meeting of November 14, 2003.

LEGISLATION AND REGULATION: **2004 Legislation:** Ms. Yeatts reported on the bills of interest that have been introduced: HB 159 Vital records, HB 308 End-of-life-care, HB 358 Freedom of Information Act, HB 632 Prescription drugs, HB 855 Nurse practitioners, SB 555 Death and SJR 24 Access to and the cost of oral health care.

On a properly seconded motion by Dr. Link, the Board unanimously voted to support HB 524.

On a properly seconded motion by Dr. Link, the Board unanimously voted to strongly oppose SB 187.

On a properly seconded motion by Dr. Link, the Board unanimously voted to support HB 1049.

Fast Track Regulations: Ms. Yeatts advised the Board that it did not need to address the CE regulations at this meeting. The regulations will become effective April 1, 2004 unless one of the conditions for reverting to the regular process for promulgation is met.

BOARD DISCUSSION: **ADSA Letter:** The American Dental Society of Anesthesiology suggests that state dental boards consider the final results of the Enteral Conscious Sedation workshop and the ADA Guidelines before making regulatory changes on enteral conscious sedation. The Society also encouraged that course requirements for administering enteral conscious sedation be addressed in detail.

Council on Dental Education and Licensure: The ADA requests comments on the proposed definition of the terms dental school and dental college. The comment period ends March 1, 2004. Ms. Reen was asked to collect more information and discuss possible comment with the

president of the board.

Council on Dental Education and Licensure – Deployed dentists and Continuing Education Requirements: The council requests that state dental board consider waiving CE requirements for those dentists deployed outside of the United States.

Ms. Reen advised that Virginia has legislation that will expire July 1, 2004 requiring licensing bodies to extend the renewal time frame and requirements for overseas military personnel. She said it is likely this law will be extended as long as the war continues.

Eric Real's Request for Amendment to Proposed Regulations: Mr. Real asks that the American Safety & Health Institute be added to the newly proposed language for ACLS and BCLS in 18 VAC 60-20. The board referred this request to the Regulatory Legislative Committee.

Definition of Dentistry/Teeth Whitening: Ms. Reen reported that the Enforcement Division of the Department would like a decision on whether or not the teeth whitening treatment described in an advertisement is within the scope of practice of dentistry as set forth in §54.1-2711. On a properly seconded motion by Dr. Link, the Board unanimously voted that the treatment described is within the scope of practice as set forth in §54.1-2711. The Board then discussed the types of whitening treatment available and asked Ms. Reen to collect information on the various types and to determine if/when bleaching agents are controlled substances. Dr. Zimmet agreed to assist in gathering this information.

18- VAC 60-20-190.11 – Taking impressions for master casts: Ms. Reen advised that at its November meeting the Board voted to repeal this provision through the fast track regulatory process. In response to concerns raised by Dr. Link, Ms. Levitin instructed staff to suspend action on this matter pending further discussion by the Board. On a properly seconded motion by Dr. Link, the board withdrew its request for regulatory action and assigned this issue to

the Regulatory Legislative Committee.

Expired Anesthetic Carpules: Dr. Watkins indicated that he wanted to know if it is permissible to use expired anesthetic carpules for the irrigation of canals when doing endodontics. Ms. Reen noted that the reference booklet, Drug Laws for Practitioners, distributed by the Board of Pharmacy does not contain any provision that would allow the use of expired drugs.

Decision to stop approving CE programs: Mr. Nebiker discussed his concerns about the board's intent to stop approving programs. He advised that the regulations should be changed first. He encouraged consideration of contracting this activity out for review. He offered his assistance in getting the resources that are needed in place. On a properly seconded motion by Dr. Link the decision to stop approving CE was rescinded. The CE Committee was asked to work with Mr. Nebiker and Ms. Reen and Regulatory Legislative Committee was asked to address repeal of the regulation.

EXECUTIVE DIRECTOR:

2004 Calendar: The 2004 calendar was provided for reference.

Center for Disease Control – Guidelines for Infection Control: Ms. Reen asked if copies of the publication should be ordered for the board members. She was advised that the document had been disseminated to dental offices so no more copies were needed.

2002 Survey of Clinical Testing Agencies: Ms. Reen asked if copies of this publication should be ordered for the board members. She was advised to order copies.

Dental Practice Surveys: Ms. Reen reported that the questions for the workforce surveys were reviewed by Dr. Dickinson and are now final. The Data Processing Division of the Department is formatting the surveys for on-line completion during license renewal.

CLOSED SESSION:

On a properly seconded motion by Dr. Watkins, the Board

voted 9-0 in favor of the motion, to enter into a closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia to **consult with legal counsel** pertaining to actual or probable litigation and consideration of a **disciplinary case settlement proposal** pursuant to §2.2-3711 (A) (28) of the Code.

RECONVENE:

The Board reconvened in open session pursuant to §2.1-344.1(D) of the Code. On a properly seconded motion by Ms. Levitin, the Board voted 10-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The Board reconvened in open session pursuant to §2.2-3712(D) of the Code.

DECISION:

On a properly seconded by Mr. Stith the board accepted the amended consent order negotiated by the respondent and the prosecuting attorney.

OTHER BUSINESS:

Dr. Zimmet expressed his appreciation to the board for sending him to the Southern Conference of Deans and Dental Examiners and gave a report on the conference agenda.

Ms. Levitin announced that board members will attend SRTA calibration training on January 23, 2004.

Ms. Reen advised members of the time and place for the evening informal dinner meeting with the VDA Board of Directors.

ADJOURNMENT

With all business concluded, the Board adjourned at 2:17 p.m.

Trudy Levitin, R.D.H. President

Sandra K. Reen, Executive Director

**Virginia Board of Dentistry
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Date

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