

APPROVED

**BOARD OF DENTISTRY
MINUTES OF BOARD MEETING**

Friday, November 19, 2004

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

- CALL TO ORDER:** A meeting of the Virginia Board of Dentistry was called to order at 9:15 a.m.
- PRESIDING:** James D. Watkins, D.D.S., President
- MEMBERS PRESENT:** Meera Gokli, D.D.S.
Michael J. Link, D.D.S.
Jacqueline G. Pace, R.D.H.
Harold S. Seigel, D.D.S.
Misty L. Sissom, R.D.H.
Edward P. Snyder, D.D.S.
Glenn A. Young, D.D.S.
Paul Zimmet, D.D.S.
- MEMBERS ABSENT:** Millard D. Stith, Jr.
- STAFF PRESENT:** Sandra Reen, Executive Director
Robert Nebiker, Director, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst
Cheri Emma-Leigh, Operations Manager
- COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General
- QUORUM:** With nine members of the Board present, a quorum was established.
- PUBLIC COMMENT:** Kimberly Swanson, D.D.S., President of Virginia Society of Oral and Maxillofacial Surgeons, introduced herself to the Board.
- Ms. Reen distributed a letter from Laurie Fearon, requesting the Board to consider circumstances involving her employment and approve her application for licensure as a dental hygienist.
- APPROVAL OF MINUTES:** On a properly seconded motion by Dr. Link, the Board approved the Minutes of the Regular Board Meeting of September 10, with an amendment, the Formal Hearings of

September 9, 2004, and October 29, 2004, and the Special Session – Conference Call of September 27, 2004.

REPORTS:

Board of Health Professions: Dr. Seigel reported that the Board of Nursing Home Administrators had requested that the Board of Health Professions study the need for licensure of assisted living administrators. The BHP decided that licensure is warranted to protect the public and is recommending legislation to require licensure and to rename the Board of Nursing Home Administrators as the Board of Long Term Care Administrators.

RFP Committee: Dr. Seigel reported that the RFP Committee tabled consideration of participating in a testing agency and requested an opinion from the Attorney General on compliance with the Virginia Conflict of Interest Act and the Virginia Procurement Act regarding current and former board members participating as members in a testing agency. Mr. Nebiker and Dr. Watkins will request the opinion.

Southern Regional Testing Agency (SRTA): Dr. Link reported that SRTA has made significant changes to the 2005 Examination, which will enable candidates by providing more flexibility and reducing the level of stress involved in taking a multi-day examination. SRTA will implement the Progressive Integrated Examination (PIE). PIE will enable current senior students to complete the non-patient procedures prior to taking the written and patient sections of the examination. Compensatory elements to the Amalgam, Composite and Fixed Prosthodontic procedures are also being added.

American Association of Dental Examiners (AADE): Dr. Watkins reported that most of the meeting addressed the issues of establishing a national examination.

Southern Conference of Dental Deans and Examiners (SCDDE): Dr. Zimmet volunteered to attend the next annual meeting of the SCDDE on January 14-16, 2005. Dr. Seigel indicated he was interested in attending the meeting, as well. On a properly seconded motion by Dr. Link, the

Board voted 9-0 in favor of having Dr. Zimmet and Dr. Seigel attend the meeting.

BOARD DISCUSSION:

Bylaws Article III.3: Ms. Reen reviewed the bylaws as it pertains to board members participation in conducting clinical examinations.

Inquiry about Oraqix from Ms. Tang: The Board reviewed Ms. Tang's question regarding dental hygienists delivering or administering Oraqix . The Board agreed that 18 VAC 60 -20-220.A.4 of its regulations directs responding that a dental hygienist may only administer topical agents.

AADE Request for Financial Participation: The Board discussed AADE's request for a financial contribution for facilitating the development of a uniform national dental and dental hygiene licensure examination. On a properly seconded motion by Dr. Link, the Board voted 9-0 in favor of not contributing any money.

Western Regional Examining Board (WREB) Letter to AADE: The Board reviewed the September 21, 2004 letter from WREB, which addresses WREB's decision to withdraw from participation in the AADE efforts towards a national examination.

American Dental Education Association (ADEA) Letter to AADE: The Board reviewed the October 14, 2004 letter which advises that the ADEA does not support the AADE's efforts towards a national examination.

American Association of Dental Examiners (AADE) Letter to ADEA: The Board reviewed the October 26, 2004 letter which responds to the positions taken by the ADEA.

Comment on Dental Assistants from Ms. Gruber: Ms. Gruber asked the Board to discourage any policy changes that would allow dental assistants to scale supragingivally. The Board referred this matter to the Regulatory Legislative Committee for further review.

Comment on Use of the Title MD from Mr. Hughson:

Howard Casway explained that by law the use of the MD credential is limited to persons with a medical license. He indicated that the credential could not be used in a manner that would mislead the public.

Information on BOTOX: The Board reviewed the information provided on BOTOX. The Board adopted a motion by Dr. Link that as provided in Board regulations only Oral and Maxillofacial Surgeons are permitted to use BOTOX in cosmetic facial procedures. The Regulatory Legislative Committee was asked to consider the need to regulate the use of this chemical compound for treatment in the oral cavity.

Inquiry about BOTOX from Dr. GH-Zolghadhr: Ms. Reen was asked to relay the Board's decision.

**CONFLICT OF INTEREST
TRAINING:**

Emily Wingfield, Senior Assistant Attorney General, presented training on the provisions of the State and Local Government Conflict of Interests Act and the Virginia Public Procurement Act.

**LEGISLATION AND
REGULATION:**

2005 Legislative Proposal: Ms. Yeatts reported that the Board's legislative proposal will go to the General Assembly without the requirement for registration of dental labs.

Guidance Document on Delegation of Informal Fact-Finding: Ms. Yeatts explained the guidance document then, on a properly seconded motion by Dr. Link, the Board adopted it.

**EXECUTIVE DIRECTOR'S
REPORT:**

Staff Update/Deputy Executive Director: Ms. Reen informed the Board that a Deputy Executive Director position has been approved and she will be interviewing to fill the position soon.

FY 05 Budget Revenue and Expenditure Summary: Ms. Reen reviewed the budget and explained that SRTA expenses and revenues have been corrected.

BHP Biennial Report Submission: Ms. Reen noted the information on the Board's activities from July 2, 2002 to June 30, 2004 that was submitted for inclusion in the Board of Health Professions' (BHP) upcoming Biennial Report.

2005 Schedule: Ms. Reen distributed the proposed 2005 Board schedule. After revising the December dates, the Board adopted the schedule.

**SANCTION REFERENCE
STUDY:**

Dr. Seigel advised that the Board's ad-hoc committee had not met but did want to have the full Board updated on the progress of the study. Neal Kauder reviewed the purpose and background of the study then explained the data results obtained about the cases closed by the Board with sanctions. He indicated that the next steps for the Committee would be to address the significant factors and influences the Board wants to consider for sanctioning and then the development of worksheets the Board might use when considering sanctions.

INVESTIGATIONS:

Dr. Seigel introduced Faye Lemon, Director of the Enforcement Division of the Department of Health Professions. He advised that he requested this agenda item following discussions he and Ms. Lemon have had about investigation reports. Ms. Lemon introduced the members of her staff who were also present: Sammy Johnson, Deputy Director, Patricia Kaufman, Intake Analyst, Pat Twombly, Field Supervisor, Sue Zich, Investigator, and Ann Tiller, Compliance Manager. Ms. Lemon led a discussion of the evidence the Board needs to address complaints, the revised Dental Office Inspection Report and Enforcement's concern about contacting and interviewing patients who have not made a complaint. Staff was asked to revisit the inspection form to address sanitation and to develop a process to have the Board decide when non-complaining patients should be approached.

ADJOURNMENT

With all business concluded, the Board adjourned at 3:36 p.m.

**Virginia Board of Dentistry
Board Meeting
November 19, 2004**

6

James D. Watkins, D.D.S., President

Sandra K. Reen, Executive Director

Date

Date