

APPROVED

**BOARD OF DENTISTRY
MINUTES OF BOARD MEETING**

Friday, September 12, 2003
Department of Social Services
730 East Broad Street
Richmond, Virginia 23219

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

- CALL TO ORDER:** A meeting of the Virginia Board of Dentistry was called to order at 9:00 a.m.
- PRESIDING:** Gary E. Taylor, D.D.S., President
- MEMBERS PRESENT:** Michael J. Link, D.D.S.
Deborah Southall, R.D.H.
James Watkins, D.D.S
Harold S. Seigel, D.D.S.
Trudy Levitin, R.D.H.
Paul N. Zimmet, D.D.S.
Millard D. Stith
- MEMBERS ABSENT:** Darryl Lefcoe, D.D.S.
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Bob Nebiker, Director DHP
Elaine Yeatts, Senior Policy Analyst
JeAnne Marshall, Administrative Assistant
- COUNSEL PRESENT:** Howard Casway, Assistant Attorney General
- QUORUM:** With eight members of the Board present, a quorum was established.
- PUBLIC COMMENT:** The Board received comments from Dr. Mark Crabtree on behalf of the Virginia Dental Association. He advised that the VDA appreciates the revisions made to the guidance document on trade names and that the VDA is not in favor of changing the ratio for dental hygienists. He reported that the VDA will be proposing draft legislation to permit the Board to grant dental specialty licenses. He also advised that the VDA wishes to continue discussion on the workforce issues in the practice of dentistry.
- APPROVAL OF MINUTES:** On a properly seconded motion by Dr. Watkins, the Board moved to approve the Minutes of the Regulatory-Legislative Committee Meeting of July 9, 2003, Formal Hearing of July

10, 2003 and the General Board Meeting of July 11, 2003. Dr. Link requested that the July 9, 2003 minutes be changed to correct the spelling in Dr. Gillespie's name. The motion was amended to include the correction of the July 9, 2003 minutes then unanimously carried.

**PRESENTATION ON
SANCTION REFERENCE
STUDY:**

Neal Kauder, of Visual Resources Inc. gave a slide presentation on the progress made in conducting this study on behalf of the Board of Health Professions. He also provided an overview of the information collected through the interviews with the members of the Board of Dentistry and requested that an ad-hoc committee be appointed to work with him to finalize the injury scale and draft a data collection instrument. Dr. Taylor advised that a committee would be appointed shortly.

**LEGISLATION AND
REGULATION:**

Legislation proposed by MCV: Dr. Ronald J. Hunt, Dean of the VCU/MCV School of Dentistry, addressed the Board about two proposals to change the Virginia Dentistry Statute. The first proposal would amend §54.1-2712.3 to allow dental and dental hygiene students to obtain practical experience in community service projects and private dental offices. Dr. Link advanced the Regulatory-Legislative Committee motion that the Board supports this legislation in concept. The motion was adopted by unanimous vote.

The second proposal would amend §54.1-2712.5 to provide for a resident's license. Ms. Yeatts distributed an alternate draft which would allow issuance of a temporary license for post-graduate residents. Dr. Link advanced the Regulatory-Legislative Committee motion that the Board supports this legislation in concept. The motion was adopted by unanimous vote. Ms Yeatts and Mr. Casway were asked to work with Dr. Hunt on redrafting the proposals.

Petition from Dr. Jelinek, DDS: The Board reviewed the petition from Dr. Jelinek. His petition asked that the number of dental hygienists a dentist may supervise be increased from 2 to 3. Dr. Link advanced the Regulatory-Legislative Committee motion that the Board deny this petition but continue to look into this policy issue.

Economic Impact Statement on Regulatory Review:

The Board discussed a number of concerns about the Economic Impact Analysis prepared by the Department of Planning and Budget on the proposed regulations following regulatory review. On a properly seconded motion by Dr. Link the Board unanimously agreed to have Ms. Yeatts draft a response to the EIA, which will be circulated to Board members for review.

Petition from American Safety and Health Institute:

The ASHI filed a petition for rulemaking to have its name added to the list of approved continuing education sponsors in 18 VAC 60-20-50 C. On a properly seconded motion by Ms. Southall, the Board unanimously voted that the petition be approved and asked that this change be included in the regulatory review proposal.

Comprehensive Legislative Proposal for 2005 Session:

Ms. Reen explained that the Board authorized her to solicit support from Mr. Nebiker to pursue a comprehensive proposal to amend Chapter 27 in the 2005 Session. She reported that Mr. Nebiker gave conditional support and requested a draft proposal. She also advised that the Regulatory-Legislative Committee asked that staff prepare a draft proposal for its consideration.

Dental Assisting National Board: Dr. Watkins reviewed information from the DANB about the expanded duty functions for certified dental assistants for scaling of coronal surfaces of teeth. Ms. Reen advised that she has yet to collect the information from other states regarding dental assistants. Dr. Watkins asked that this topic be deferred to the next board meeting in November.

BOARD DISCUSSION:

Letter from National Council for Prescription Drug Program:

The Board reviewed the letter sent by NCPDP on their project on the standardization of electronic data transfer methods in the health care industry. Ms Reen explained no action is required.

Acceptance of Home Study Courses for CE and Disciplinary Orders: Ms. Reen explained it would be helpful

for the Board to provide guidance regarding the acceptance of home study courses in regards to continuing education requirements, disciplinary requirements and preparation for a fourth attempt of the SRTA examination. Dr. Watkins made a motion, which was properly seconded, that up to five hours of home study courses be allowed for continuing education. The motion was adopted unanimously. Dr. Link made a properly seconded motion that home study not be accepted for disciplinary or examination requirements. The motion was adopted unanimously. Ms. Yeatts was asked to advance these decisions through the fast track regulatory process.

SRTA Fee Increase: The Board discussed SRTA's request for a fee increase. Ms. Reen stated that the Board should advise Mr. Nebiker on whether or not to grant the request. Two motions on this subject failed due to tie votes so no action was taken.

Acceptance of Other Regional Exams: The Regulatory-Legislative Committee was asked to address this issue.

Delegating Certain Endorsement Applications to Staff: Dr. Watkins made a recommendation that the staff approve routine endorsement applications instead of sending them to the committee. On a properly seconded motion by Ms. Southall the Board delegated this function to the Executive Director.

Policy on Confidential Consent Agreements: Ms. Reen stated this was included on the agenda in response to the Board's request to look at this issue again. No changes to the policy were made.

Dental Hygienists Placing Sealants under General Supervision: Dr. Link stated that he has been asked what the guidelines are for dental hygienists placing sealants under general supervision. Dr. Link made a motion to allow dental hygienists to place sealants under general supervision. The motion was seconded and carried unanimously.

Surveys: Ms. Reen shared with the Board two surveys from the Virginia Dental Association to gather information on the dental workforce. Ms. Reen explained that the survey would be done at the time of renewal. A motion was made by Ms. Levitin that this item be deferred to the November meeting. The motion was seconded carried unanimously.

National Dental Exam: Ms. Reen stated that the ADA has asked if anyone from the Board of Dentistry would like to participate in the National Dental Exam that will be held at MCV on December 1&2, 2003. Ms. Reen asked that the Board let her know, because she needs to respond to this request.

OMS Audit: Ms. Reen asked the Board for guidance on the audit procedures for the Oral and Maxillofacial Surgeons performing cosmetic procedures. The Board asked staff to conduct the audits and prepare reports. A reviewer should be contracted to an OMS in another state. The schools at the University of North Carolina and University of Maryland were suggested as places to contact.

DHP's Implementation of Reporting Requirements:

Ms. Reen reported on the steps being taken by DHP to implement HB 1441, which requires reporting of misconduct. Mr. Nebiker and his staff have done statewide training for hospital and management personnel. Ms. Reen informed the Board copies of the presentation are available.

EXECUTIVE DIRECTOR:

Emergency Contact Regulations: Ms. Yeatts explained the Regulations Governing the Collection of Emergency Contact Information by the Department of Health Professions. Mr. Nebiker stated that this information will be collected on-line at the time of renewal.

Dental Office Inspections: Ms. Reen explained that the Enforcement Division has asked that the Board review the revised form for Dental Office inspections and provide feedback. Board members were asked to give their input to Ms. Reen by September 19, 2003.

Election of Officers: Dr. Taylor made a motion, which

was seconded, that the following slate of officers be approved:

President-Trudy Levitin, RDH

Vice-President- James Watkins, DDS

Secretary-Treasurer – Harold Seigel, DDS

The Board voted unanimously to adopt the motion.

2004 Schedule: Ms. Reen reviewed the proposed schedule for 2004 with the Board. Ms. Reen asked that the Board adopt a schedule for January 2004 and address the remainder of the calendar at its November meeting

With all business concluded, the Board adjourned at 12:40 p.m.

ADJOURNMENT:

Gary E. Taylor, DDS, President

Sandra K. Reen, Executive Director

Date

Date