Unapproved

VIRGINIA BOARD OF DENTISTRY
MINUTES
DECEMBER 2, 2011

TIME AND PLACE: The meeting of the Board of Dentistry was called to order at 9:08 a.m. on December 2, 2011 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Robert B. Hall, Jr. D.D.S., President

BOARD MEMBERS PRESENT:
Augustus A. Petticolas, Jr., D.D.S., Vice President
Herbert R. Boyd, III, D.D.S., Secretary-Treasurer
Martha C. Cutright, D.D.S.
Meera A. Gokli, D.D.S.
Myra Howard, Citizen Member
Jeffrey Levin, D.D.S.
Misty Mesimer, R.D.H.
Jacqueline G. Place

BOARD MEMBERS ABSENT: Surya P. Dhakar, D.D.S.

STAFF PRESENT:
Sandra K. Reen, Executive Director for the Board
Dianne L. Reynolds-Cane, M.D., DHP Director
Elaine J. Yeatts, DHP Senior Policy Analyst
Alan Heaberlin, Deputy Executive Director for the Board
Huong Vu, Operations Manager for the Board

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With nine members of the Board present, a quorum was established.

PUBLIC COMMENT: **Ron Downey, DDS,** on behalf of the Virginia Dental Association (VDA) Board of Directors, asked the Board for support of the dental labs legislation. He stated that the Board should not be concerned about costs because registration fees will cover costs. He added that the safety of the patients is most important.

Rick Weingartener, certified dental technician, stated that he knows many garage dental labs where there is no infection control. He added that dentists and patients should be aware of dental materials being used in dental labs.

Charles Gaskins, DDS, gave out a fact sheet on dental labs and stated that he strongly supports the VDA bill. He added that this is strictly a matter of safety issue for patients.

APPROVAL OF MINUTES:

Dr. Hall asked if the Board members had reviewed the September 9, 2011minutes. Dr. Boyd moved to accept the minutes. The motion was seconded and carried.

DHP DIRECTOR'S REPORT:

Dr. Cane thanked Board members for their contributions and said she has nothing new to report at this time.

LIAISON/COMMITTEE REPORTS:

Report on ADEX Annual meeting. Dr. Watkins stated that his report is included in the agenda package and he is here to answer any questions that the Board has. He recommended that the Board join ADEX and noted there is no cost for participation and there are opportunities to participate in development of examinations and pursue a uniform national examination.

Board of Health Professions (BHP). Dr. Levin reported he has been appointed to the BHP then gave an overview on the role of BHP to address cross board issues and to study the need to regulate new professions or facilities.

SRTA. Dr. Hall highlighted his written report stating that SRTA is operating in the black and encourages Virginia's participation in ADEX. He added that Dr. Watkins was appointed to the Examiner Review Committee.

Ms. Pace reported that the Dental Hygiene Committee will also meet in January 2012 and said that the hygiene exam has not changed but the forms were tweaked.

Exam Committee. Dr. Petticolas referred to the Committee minutes and reported that the Committee met on September 9, 2011. On behalf of the Committee, Dr. Petticolas moved that the Board work with SRTA to use mannequins instead of live patients in its exams. The motion was seconded and passed.

Dr. Petticolas then moved that the Board send a letter to the North Carolina Board of Dentistry encouraging acceptance of other exams in addition to its exam. The motion was seconded and passed.

Regulatory/Legislative Committee. Dr. Boyd reported that the Committee met on November 4, 2011and the its recommended actions are presented later in the agenda.

BOARD DISCUSSION/ACTION:

Public Comment Topics. DR. Hall noted that the comments received were in support of the VDA dental lab resolution which is already is on the agenda.

Membership in ADEX. Dr. Gokli spoke in favor of joining ADEX, noting that the other states in SRTA are members. She then moved to join. The motion was seconded and passed.

Oregon Correspondence. Ms. Reen said the executive director of the Oregon Board who also serves as the executive director of ADEX expresses concern about the ADA 's initiative to develop a clinical licensing exam and asks dental boards to consider writing a letter of concern to the ADA. Ms. Mesimer moved that this matter be assigned to the Exam Committee. The motion was seconded and passed.

EXPLORING ALTERNATIVE STRATEGIES FOR EXAMINING CLINICAL SKILLS:

Dr. Petticolas stated that the Exam Committee was charged with exploring alternatives to live patient clinical examinations. He added that at its September 9, 2011 meeting, the Committee decided to have presentations made to the Board about options so the OSCE and Portfolio models will be presented at the March Board meeting. Then he introduced Dr. Gunsolley, Professor of Periodontics at the VCU School of Dentistry, to address research into the use of human subjects in clinical exams.

VALUE OF HUMAN SUBJECTS – WHAT DOES THE EVIDENCE SHOW?:

Dr. Gunsolley gave a PowerPoint presentation addressing:

- Importance of measuring internal and external test validity
- Results of studies conducted by the University of Maryland and NERB and by Florida finding no consistent relationship between live patient examinations and dental school performance
- Results of Canadian study which found concurrence between school performance and OSCE

Dr. Gunsolley then responded to questions. Dr. Petticolas asked why there is a consistent relationship between OSCE and dental school performance. Dr. Gunsolley replied that it is because of the consistency of test conditions achieved especially with the use of mannequins. In response to a question by Dr. Hall, Dr. Gunsolley said that testing on a human patient means that each candidate's test conditions are unique because no two patients are the same and because assessing the consistency of performance through a number of stations provides more and more objective information on the competence of a candidate. Dr. Gunsolley replied to Ms. Reen that he is not aware of any current studies underway and he replied to Dr. Gokli that he believes American dental schools should embrace OSCE. He added that there needs to be a change to achieve valid testing. Ms. Reen asked why the studies were done with candidates from non-credited schools. Dr. Gunsolley stated that Canada is looking at licensing of those students to add to body of literature and Dr. Sarrett, Dean of the VCU School of Dentistry, stated that American Dental Educators Association supports the elimination of live patient exams and added that the data on candidates from non-accredited schools was only one element of the study conducted in Canada. Dr. Levin said he is researching companies that make teeth that simulate tooth decay. Dr. Hall asked if all tooth models have to be the same. Dr. Gunsolley stated that they could have variations. Dr. Archer from the VCU School of Dentistry stated that SRTA is using plastic teeth for its endodontic section that are produced exclusively for its exam. Dr. Gunsolley concluded his presentation by responding to Dr. Petticolas that his recommendation to the Board is to accept the Canadian OSCE exam with the hope that other states would follow.

HEALTHCARE WORKFORCE DATA CENTER DENTISTRY SURVEYS:

Dr. Carter, Ph.D., Executive Director, Board of Health Professions (BHP) and Director, Healthcare Workforce Data Center, stated that the survey information is in the agenda package and she is here to take questions about content and implementation. She said that dentists and dental hygienists will be asked to complete a survey through the 2012 online renewal notices. She responded to Dr. Hall that this is a voluntary process and that the Boards of Medicine and Nursing are getting 94 – 96% response rates. She stated that dentistry's data will be available by the end of March 2012 and a presentation of results would be possible by the end of 2012. She also replied to Dr. Gokli that she

would look into the suggestion of changing the "Asian" entry in the race/ethnicity sections to "Asian American."

LEGISLATION AND REGULATION:

Status Report on Regulatory Actions. Ms. Yeatts reported that the:

- The Periodic Review proposed regulations to establish four chapters are filed for review.
- The regulations on Recovery of Disciplinary Costs are at Governor's Office for approval to publish as final regulations.
- The final regulations for Registration of Mobile Clinics have been approved and will be effective on January 4, 2012. Ms. Reen noted that current registrations will expire and that renewal applications are being accepted now so registrations can be issued on January 4th.
- The regulations for sedation an anesthesia permits are at the Secretary's office for approval. She added that once approved these regs will be effective immediately as emergency regulations. Ms. Reen added that these regulations require registration by March 31st of each year to have renewal be concurrent with license renewal. She said, if approval to publish the regulations is delayed, it may be necessary to defer issuance of the permits to 2013. concern of delay in notification to licensees even though the plan was to have licensees registered by March 31, 2012. She said she would confer with Dr. Hall regarding implementation.
- The rule for training in pulp capping for dental assistants II is at the Governor's Office for approval; and
- The amendment of the radiation certification regulation is also at the Governor's office for approval.

VCU School of Dentistry Faculty License 2012 Legislative Proposal. Ms. Yeatts stated that no action is needed from the Board and this is provided as information only. She added that the Regulatory-Legislative Committee recommended some editorial changes to the School which are now included. Dr. Levin moved to recommend support of the legislation to Dr. Cane. The motion was seconded and passed.

VDA 2012 Legislative Proposals.
Resolution for Registration of Dental Laboratories – Ms. Yeatts stated her concerns about not having a draft bill to

review and said that the proposed effective date on July 1, 2012 is not possible because no regulations would be in place. She added that the Board cannot regulate dental labs outside of Virginia because it has no authority to do so. Dr. Boyd recommended that the Regulatory/Legislative Committee be charged with meeting with VDA representatives to discuss this matter. Discussion followed about legislation being premature and the need to make licensees aware of the dental lab work order forms adopted in September. Ms. Reen asked for consideration of the motion adopted by the Regulatory-Legislative Committee at its November 4, 2011 meeting to ask the VDA to pursue a study instead of legislation. She added that it is important for the Board to express its view as this proposal is moving forwarded and stated that no complaints have been received from consumers or dentists about problems with dental labs.

Dr. Boyd moved to send a formal request to the VDA asking that a study resolution be pursued to have the BHP study the need to regulate labs instead of advancing the legislation. The motion was seconded and passed.

Expanding Dept. of Health Remote Supervision of Dental Hygienists - Ms. Yeatts stated that the VDA adopted a resolution to amend §54.1-2722(E) to replace the pilot project for dental hygienists employed by the Virginia Department of Health to work under remote supervision to permit such practice in all Virginia Health Districts. She added that the Board recommended support of the legislation in the past General Assembly. Ms. Mesimer moved to recommend support to Dr. Cane. The motion was seconded and passed.

BOARD DISCUSSION/ACTION:

AADB Proposed Advertising Guidelines. Ms. Reen said this was provided as information.

Guidance Document (GD) for Recovery of Disciplinary Costs. Ms. Reen stated that this GD is the recommendation of the Regulatory-Legislative Committee for discussion and adoption. She added that the highlighted language in "Policy" and "Assessment of Costs" were added after the Regulatory-Legislative Committee meeting on November 4, 2011. Ms. Yeatts noted that the effective date for this GD has to be concurrent with the regs. Ms. Mesimer moved to adopt the GD as presented. The motion was seconded and passed.

REPORT ON CASE ACTIVITY:

Mr. Heaberlin reported that in the first quarter of FY2012 the Board received a total of 159 patient care cases and closed a total of 135 for an 85% clearance rate. He added that:

- the current caseload older than 250 days is 6%,
- The caseload older than 250 business days for Q1 FY2011 was 7%,
- 97% of all cases were closed with 250 business day,
- 222 cases are open and of these 209 have been assigned a priority A-D, and
- 85 cases are in probable cause with 36 at Board member review.

He commented that board staff is currently working on the audits for OMS who perform cosmetic procedures. There were 24 cases opened for audit of which 20 have been closed.

EXECUTIVE DIRECTOR'S REPORT/BUSINESS:

Ms. Reen reported the following:

- Delegation to Dental Assistants Guidance Document 60-7 may need to be amended. She referred the Board to the highlighted language on P94 under the heading "*Duties that may only be delegated to dental assistants II under direct supervision of a dentist.*" Ms. Mesimer moved that "*select and manipulate gypsums and waxes*" be moved to General Services duties. The motion was seconded and passed.

- A Guidance Document (GD) on the training modules for dental assistants II has been recommended by Mr. Casway and is presented for Board action. She stated that the Board's intent to allow completion of one or more of these modules to qualify for registration is not clear in the regs and this GD will clarify that candidates have the option of choosing which modules they want to be certified to perform. She noted that the registration will list which procedure the DA II is qualified to perform. Dr. Boyd moved adoption. The motion was seconded and passed.

- AADB Ethical Behavior Survey was provided as information only. She added that if the Board has any questions, she will explore further and get back to the Board.

- AADB Assessment program is provided as information only. This is an in-depth assessment program that was developed by AADB to provide resources for state boards. She noted that if the Board wants to pursue this then the Board needs to amend the regulations because AADB is not an approved continuing education provider in Virginia. It was decided by consensus to refer this matter to the Regulatory-Legislative Committee for further consideration.

- It is possible to distribute the 2012 renewal notices electronically. She noted that smaller boards have done this procedure and it works well. She added that licensees with no email address on file will get paper notices. She stated that there would be a follow-up e-mail then a paper notice if renewals are not received in specific time parameters. It was agreed by consensus to send electronic renewal notices.

- The Dental Law exam provider contract will expire at the end of 2012. The RFP for a provider has been issued and she will work with the Exam Committee to choose the next provider. She added that a specification in the RFP is to guide the candidate to the applicable regulation if his answer is wrong.

BOARD COUNSEL REPORT: Mr. Casway said he has nothing to report.

ADJOURNMENT: With all business concluded, the meeting was adjourned at 12:05 p.m.

Robert B. Hall, Jr., D.D.S., President	Sandra K. Reen, Executive Director
Date	Date