

**VIRGINIA BOARD OF DENTISTRY
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE
FEBRUARY 10, 2011**

- TIME AND PLACE:** The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 9:07 a.m., February 10, 2011 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** Herbert R. Boyd, III, D.D.S., Chair
- MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.
Martha Cutright, D.D.S
- MEMBER ABSENT:** Robert B. Hall, Jr., D.D.S.
Meera A. Gokli, D.D.S.
- OTHER BOARD MEMBER PRESENT:** None
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Huong Vu, Administrative Assistant
- OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
- ESTABLISHMENT OF A QUORUM:** With three members of the Committee present, a quorum was established.
- PUBLIC COMMENT:** **Michelle Satterlund** with the Virginia Association of Nurse Anesthetists (VANA) thanked the Committee for the opportunity to provide comments and possible amendments to the proposed Dentistry regulations discussion draft. She passed out and reviewed a letter sent from the president of VANA to Ms. Reen on February 6, 2011 which requests that Dentistry's regulations be consistent with the regulations of the Board of Medicine by:
- Only permitting licensed health care providers (dentists, CRNAs or anesthesiologists) trained in the administration of anesthesia to monitor patients,
 - Permitting only an anesthesiologist or CRNA to administer moderate sedation, deep sedation or general anesthesia so the dentist is focused on treatment, and
 - Permitting CRNAs to practice in dental offices even when the dentist is not trained in sedation and anesthesia.
- MINUTES:** Dr. Boyd asked if the members had reviewed the minutes of the December 2-3, 2010 meeting. Ms. Pace moved to accept the minutes. The motion was seconded and passed.

REPORT ON LEGISLATION

RELATED TO DENTISTRY: Ms. Yeatts said the dental faculty license bill proposed by the VCU School of Dentistry had been withdrawn on the Senate side but passed the House. She added it isn't clear if the House bill will be withdrawn. She reported that the Board's bill to require dentists to register in order to administer sedation and anesthesia has passed the Senate and is now on the House side.

STATUS REPORT ON

REGULATORY ACTIONS: **Recovery of Disciplinary Costs** – Ms. Yeatts reported that these proposed regulations have been approved for public comment till March 2, 2011. The public hearing will be held on February 25, 2011.

Registration of Mobile Clinics – Ms. Yeatts reported that these proposed regulations will replace the emergency regulations which were extended through July 6, 2011. The comment period ends on March 4, 2011 and the public hearing will also be held on February 25, 2011.

Registration and Practice of Dental Assistants – Ms. Yeatts reported that these regulations have been approved by the Governor for publication as final regulations. These regulations will be effective on March 2, 2011.

PERIODIC REVIEW OF REGULATIONS:

First Review Draft of Dental Practice Chapter - Ms. Reen stated that the discussion draft was developed using the results of the Committee member's individual reviews. She said it is time to be real detailed and careful in making sure that content is not lost and the regulations are accurate. She added that the highlighted sections throughout the draft have major changes from the current regulations.

Dr. Boyd asked the audience to comment as the Committee reviews the draft. Ms. Reen then led the discussion page by page as numbered in the agenda package. The following changes were agreed to:

Page 1

18VAC60-21-10 - Ms. Yeatts said that the words and terms defined in §54.1-2700 of the Code need to be referenced in this section and the definition of CODA needs to be added.

“Direct supervision” – change to read “remains *in the dental office and is* immediately available to the dental assistant II...”

Page 2

“Direction” – add the names of the three levels of supervision - direct, indirect and general - right after “level of supervision.”

“Monitoring” – change to “means to observe, *interpret, assess,* and record appropriate physiologic functions of the body during sedative procedures and general anesthesia *appropriate to the level of administration as provided in Part VI.*”

Page 3

“Radiographs” – add “*radiographic*” before “digital images”

18VAC60-21-30.B – add “***in each dental practice setting***” at the end of the first sentence.

18VAC60-21-30 – add a provision E. on posting life support training certificates

Page 4

18VAC60-21-50 – expand the “bona fide dentist-patient relationship” section based on the language in §54.1-3303 of the Drug Control Act and the provisions adopted by other Boards.

Page 5

18VAC60-21-60.E – add a provision for accommodating service dogs
18VAC60-21-60.F – make sexual contact a separate section and expand based on language used by Medicine and the Behavioral Sciences

18VAC60-21-60.G – add “***at least***” in front of “30 days notice”

18VAC60-21-70 – add a provision for minors’ records

18VAC60-21-70.A – replace “five years” with “***six years***” and add at the end “***or as otherwise required by state and federal law.***”

18VAC60-21-70.B1 – replace “on each document” with “***on every page***”

18VAC60-21-70.C – move this provision to Part VI on Sedation and Anesthesia

18VAC60-21-70.C1 – replace “ASA” with “***American Society of Anesthesiologist***”

18VAC60-21-70.C2 – add “***patient’s***” before “medical history” and strike “NPO”

18VAC60-21-70.C3 – add “***Written***” in front of “informed consent” and replace “drugs” with “***sedation and/or anesthesia***”

Page 6

18VAC60-21-70.C4 – rephrase to clarify the term “Time oriented”

18VAC60-21-70.D – replace “permitted” with “***authorized***”

18VAC60-21-70.E – replace “may” with “***shall***”

18VAC60-21-70.F – add language to reference §8.01-413 *in regard to subpoenaed records*

18VAC60-21-80 – replace “10 business days” with “***15 calendar days***” and change “the first 24 hours” to “***the first 72*** hours” and rework based on a review of the Joint Commission’s Sentinel Event Policy

18VAC60-20-170 – Ms. Reen said the language in this section of the current regulations needs to be reworded and added to the proposed chapter

Page 7

18VAC60-21-100 – Dr. Boyd agreed to draft language in regard to nondelegable duties

Page 8

18VAC60-21-120.B – divide this section into two sections and reword

18VAC60-21-120.E – add “***another level of***” after “the use of

”18VAC60-21-130.A1 – add “***gingival curettage***” after “root planning”

Page 9

18VAC60-21-130.B1 – add “***gingival curettage***” after “root planning”

18VAC60-21-140.3 – add “**with slow speed hand pieces**” at the end of the sentence to describe the type of rotary instrument permitted
18VAC60-21-150.A – replace “direction or under general supervision” with “**indirect or general supervision**”

Page 10

18VAC60-21-170.1 – delete “and preliminary dental screenings in any setting”
18VAC60-21-180.A4 – delete
18VAC60-21-190 – replace “advanced specialty which addresses clinical treatment skills” with “**specialty which includes a clinical component**”
18VAC60-21-200 – divide this section into two sections one for unrestricted licenses and the other for restricted licenses

Page 11

18VAC60-21-200.A2 – amend to read as “**All applicants shall have passed a dental clinical competency examination which is accepted by the Board**”
18VAC60-21-200.B2 – amend to read as “**Have successfully completed a clinical competency examination**”

Page 12

18VAC60-21-200.E.1 – delete “regional”
18VAC60-21-200.F.A1 – delete “regional”
18VAC60-21-200.F.A4 – add after “renewed annually” “**on June 30**”

Page 14

18VAC60-21-210.B – Delete “regional”

Page 15

18VAC60-21-220.D.2 – delete “regional”
18VAC60-21-230.A2 (old 1) – add “**for healthcare provider**”

Page 18

18VAC60-21-240.C1 and C2 – add language on delegation of ASA assessment to the other qualified administrators, anesthesiologists and CRNAs

Page 19

18VAC60-21-240.G – reword this section to address a qualified provider
18VAC60-21-240.H – add for healthcare providers

Page 21

18VAC60-21-260.F1 – after “patient” change “to” to “from” and replace “he” with “**patient**”

Page 23

18VAC60-21-270.E – replace “King Airway” with a generic term
18VAC60-21-270.G – rework to address the conflict between G1 and G3

Page 24

18VAC60-21-270.H2 – add minimum standard which requires having driver with patient with any level of sedation

Page 25

18VAC60-21-280.D – the word “maintain” was replaced with “**have**”

Page 26

18VAC60-21-280.H2 – add a requirement for a person to drive the patient

Page 31

18VAC60-21-380 – change reference to §54.1-2502 to the appropriate Dentistry Code provision

Dr. Cutright moved to adopt in principle the proposed draft as amended for further discussion at the next meeting. The motion was seconded and passed.

NEXT MEETING: Dr. Boyd stated that next meeting will be on February 25, 2011 at 9:30 am.

ADJOURNMENT: Dr. Boyd adjourned the meeting at 5:19 p.m.

Herbert R. Boyd, III, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date