

**VIRGINIA BOARD OF DENTISTRY  
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE  
April 22, 2011**

**TIME AND PLACE:** The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 10:00 a.m., on April 22, 2011 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

**PRESIDING:** Herbert R. Boyd., D.D.S., Chair

**MEMBERS PRESENT:** Meera A. Gokli, D.D.S.  
Robert B. Hall, Jr., D.D.S.  
Jacqueline G. Pace, R.D.H.

**MEMBERS ABSENT:** None

**OTHER BOARD MEMBERS PRESENT:** Martha Cutright, D.D.S.  
Augustus A. Petticolas, Jr., D.D.S.  
Jeffrey Levin, DDS

**STAFF PRESENT:** Alan Heaberlin, Acting Executive Director  
Donna Lee, Discipline Case Manager

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

**ESTABLISHMENT OF A QUORUM:** With all members of the Committee present, a quorum was established.

**PUBLIC COMMENT:** **Kimberly Sillaway**, spoke on behalf of Virginia Society of Oral Maxillofacial Surgeons (VSOMS) and stated that the society applauds the Committee for its review of the regulations. Ms. Sillaway stated that she would like the Committee to consider a revision in proposed regulation 18VAC60-21-100, to further define "physical injury" as a respiratory, cardiovascular or neurological complication and proposed a change where a dentist must report a physical injury from the time the patient departs the treatment facility from 72 hours to twenty-four.

**Michele Satturlund**, spoke on behalf of the Virginia Association of Nurse Anesthetists. Ms. Satturlund stated that for 18VAC60-21-280(2) she would like the Committee to consider adding the words "or as appropriate" after the words "five minutes." Also on page 26 of the Dentistry Regulations dealing with moderate sedation, she would like the Committee to consider including temperature measuring devices as part of the equipment list for moderate sedation.

**MINUTES:**

Dr. Boyd asked the members to review page 3 of the March 10, 2011 meeting minutes under 18VAC60-21-80 to make sure it was an accurate reflection of the meeting. No changes or corrections were made. Dr. Hall moved to accept the minutes. The motion was seconded and passed.

Ms. Yeatts stated that some portions of the regulations governing the disciplinary process had already been adopted or are currently in effect. The Executive Committee earlier adopted regulations for Recovery of Disciplinary Costs, and the criteria for delegation of informal fact-finding proceedings to an agency subordinate.

**DRAFT OF DISCIPLINE  
CHAPTER:**

**Page 1**

18VAC60-35-10 – Dr. Levin moved that the Committee recommend approval to the Board. The motion was seconded and passed.

**Page 2**

18VAC60-35-20 – Dr. Gokli moved that the Committee recommend approval to the Board. The motion was seconded and passed.

**DRAFT OF DENTAL  
ASSISTANT II CHAPTER:**

**Page 6**

18VAC60-25-110(3) – delete “the licensee uses” so as to read, **“Misrepresenting to a patient and the public the materials or methods and techniques used or intended to be used”**

18VAC60-25-110(5) – after the word “hygienist,” add **“or Dental Assistant II”** to any person who is not authorized by this chapter”

Dr. Gokli moved that the Committee recommend to the Board approval of Chapter 30 as amended. The motion was seconded and passed.

**DRAFT OF DENTAL  
HYGIENE CHAPTER:**

**Page 5**

18VAC60-25-60(C) – The Committee discussed whether this section may conflict with 54.1-2712 and 54.1-2722 of the Code.

Dr. Levin moved to remove 18VAC60-25-60(C) in the Dental Hygiene Regulations and 18VAC60-21-120(D) in the Dentistry Regulations, page 9. The motion was seconded and passed.

**Page 6**

18VAC60-25-90 – Dr. Levin moved to add a No. 3 written as **“Conducting preliminary dental screenings in free clinics, public health programs or in a voluntary practice.”** The motion was seconded and passed.

18VAC60-25-60(D)(1) – remove the word **“comprehensive”** after the word “periodic.”

18VAC60-25-60(D)(3) – Ms. Yeatts informed the Committee that this wording is not consistent with the wording in the Dentistry Regulations and that it should be the same in both chapters.

Dr. Petticolas moved that 18VAC60-21-120(F)(3) of the Dentistry Regulations, page 10, be changed to the same wording as 18VAC60-25-60(D)(3). The motion was seconded and passed.

**Page 6**

18-VAC60-25-60(E) – Mr. Levin moved to remove the first sentence of this regulation. The motion was seconded and passed.

Ms. Pace moved that the Committee recommend approval of Chapter 25 as amended to the Board. The motion was seconded and passed.

(Recessed at 11:30 a.m.)

Dr. Levin left the meeting at this time.

(Reconvened at 11:43 a.m.)

**DRAFT OF DENTAL  
PRACTICE CHAPTER:**

**Page 8**

18VAC60-21-90(B)(3) – After, “Diagnosis and options discussed,” add, **“including the risks and benefits of treatment or non-treatment and the estimated cost of treatment options.”** No. 4 will become No. 5. The new No. 4 reads **“Consent for treatment obtained and treatment rendered;”** Ms. Pace moved that these amendments be made. The motion was seconded and passed.

**Page 9**

18VAC60-21-100 –Dr. Hall moved to remove **“traumatic”** and change **“72” to “24”**. After the word “injury” add the words **“or a respiratory, cardiovascular or neurological complication.”** The motion was seconded and passed.

**Page 10**

18VAC60-21-120(F)(1) remove the word, “examined” and replaced with **“performed a periodic examination of.”**

**Page 12**

18VAC60-21-190 – Dr. Petticolas inquired as to whether the Board could streamline the application process when a dentist with a current active license retires but would like to obtain a volunteer license. Ms. Yeatts stated that she and Mr. Heaberlin would review the application process to determine if it could be simplified.

**Page 24**

18VAC60-21-280(E)(1)(2)(3) – Dr. Boyd instructed Dr. Hall, Mr. Heaberlin, and Ms. Yeatts to do further research on this portion of the regulation and present their findings to the Board at its June Board meeting. It was agreed by consensus to defer action.

**Page 29**

18VAC60-21-300(F)(1) – Dr. Boyd instructed Dr. Hall, Mr. Heaberlin, and Ms. Yeatts to provide the Board at its June Board meeting with a definition of what is considered baseline vital signs.

Dr. Gokli moved that the Committee recommend approval of Chapter 21 as amended, pending further approval of the sedation regulations, to the Board. The motion was seconded and passed.

**NEXT MEETING:** To be announced at the June Board meeting. Dr. Boyd thanked all Board members for their attendance and assistance in the process for periodic review of the regulations.

**ADJOURNMENT:** Dr. Boyd adjourned the meeting at 1:25 p.m.

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

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Alan Heaberlin, Acting Executive Director

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Date

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Date