

Statement of Final Agency Action

18 VAC 60-20-10 et seq.

Regulations Governing the Practice of Dentistry and Dental Hygiene

On November 19, 1999, the Board of Dentistry adopted final regulations for the establishment of a volunteer restricted license in dentistry and dental hygiene. The Board made no changes to the amendments as proposed.

SUMMARY OF COMMENTS ON PROPOSED REGULATIONS

**Regulations Governing the Practice of Dentistry and Dental Hygiene
18 VAC 60-20-10 et seq.**

Regulations for Volunteer Restricted Licensure

Proposed regulations were published in the Virginia Register of Regulations on August 16, 1999. Public comment was requested for a 60-day period ending October 15, 1999; no written comment was received. A Public Hearing before the Board of Dentistry was held on October 1, 1999 at which no comment was received.

Summary of Final Regulations

18 VAC 60-20-10 et seq.

Regulations Governing the Practice of Dentistry and Dental Hygiene

The final amendments to regulations will establish application and renewal fees for dentists and dental hygienists who hold a restricted volunteer license under the provisions of §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia. Amendments are being promulgated to comply with statutory provisions of HB 1023 (Chapter 326 of the 1998 Acts of the Assembly). HB 1023 had an enactment clause requiring the Board of Dentistry to promulgate emergency regulations; this proposal replaces the emergency regulations and is intended to provide the Board with sufficient fees to administer a regulatory program to ensure safe practice by volunteer dentists and dental hygienists who are practicing on patients in the Commonwealth.

There were no changes to proposed regulations.

REGISTRAR'S SUBMISSION PACKAGE

**BOARD OF DENTISTRY
18 VAC 60-20-10 et seq.**

Analysis of Final Amendments to Regulation

1. Basis of Regulation:

Title 54.1, Chapter 24 and Chapter 27 of the Code of Virginia provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of health regulatory boards including the power to establish qualifications for licensure and responsibility to promulgate regulations.

§§ 54.1-2712.1 and 54.1-2726.1 establish the requirements which must be met for the board to issue a restricted volunteer license to a dentist or dental hygienist.

2. Statement of Purpose:

The purpose of final amendments to regulations is to establish application and renewal fees for dentists and dental hygienists who hold a restricted volunteer license under the provisions of §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia. Amendments are being promulgated to comply with statutory provisions of HB 1023 (Chapter 326 of the 1998 Acts of the Assembly). HB 1023 had an enactment clause requiring the Board of Dentistry to promulgate emergency regulations; this proposal replaces the emergency regulations and is intended to provide the Board with sufficient fees to administer a regulatory program to ensure safe practice by volunteer dentists and dental hygienists who are practicing on patients in the Commonwealth.

3. Substance of Regulations:

18 VAC 60-20-20. License renewal and reinstatement.

Establishes a renewal fee of \$15 for every person holding a restricted volunteer license as a dentist or a dental hygienist.

18 VAC 60-20-30. Other fees.

Establishes an application fee of \$25 for licensure as a restricted volunteer dentist or dental hygienist.

4. Issues of the Regulations

ISSUE 1: Establishment of an application and renewal fee for restricted volunteer licensees.

Since the Code of Virginia requires that health regulatory boards generate fees from applications and renewals sufficient to cover the expenditures, the Board of Dentistry determined that fees were necessary for this new category of licensure. Since persons holding a restricted volunteer license will likely engage in practice on a very limited basis and will be providing free services to an under-served population, the fees are intended to be minimal so as to not be a hindrance to persons who want to obtain this license.

Advantage or disadvantages

There are no disadvantages to the public; the application and renewal fees should not be a hindrance to licensure and should not have a detrimental effect on the availability of dental services by volunteer licensees to people who are served by free clinics in Virginia.

ISSUE 2: Establishment of requirements for volunteer licensees.

The statutory mandate in §§ 54.1-2712.1 and 54.1-2726.1 provides very specific requirements for who can be so licensed and the restricted conditions under which a person can practice. In its examination of the statute, the Board concluded that no additional requirements were necessary to ensure minimal competency or to provide further restrictions on the practice of volunteer dentists or dental hygienists who are not otherwise licensed in Virginia. Therefore, proposed regulations only establish essential fees and provide for licensure according to the requirements of and under the provisions of the Code.

5. Estimated Fiscal Impact of the Regulations

I. Fiscal Impact Prepared by the Agency:

Number of entities affected by this regulation:

To date, there has been no one licensed as a restricted volunteer dentist or dental hygienist; application packets have been sent to all persons who have expressed an interest in the license during the passage of legislation and development of regulations.

Projected cost to the agency:

The agency will incur some costs (less than \$2000) for mailings to the Public Participation Guidelines Mailing List, conducting a public hearing, and sending copies of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and board meetings already scheduled.

There should not be any on-going costs associated with disciplinary cases related to restricted volunteer licenses. Since this is a restricted license that allows the individual to practice without a fee only in free clinics in the Commonwealth, it is doubtful that anyone would seek to retain the license if a complaint was filed and a disciplinary action begun. It is likely that anyone with a restricted volunteer license who is involved in a disciplinary matter would surrender the license under a pre-hearing consent order. If a complaint was filed, costs associated with an investigation might result in expenditures of \$500 to \$1000 per case. The Board does not anticipate any increase in its disciplinary load as a result of this new category of licensure.

Projected costs to the affected entities:

For persons who seek to obtain a restricted volunteer license, there will be an application fee of \$25 and a yearly renewal fee of \$15. It is estimated that 10-15 persons will be licensed under these provisions.

Citizen input in development of regulation:

In the development of emergency and proposed regulations, notices of meetings were sent to persons on the public participation guidelines mailing list. A Notice of Intended Regulatory Action was sent to persons on the PPG list, but no comment was received on the NOIRA. Public comment was also received at each meeting. The Board has worked with parties interested in this license, the Virginia Dental Association, and the patron of the legislation in order to craft legislation and regulations that will enable persons to be licensed to do volunteer work in free clinics but will also provide the necessary protection for public health, safety and welfare.

Localities affected:

There are no localities affected by these regulations in the Commonwealth.

II. Fiscal Impact Prepared by the Department of Planning and Budget: (Attached to proposed regulations)

III. Agency Response: The Board of Dentistry concurred with the economic impact analysis prepared by the Department of Planning and Budget.