

**VIRGINIA BOARD OF DENTISTRY  
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE  
April 22, 2009**

- TIME AND PLACE:** The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 1:00 P.M. on April 22, 2009 in Training Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.
- PRESIDING:** James D. Watkins, D.D.S., Chair
- MEMBERS PRESENT:** Jeffrey Levin, D.D.S.  
Jacqueline G. Pace, R.D.H.  
Myra Howard  
Meera A. Gokli, D.D.S.
- OTHER BOARD MEMBERS PRESENT:** Darryl Pirok, D.D.S.
- 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:** All members of the Committee were present.
- PUBLIC COMMENT:** **Nancy Daniel** of J. Sargeant Reynolds Community College asked the Committee to require work experience in restorative dentistry in addition to Certified Dental Assistant (CDA) examination to qualify for a dental assistant II education program. She noted that such experience would provide training in terminology, materials, procedures and instruments which she believes is critical to success in the program. Dr. Watkins thanked Ms. Daniel for her suggestion and stated that the Committee will take it into consideration.
- MINUTES:** Dr. Watkins asked if the Committee had reviewed the minutes of the February 25, 2009 meeting. Dr. Levin moved to accept the February 25, 2009 minutes. The motion was seconded and passed.
- DENTAL ASSISTANT REGULATIONS:** **Review Draft of Proposed Regulations** – Dr. Watkins asked Ms. Yeatts to take the lead in this discussion. Ms. Yeatts advised that at Dr. Watkin’s request she had prepared alternative

education requirements for DAs II for consideration by the Committee as follows:

- Allow all 50 hours of the preclinical coursework in dental anatomy and operative dentistry to be taken online
- Divide the 150 laboratory hours into four modules:
  - a. amalgam restorations,
  - b. composite resin restorations,
  - c. final impressions and
  - d. final cementation of crowns and bridges
- allow registration by module, and
- require dental hygienists to hold the DA II credential to qualify to perform restorative and prosthetic duties

Dr. Watkins asked the Committee to go through each alternative and to make a decision.

Dr. Gokli commented that allowing the coursework to be done online is a good idea to get more people into the DA II program. Ms. Pace moved to allow all 50 hours of didactic coursework to be done online. The motion was seconded and passed.

Dr. Watkins stated the modules would allow a person to qualify for only the skills needed in a practice. Ms. Yeatts advised that the Board of Medicine certifies x-ray technicians by body parts. It was agreed that the DA II registration would need to specify each module the person is qualified to perform. Ms. Pace moved to adopt the four clinical training modules. The motion was seconded and passed.

Ms. Yeatts asked for discussion of the number of laboratory training hours to be required for each module. Ms. Pace spoke in favor of dividing 150 hours between the four modules. Dr. Gokli asked if it is feasible for a person to complete the entire program and was assured it is. Dr. Levin moved to require at least 150 hours of laboratory training for the four modules. The motion was seconded and passed.

Division of the 150 hours between the modules was discussed. Consensus was that the composite resin restoration module would require significantly more hours than the other three modules. The following numbers for laboratory training hours was agreed to:

- amalgam restorations – 40 hours
- composite resin restorations – 60 hours
- final impressions – 20 hours
- final cementation of crowns and bridges – 30 hours

Dr. Levin moved to adopt these hours for the laboratory training modules. The motion was seconded and passed.

Ms. Yeatts asked if the Committee would like to double the number of laboratory hours as the minimum requirement for clinical experience. Ms. Pace moved to double the hours of laboratory training. The motion was seconded and passed.

Ms. Yeatts noted that some states are silent about dental hygienists performing expanded duties while others require dental hygienists to obtain expanded duties certification. Dr. Watkins pointed out that the statute does not address dental hygienists and does require national certification to qualify as a DAII. Mr. Casway advised that anyone wishing to qualify to perform the expanded duties should hold certification from a national credentialing organization as required by the statute.

It was noted from the audience that the examination requirements should be considered in light of dividing the program into modules. Requiring a written examination at the conclusion of the didactic training, a practical examination at the conclusion of the laboratory training and a comprehensive written examination at the conclusion of the clinical experience was discussed. Dr. Levin moved to require an exam at the end of each stage of the training as discussed. The motion was seconded and passed.

Ms. Reen advised that the underlined language in the remaining sections of the draft reflect the Committee's prior decisions and that no one has raised any issue about this draft so far. Ms. Howard moved to accept the proposed draft. The motion was seconded and passed.

Dr. Levin asked that the term "non-epinephrine" be added before "retraction cord" throughout the regulations. The schedule level of epinephrine and whether the use of retraction cord would be considered topical was discussed. It was agreed that it would not be topical for the planned duties. Dr. Levin moved to add "non-epinephrine" before "retraction cord" throughout the regulations. The motion was seconded and passed.

**Information from Other States** – Ms. Yeatts said this information was included as a resource to assist in the discussion of the dental assistant regulations just completed.

**Chart on Permissible Delegation of Duties** – Dr. Watkins questioned the need for the chart. Ms. Reen explained that the Committee had on several occasions indicated that it wanted to issue a chart on delegation as a guidance document along with the DA II regulations. Mr. Casway commented that the chart needs to be modified to address the education modules adopted for certification of DAs II. Ms. Reen asked the Committee for guidance in regard to developing the chart. There was

consensus to proceed with developing a chart then Dr. Watkins indicated that it would be simpler to work with the list of 22 duties that had been in the Board's regulations previously. He tabled discussion of the chart until the next meeting so that it might be reworked.

**DRAFT GUIDANCE  
DOCUMENT ON  
ADMINISTERING AND  
MONITORING:**

Ms. Reen noted that this draft of the guidance document reflects the discussions held with the executive director of the Board of Nursing about the scope of practice for nurses and that it addresses what is presently allowed by law and regulation. She requested that the following changes be made to the draft:

- On page 2, the 6<sup>th</sup> bullet, 2<sup>nd</sup> line, after "prior to administration," then it should read "or if self-administered" instead of "of if self-administered"
- On page 3, first paragraph, the last phrase should read "but only as authorized by Code 54.1-3408(J)" instead of "as provided for in Va."

Dr. Pirok asked if this meant oral and maxillofacial surgeons needed to stop using nurses to assist in administering even when the surgeon is within arm's reach. Dr. Levin asked for clarification of which rules apply to treatment in hospitals and those for treatment in a dental office and was advised that the Board regulations on administration do not apply to treatment in hospitals. Mr. Casway advised that there needs to be further discussion of the legal parameters. In response to discussion of the oversight to be exercised, Ms. Yeatts noted that the proposed definition for direct supervision does not require the dentist to be in the room. Dr. Watkins tabled discussion of the guidance document until the next meeting to allow Mr. Casway to discuss with the Board of Nursing the duties a nurse might perform for a dentist during administration of sedation and general anesthesia.

**PERIODIC REVIEW OF  
REGULATIONS:**

**Part I General Provision** – Ms. Reen reported that she only received one request for basic editing from the Committee for the licensure provisions Part II and Part III so the internal review process on those sections is now complete. She noted that she has begun work on the sedation and anesthesia provisions in Part IV which led to work on the general provisions in Part I. She asked the Committee to review Part I and to give her feedback on the proposed language. Dr. Watkins said that he will start the process and then the rest of the Committee members will follow alphabetically.

## **REGULATIONS OF MOBILE DENTAL CLINICS:**

Dr. Watkins asked Ms. Yeatts to walk the Committee through the outline on the content of the regulations for mobile dental clinics. Ms. Yeatts said that the requirement for these regulations is in the Budget Bill which was signed by the Governor in April of 2009 .

Ms. Yeatts commented that in drafting the language for this regulation, she has used other states' language as guidance for defining the terms "mobile dental facility" and "portable dental operation." Discussion of the limitations of the phrase "a self-contained unit" followed. It was agreed that each term should be defined and Dr. Levin moved to accept the language used by Texas. The motion was seconded and passed.

Ms. Howard moved to accept the proposed exemptions from registration. The motion was seconded and passed.

Ms. Yeatts said that her thought for the registration requirements are to assure that the Board is informed of who will be working, where, and what services will be provided. Dr. Levin moved to adopt the proposed requirements for registration. The motion was seconded and passed.

Dr. Watkins asked that DAs II be included. Ms. Yeatts replied that once DAs II are registered this part could be amended. Ms. Pace moved to approve the requirements as proposed by Ms. Yeatts. The motion was seconded and passed.

Ms. Reen noted that she had identified 3 practices coming into Virginia. Ms. Reen went on to comment that the annual renewal fee of \$50 is low since the reporting of staff changes, locations and dates will require multiple data entries. The estimated costs were discussed then Ms. Howard moved to propose \$250 for the application fee for registration and \$150 for annual renewal. The motion was seconded and passed.

Ms. Howard asked how we are going to monitor that the renewal cost is sufficient. Ms. Reen replied that we will not know until we are actually doing it then the Board can evaluate to see if the cost is sufficient and amend the regulation as needed.

Discussion about the information to be provided to patients followed with Ms. Pace suggesting that each patient should be given a copy of any x-ray or images taken when subsequent treatment is recommended. It was agreed that this should be handled in keeping with the legal requirements already in place for release of records.

Ms. Reen asked that item E be amended to expressly state that practice shall be in accordance with all the laws and regulations governing the practice of dentistry and dental hygiene instead of just referencing the Board's regulations.

Ms. Reen asked if there might be any circumstance where the board would deny the renewal, if so then that need to be put in here also. Mr. Casway agreed and said that registration or renewal could be denied for any violation addressed in §54.1-2706 of the Code.

**NEXT MEETING:** Dr. Watkins asked about dates for scheduling the next meeting. It was agreed to meet at 1:00 pm on Wednesday, June 24, 2009.

**ADJOURNMENT:** Dr. Watkins adjourned the meeting at 3:42 p.m.

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Jeffrey Levin, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date