

# **Regulatory Review Package**

## **Emergency Regulations**

### **Board of Dentistry 18 VAC 60-20-10 et seq.**

#### **1. Regulatory Review Package**

**a. Proposed emergency regulation** - See attached.

**b. Source of the legal authority to promulgate the contemplated regulation.**

The proposed emergency regulations are being promulgated to comply with statutory provisions of HB 1023 passed by the 1998 General Assembly. House Bill 1023 (Chapter 326) has an enactment clause requiring the Board of Dentistry to promulgate regulations to implement the act to be effective within 280 days of the enactment. (See attached copy of Chapter 326)

Rulemaking is mandatory in order for the Board to comply with statutory language in which it is stated that the Board shall promulgate regulations within 280 days of enactment.

**c. Letter of assurance from the office of the Attorney General.**

See attached.

**d. Statement of necessity.**

Promulgation of the Emergency Regulation, 18 VAC 60-20-10 et seq., is necessary to conform to statutory provisions of Chapter 326 of the 1998 Acts of the Assembly. In accordance with the Administrative Process Act, the “emergency situation” which exists is specified in § 9-6.14:4.1 (C)(5)(ii) of the Code of Virginia as one in which the agency is required by statutory law to have a regulation in effect within 280 days from the enactment of the law. The proposed regulations are not exempt from provisions of subdivision C of § 9-6.14:4.1.

**e. Statement of changes which the regulations will implement.**

**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.

**f. Statement of reasoning for the regulations.**

The emergency regulations promulgated by the Board are essential to comply with the statutory mandate of §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia as amended by the 1998 General Assembly.

**g. Statement on alternatives considered.**

The Board did not consider alternatives to the promulgation of regulations as it was mandated to do so by the statute. It did adopt the least burdensome regulation consistent with the specific provisions of the statutes and with its concern for public health and safety.

The Legislative/Regulatory Committee of the Board reviewed the provisions of §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia as amended by the 1998 General Assembly and concluded that additional criteria in regulation for appropriate conditions, supervision, or qualifications for a restricted volunteer license are unnecessary. The language of the Code is very specific on those issues. The only provision necessary by regulation is the establishment of a fee for application and initial licensure and a fee for renewal of licensure.

As a non-general fund agency, the Board of Dentistry within the Department of Health Professions is required to set licensure and renewal fees to generate income sufficient to meet expenses. The application fee of \$25 and the annual renewal fee of \$15 are intended to be minimal in order for the Board to recover administrative costs without burdening the volunteer dentist or dental hygienist who is working in a free clinic for no compensation.

It is estimated that less than 10 dentists or hygienists would be affected by this regulation. Legislation for a volunteer license was initiated by a group of 3 or 4 retired dentists (licensed in other states) who would like to volunteer their time in a free clinic in the Williamsburg area. Since there is no endorsement of licensure in other states by the Virginia board, these dentists would have to go through a very costly and unnecessary examination process in order to obtain full licensure.

The Board also discussed the need for continuing education for persons holding the restricted volunteer license. In the opinion of the Board counsel, continuing education is required for persons holding a license to practice and therefore, would be required for a volunteer license as well.

**2. Publication of a NOIRA to replace emergency regulations**

The Board of Dentistry hereby requests permission to publish a Notice of Intended Regulatory Action to replace the Emergency Regulations with permanent regulations. (NOIRA form to be submitted is attached.)