

APPROVED

**BOARD OF DENTISTRY
MINUTES OF REGULATORY LEGISLATIVE
COMMITTEE
Friday, June 30, 2017**

TIME AND PLACE: The meeting of the Regulatory-Legislative Committee of the Board of Dentistry was called to order on June 30, 2017 at 1:02 p.m. at the Department of Health Professions, 9960 Maryland Drive, Suite 201, Board Room 4; Henrico, Virginia.

PRESIDING: Bruce S. Wyman, D.M.D., Chair

COMMITTEE MEMBERS PRESENT: John M. Alexander, D.D.S.
Tonya A. Parris-Wilkins, D.D.S.
Augustus A. Petticolas, Jr., D.D.S.
Tammy C. Ridout, R.D.H

OTHER BOARD MEMBERS PRESENT: James D. Watkins, D.D.S
Al Rizkalla, D.D.S.

ESTABLISHMENT OF QUORUM: All members of the Committee were present.

STAFF PRESENT: Sandra K. Reen, Executive Director
Kelley W. Palmatier, Deputy Executive Director
Sheila Beard, Executive Assistant
Elaine Yeatts, DHP Policy Analyst
Jim Rutkowski, Board Counsel

PUBLIC COMMENT: Susan Pharr stated that the Virginia Dental Hygienist Association has developed a CE course for practicing under remote supervision to be offered online for 1.5 hours. She added that copies of the course were provided for consideration during the Committee's discussion of the regulatory requirements for the content and length of the required course.

Lauren Schmitt asked that another pathway be established for dental hygienists to qualify as a Dental Assistant II which does not require holding the Certified Dental Assistant credential.

Robert Strauss, DDS, said the Virginia Association of Oral and Maxillofacial Surgeons opposes recognition of the American Board of Dental Specialties which he believes will jeopardize the public.

APPROVAL OF MINUTES: Dr. Wyman asked for motions on the minutes of previous meetings. The motion by Dr. Watkins to adopt the October 16, 2015 minutes as presented was seconded and passed.
The motion by Dr. Petticolas to adopt the October 14, 2016 minutes with a correction on page 9 was seconded and passed.
The motion by Ms. Ridout to adopt the January 05, 2017 minutes with corrections to pages 11 and 12 was seconded and passed.

**LEGISLATION AND
REGULATIONS:**

Ms. Yeatts reported that the re-adopted emergency regulations on prescribing opioids for pain management are at the Governor's Office for review. She said that the regulations conforming to the ADA guidelines on teaching moderate sedation and the regulation adding capnography to the monitoring requirements for sedation both go into effect on June 14, 2017.

Ms. Yeatts explained that the Committee needs to address the content and length of the course a dental hygienist must complete before practicing under remote supervision so that the Board can adopt final regulation at its September meeting. She said not addressing this in the regulations would lead to inconsistencies across continuing education providers.

Discussion followed about the appropriate length of the course being 1.5 hours as proposed by VDHA or 2 hours. Dr. Alexander moved to require 2 hours. The motion was seconded and passed.

Discussion turned to the required content for the course and the VDHA competencies were discussed. There was agreement that competencies numbered 3 through 9 should be required. Risk management was identified as an additional topic. Ms. Ridout moved to include the VDHA competencies 3 through 9 and add risk management in the regulatory proposal. This motion was seconded and passed.

DR. MAYBERRY'S PETITION:

Dr. Wyman opened the discussion of the petition for recognition of the American Board of Dental Specialties as a bona fide dental specialty certifying organization. Mr. Rutkowski was asked for his guidance and he advised the Committee to go into closed session for legal advice.

Dr. Alexander moved that the Committee convene in a closed meeting pursuant to Section 2.2-3711 (a) (7) of the Code of Virginia for consultation with legal counsel pertaining to actual or probable litigation as addressed in the petition. Additionally, he moved that Board staff, Sandra Reen and Sheila Beard, Board Counsel, James Rutkowski, and DHP Policy Analyst, Elaine Yeatts, attend the closed meeting because their presence is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.

Dr. Alexander moved to certify that the Committee heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

Dr. Alexander moved to recommend that the Board defer to §54.1-2718 (B) of the Code of Virginia which addresses trade names and strike 18VAC-60-21-80 (G) (3) and 18VAC60-20-80 (G) (4) of the Regulations Governing the Practice of Dentistry which address advertising as a specialist.

DR. CARNEY'S PETITION:

Dr. Wyman opened the discussion of the petition for clarification of the regulatory requirements regarding pre-operative, peri-operative and post-operative vital signs in sections 18VAC60-21-280, 18VAC60-21-291 and 18VAC60-21-301 of the Regulations Governing the Practice of Dentistry. Following discussion, the Committee agreed by consensus to have a subgroup of the Committee work with a Regulatory Advisory Panel (RAP) to review and propose changes to Part VI. Controlled Substances, Sedation and Anesthesia. It was also agreed that Dr. Alexander would chair the RAP.

DAII REGULATIONS:

Ms. Reen asked the Committee to work with the new draft of the proposed changes to the Regulations Governing the Practice of Dental Assistants which includes the latest comments received from members of the Regulatory Advisory Panel. Discussion followed about the two options advanced for redefining Dental Assistants I to either require certification as a Certified Dental Assistant or to require completion of a Radiation Health and Safety course and an Infection Control course. Dr. Petticolas moved to leave the definition as it currently stands. This motion was seconded and passed.

Discussion turned to review of Part IV of the regulations including the number of hours specified for clinical experience in composite resin restorations. Following discussion, Dr. Alexander moved to recommend adoption of the changes proposed to Part IV as drafted. The motion was seconded and passed.

**DENTAL ASSISTANTS
USING CAVITRONS:**

Ms. Reen asked the Committee to consider the current regulation, 18VAC60-21-140, which restricts scaling of natural and restored teeth to dental hygienists and also specifically restricts the use of ultrasonic devices such as a Cavitron for scaling to dental hygienists. Dr. Petticolas moved to reaffirm the regulatory restrictions which make it illegal to delegate scaling to dental assistants. The motion was seconded and passed.

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NEXT MEETING:

It was agreed by consensus to schedule the next meeting for
October 20, 2017.

ADJOURNMENT:

With all business concluded, Dr. Wyman adjourned the meeting at
3:16 p.m.

Augustus A. Petticolas, Jr., D.D.S.
Augustus A. Petticolas, Jr, D.D.S. Chair

Sandra K. Reen
Sandra K. Reen, Executive Director

March 8, 2018
Date

March 8, 2018
Date