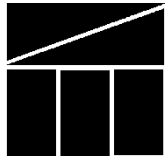


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes¹ Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 60-30 Regulations Governing the Practice of Dental Assistants
Department of Health Professions
Town Hall Action/Stage: 4916 / 8508
May 3, 2019

Summary of the Proposed Amendments to Regulation

The Board of Dentistry proposes to amend the educational requirements to become a dental assistant II from a program based on completion of required hours to a competency-based program.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

"Dental assistant I" is defined in the *Regulations Governing the Practice of Dental Assistants* as any unlicensed person under the direction of a dentist or a dental hygienist who renders assistance for services provided to the patient as authorized under this regulation, but shall not include an individual serving in purely an administrative, secretarial, or clerical capacity. Individuals who become qualified and are registered as a dental assistant II may, under the direction and direct supervision of a dentist, perform intraoral procedures that are not permitted for a dental assistant I. Those intraoral procedures are: 1) performing pulp capping procedures, 2) packing and carving of amalgam restorations, 3) placing and shaping composite

¹ Adverse impact is indicated if there is any increase in net cost for any entity, even if the benefits exceed the costs for all entities combined.

resin restorations with a slow speed handpiece, 4) taking final impressions, 5) use of a non-epinephrine retraction cord, and 6) final cementation of crowns and bridges after adjustment and fitting by the dentist.

Registration of dental assistants II became effective in 2011, yet only 26 persons are currently registered as a dental assistant II.² For several years, the Board has discussed the need to re-examine the requirements to determine whether they could be made less burdensome. In this action, the Board proposes amendments in order to reduce the burden of becoming a dental assistant II in order to encourage more participation, while ensuring that registrants are qualified to provide the associated services.

Under both the current and proposed regulations, there are three types of required training: 1) didactic course work, 2) laboratory training, and 3) clinical experience. The current regulation requires at least 50 hours of didactic course work on dental anatomy and operative dentistry. The proposed regulation does not specify number of hours; instead, topics to be covered within dental anatomy and operative dentistry are listed. Education programs may cover these topics in significantly fewer than 50 hours.

There are three separate modules within laboratory training for both the current and proposed regulations. The Board proposes greatly reduced minimum number of hours for all three modules, while adding specific demonstrations of competency on a manikin in each module.³ Clinical experience has the same three modules. The Board again proposes greatly reduced minimum number of hours for all three modules. Here the Board proposes to add specific demonstrations of competency on a live patient for each module.⁴ In this way, students who are quick learners or who come into the program with some relevant skills may complete laboratory training and clinical experience much more quickly and potentially at lower cost.

² Source: Department of Health Professions

³ See 18VAC60-30-120 B.3 in the proposed regulation for the specific changes:
<https://townhall.virginia.gov/l/ViewXML.cfm?textid=13137>

⁴ See 18VAC60-30-120 B.4 in the proposed regulation for the specific changes:
<https://townhall.virginia.gov/l/ViewXML.cfm?textid=13137>

There is currently only one active dental assistant II program in the Commonwealth, which is at Germanna Community College. Under the requirements of the current regulation, there are four courses with the following costs:

Oral Anatomy and Operative Dentistry	\$750.00
Module 1: Amalgam Restorations: Placing, Packing, Carving, & Polishing (includes lab & clinical)	\$491.25
Module 2: Composite Resin Restorations: Placing & Shaping (includes lab & clinical)	\$491.25
Module 3: Indirect Restoration Techniques (includes lab & clinical)	\$491.25

Oral Anatomy and Operative Dentistry is mandatory for all students. Students can choose between taking one or two of the modules, or all three. Once registered, they would only be permitted to perform procedures in the modules that they have successfully completed and demonstrated competency.

According to DHP, Germanna and other educational institutions that have indicated interest in starting a dental assistant II program have indicated that they could offer the program at lower cost than under the proposed regulation. Demonstrations of competency would likely produce at least as much assurance of patient safety as greater required hours of training without such specific demonstrations of competency. Thus, the proposed amendments would likely produce net benefits for the Commonwealth.

Businesses and Entities Affected

The proposed amendments potentially affect the one community college that currently has a dental assistant II program (Germanna Community College), and other educational institutions that may wish to establish dental assistant II programs. According to DHP, Fortis College, J. Sargeant Reynolds Community College, and ECPI University have all expressed interest. The proposed amendments also potentially affect the 3,260 dental offices⁵ in the Commonwealth, as well as dental assistants and other staff in those offices.

⁵ Data source: Virginia Employment Commission

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments may encourage more individuals to seek to become trained and employed as dental assistant II. This potential increase in demand may lead to the establishment of dental assistant II education programs, with commensurate increase in employed staff.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Real Estate Development Costs

The proposed amendments do not affect real estate development costs.

Small Businesses:**Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

The proposed amendments are unlikely to significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Adverse Impacts:**Businesses:**

The proposed amendments do not adversely affect businesses.

Localities:

The proposed amendments do not adversely affect localities.

Other Entities:

The proposed amendments do not adversely affect other entities.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.