



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: 5505 / 9316
October 19, 2021

Summary of the Proposed Amendments to Regulation

As the result of a 2019 petition for rulemaking,¹ the Board of Dentistry (Board) is proposing to add an infection control training requirement for Dental Assistant Is and Dental Assistant IIs to the regulation.

Background

According to the Department of Health Professions (DHP), it is expected that dental assistants follow common sense infection control practices. Currently, a guidance document² lists “Follow the applicable CDC infection control guidelines and recommendations” under Practitioner Responsibility, but the regulation is silent about any required training that dental assistants must complete in infection control. The Board proposes to require dental assistants to complete annual training in infection control standards, and also require dentists to assure that that the training is completed.

Estimated Benefits and Costs

DHP believes that training of dental assistants in infection control is already occurring in most dental offices. However, DHP is aware of 4-5 cases where infection control standards were not followed. The details of the proposed annual training are not specified in the proposed text, only that it be “required by the Occupational Safety and Health Administration and as recommended by the Centers for Disease Control” (CDC). DHP states that free online training

¹ <https://townhall.virginia.gov/L/viewpetition.cfm?petitionid=313>

²

https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\223\GDoc_DHP_4171_v9.pdf

videos are available from CDC on infection control which would satisfy the proposed training requirement.

Since most dental offices likely train dental assistants on common sense infection control measures already, the main benefit of the proposed action is to emphasize and clarify that dental assistants complete annual training. As a result, the proposed changes would also be beneficial to the extent they reduce infections in dental practices.

Businesses and Other Entities Affected

The proposed regulation applies to 7,516 dentists, hundreds of dental assistant Is,³ and 40 dental assistant IIs. No adverse economic impact⁴ on dentists or dental assistants is expected, as they are already supposed to follow common sense infection control measures.

Small Businesses⁵ Affected:

The proposed amendments do not appear to adversely affect small businesses.

Localities⁶ Affected⁷

The proposed amendments do not introduce costs for local governments or particularly affect any locality.

Projected Impact on Employment

The proposed amendments do not affect total employment.

Effects on the Use and Value of Private Property

No impact of the use and value of private property or real estate development costs is expected.

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

³ Dental Assistant Is are not directly regulated by the Board. Therefore, DHP lacks an exact count.

⁴ Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.

⁵ 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.”

⁶ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁷ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

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(D): 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.