



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 60-20 – Regulations Governing the Practice of Dentistry and Dental Hygiene
Department of Health Professions
September 17, 2009

Summary of the Proposed Amendments to Regulation

Chapters 84 and 264 of the 2008 Acts of the Assembly created the new professional registration called dental assistant II (DA II). Pursuant to this legislation the Board of Dentistry (Board) proposes to specify requirements for registration and the scope of practice for a DA II. Further, the Board proposes to permit dentists to: 1) utilize a total of four dental hygienists or DA II in any combination practicing under direction or general supervision at one and the same time, and 2) delegate some duties to dental hygienists under general supervision with or without the dentist being present.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Chapters 84 and 264 of the 2008 Acts of the Assembly created Code of Virginia § 54.1-2729.01.B which states that:

A person who (i) has met the educational and training requirements prescribed by the Board; (ii) holds a certification from a credentialing organization recognized by the American Dental Association; and (iii) has met any other qualifications for registration as prescribed in regulations promulgated by the Board may practice as a dental assistant II. A dental assistant II may perform duties not otherwise restricted to the practice of a dentist or dental hygienist under the direction of a licensed dentist that are

reversible, intraoral procedures specified in regulations promulgated by the Board.

The Board proposes to permit a DA II to perform the following procedures under the direction and direct supervision of a dentist which under current regulations may only be performed by a dentist: 1) performing pulp capping procedures, 2) packing and carving of amalgam restorations, 3) placing and shaping composite resin restorations, 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. The DA II would need to have successfully completed the extensive coursework, laboratory training, clinical experience and examinations specified in the proposed regulations prior to performing these procedures.

In both the current and proposed regulations a dental assistant is defined as “any unlicensed person under the supervision of a dentist who renders assistance for services provided to the patient as authorized under this chapter but shall not include an individual serving in purely a secretarial or clerical capacity.” The proposed amendments to these regulations do not change requirements or opportunities for dental assistants. The proposed amendments and the enabling legislation essentially create a new registered profession called “dental assistant II” which is permitted to perform a subset of duties which can now only be performed by dentists. Given the required extensive training and supervision by dentists, public safety is unlikely to be compromised by permitting the practice of the DA II. To the extent that that individuals pursue and obtain DA II registration, and dentists choose to hire such individuals to perform these procedures, access to dental care for the public may increase for the public. Thus, this proposal produces a net benefit.

The current regulations state that “No dentist shall have more than two dental hygienists practicing under direction or general supervision at one and the same time ...” The Board proposes to amend the language to state that “A dentist may utilize up to a total of four dental hygienists or dental assistants II in any combination practicing under direction or general supervision at one and the same time ...” This proposed change may moderately increase employment and increase access to dental care for the public and is unlikely to create significant health risk for the public.

The Board also proposes to specify that the dental hygienist may perform certain duties under general supervision with or without the dentist being present. Currently, the regulations specify that general supervision is only possible "without the dentist present." Allowing the hygienist to perform duties that meet the criteria for practice under general supervision when the dentist is present will allow the hygienist to see certain patients under general supervision but not require the dentist to see the patient at any point during the appointment (as is required under indirect supervision). This will enable dental staff to use their time more efficiently and should not create public health risk. Thus the proposal creates benefit without apparent cost.

Businesses and Entities Affected

The proposed amendments potentially affect dental practices. There are 5,850 active licensed dentists in Virginia.¹ Potentially providers of training for the DA II are affected as well. Potential training entities include universities, community colleges, and proprietary schools.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The current regulations state that "No dentist shall have more than two dental hygienists practicing under direction or general supervision at one and the same time ..." The Board proposes to amend the language to state that "A dentist may utilize up to a total of four dental hygienists or dental assistants II in any combination practicing under direction or general supervision at one and the same time ..." This proposed change may moderately increase employment.

Effects on the Use and Value of Private Property

The creation of the DA II registration will allow individuals with such registration to perform some procedures under the supervision of a dentist that may now only be performed by dentists. To the extent that individuals pursue and obtain DA II registration, and dentists choose to hire such individuals to perform these procedures, some dental practices will change and potentially increase in value. The proposal to allow dentists to delegate certain duties to dental hygienists under general supervision that under the current regulations may only be performed

¹ Source: Department of Health Professions

by dental hygienists when the dentist is not present in the office may enable dental staff to use their time more efficiently and thus may moderately increase the value of some dental practices.

Small Businesses: Costs and Other Effects

The proposed amendments will not increase costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to adversely affect small businesses.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.