

**VIRGINIA BOARD OF DENTISTRY  
REGULATORY-LEGISLATIVE COMMITTEE MEETING MINUTES  
May 17, 2021**

**TIME AND PLACE:** The virtual meeting of the Regulatory-Legislative Committee was called to order at 1:33 p.m., on May 17, 2021.

**CALL TO ORDER:** Dr. Catchings called the meeting to order.

Consistent with Amendment 28 to HB29 (the Budget Bill for 2018-2020) and the applicable provisions of § 2.2-3708.2 in the Freedom of Information Act, the Committee is convening today's meeting virtually to consider such regulatory and business matters as are presented on the agenda necessary for the Committee to discharge its lawful purposes, duties, and responsibilities.

Dr. Catchings provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

**COMMITTEE MEMBERS PRESENT VIRTUALLY:** Sandra J. Catchings, D.D.S., Chair  
Patricia B. Bonwell, R.D.H., PhD  
Sultan Chaudhry, D.D.S.  
J. Michael Martinez de Andino, J.D.

**OTHER PARTICIPATING BOARD MEMBERS PRESENT VIRTUALLY:** Augustus A. Petticolas, Jr., D.D.S.

**STAFF PRESENT VIRTUALLY:** Sandra K. Reen, Executive Director, Board of Dentistry  
Jamie C. Sacksteder, Deputy Executive Director  
Donna M. Lee, Discipline Case Manager, Board of Dentistry  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions  
Rebecca Schultz, Policy Specialist, Department of Health Professions

**COUNSEL PRESENT VIRTUALLY:** James E. Rutkowski, Assistant Attorney General

**ESTABLISHMENT OF A QUORUM:** A roll call of the Board members and staff was completed. With all members of the Committee present, a quorum was established.

**PUBLIC COMMENT:** Dr. Catchings explained the parameters for public comment and opened the public comment period. Dr. Catchings also stated that the Committee did not receive any written comments.

**Gianna Nawrocki, American Association of Orthodontists (AAO) –** Ms. Nawrocki reiterated that the AAO and VAO should not be included in any potential regulations as sponsors that have an approved program available for digital scan technicians.

**APPROVAL OF MINUTES:** Dr. Catchings asked if there were any edits or corrections to the April 23, 2021 minutes. Dr. Bonwell moved to approve the minutes as presented. Following a second, a roll call vote was taken. The motion passed.

**TRAINING AND SUPERVISION OF DIGITAL SCAN TECHNICIANS:**

Dr. Catchings stated that the Committee was meeting today to address the concerns and questions that were raised following the April 23, 2021 meeting regarding the proposed regulations for digital scan technicians.

Ms. Reen addressed the Committee regarding the feedback she received from them pertaining to the proposed regulations for digital scan technicians, and she also reminded the Committee that the law went into effect in July of 2020.

Ms. Yeatts stated that the Committee expressed concerns about requiring that a physical exam be performed by a dentist. She reviewed with the Committee the definition of teledentistry and explained how it would be implemented with digital scan technicians.

After discussion, by consensus, the Committee requested that a workgroup be formed to discuss legislative proposals to the regulation that would allow patients receiving active appliances, including orthodontics, be examined in person by a dentist before delivery. The Committee was instructed to send Ms. Reen an email with the names of prospective participants for the workgroup.

Ms. Reen discussed the digital scan flowchart with the Committee. She also reviewed 18VAC60-21-10, which outlines the definitions, and 18VAC60-21-165, the proposed digital scan regulations.

- **18VAC60-21-10(C) "Remote Supervision"** – Dr. Petticolas moved that the word "supervising" be changed to "directing" for the sentence referring to digital scan technician. Following a second, a roll call vote was taken. The motion passed.

- **18VAC60-21-165(D)(3)** – Dr. Catchings moved that the words "used in reliance on" be deleted and replaced with the word "for". Following a second, a roll call vote was taken. The motion passed.

Mr. Martinez moved that the Committee recommend to the Board adoption of 18VAC60-21-10 and 18VAC60-21-165 as amended. Following a second, a roll call vote was taken. The motion passed.

**PROPOSED WORK ORDER REQUIREMENTS:**

Ms. Reen explained the necessity for a proposed guidance document to serve as a template for scans and laboratory work order forms that will show the contents that must be required on the forms.

Dr. Bonwell moved that the Committee recommend to the Board adoption of the proposed Guidance Document titled Approved Template For Scans and Laboratory Work Order Forms. Following a second, a roll call vote was taken. The motion passed.

**SLEEP APNEA:**

Ms. Reen informed the Committee that she and other staff members had a conversation with William Harp, Executive Director for the Board of Medicine, regarding dentists and sleep apnea testing. She stated that Dr. Harp advised that if a patient goes to a licensed polysomnographer, it is under the direction of a medical physician and he would make the diagnosis. She further stated that Dr. Harp acknowledged there are benefits to patients for dentists to order sleep apnea tests, it is appropriate, and it increases access to care for patients.

After discussion, by consensus, the Committee directed Board staff to conduct discovery research on sleep apnea testing, home sleep tests, polysomnographer tests, and regulations in other states with regard to sleep apnea.

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 3:27 p.m.

Patricia B. Bonwell

~~Sandra J. Outchings, D.D.S., Chair~~  
Patricia B. Bonwell, RDH, PhD, Chair

10/27/2021

Date

Sandra K. Reen

Sandra K. Reen, Executive Director

October 29, 2021

Date