

**VIRGINIA BOARD OF DENTISTRY  
BUSINESS MEETING MINUTES  
September 9, 2022**

- TIME AND PLACE:** The meeting of the Virginia Board of Dentistry was called to order at 9:02 a.m., on September 9, 2022 at the Perimeter Center, 9960 Mayland Drive, in Board Room 4, Henrico, Virginia 23233.
- PRESIDING:** Nathaniel C. Bryant, D.D.S., President
- MEMBERS PRESENT:** Jamiah Dawson, D.D.S., Secretary  
Sidra Butt, D.D.S.\*  
Sultan E. Chaudhry, D.D.S.  
Alf Hendricksen, D.D.S.  
Margaret F. Lemaster, R.D.H.  
J. Michael Martinez de Andino, J.D.  
Emelia H. McLennan, R.D.H.  
Dagoberto Zapatero, D.D.S.
- MEMBERS ABSENT:** William C. Bigelow, D.D.S.
- STAFF PRESENT:** Jamie C. Sacksteder, Executive Director  
Donna Lee, Discipline Case Manager  
Sally Ragsdale, Executive Assistant  
David C. Brown, D.C., Agency Director, Department of Health Professions  
Erin Barrett, Senior Policy Analyst, Department of Health Professions
- COUNSEL PRESENT:** Jim E. Rutkowski, Assistant Attorney General
- ESTABLISHMENT OF A QUORUM:** With eight members of the Board present, a quorum was established. Dr. Bryant welcomed the two new members of the Board: Dr. William Bigelow and Ms. Emelia McLennan, however, Dr. Bigelow was not present at the meeting. Ms. Sacksteder read the emergency evacuation procedures.
- PUBLIC COMMENT:** Dr. Bryant explained the parameters for public comment and opened the public comment period. Dr. Bryant also noted that the letter from Richael Cobler, Executive Director for Central Regional Dental Testing Service ("CRDTS"), and the Psychometric Analysis they provided are contained on pages 1-5 of the agenda packet. Dr. Bryant stated that included in the agenda packet on pages 6-7 were two Petitions for Rulemaking submitted by Southern Regional Testing Service ("SRTA"). He explained that requests to amend guidance documents are not petitions for rulemaking under Virginia Code 2.2-4007; therefore, they were received as public comment. This included letters from John L. Harris, D.D.S., James Watkins, D.D.S. and an email from Catherine Como representing CE. Broker that was distributed to Board members.
- John L. Harris III, D.D.S. -** Dr. Harris, a former Board member (1991-1995), expressed his concerns regarding the changes to acceptance of examinations for licensure. He informed the Board of the many changes in dental exams over 31 years. Dr. Harris requested that the Board amend

Guidance Document 60-25 to include exams and delivery by agencies that satisfy the criteria requirements of the Board.

**Suzanne Porter, Financial Administrator for SRTA** –Ms. Porter asked the Board to amend guidance documents 60-25 and 60-26. She stated that SRTA added a diagnostic skills section to the exam. Ms. Porter concluded that SRTA now offers all the required components and asked that the Board continue to accept results from SRTA.

**Edward Mullins, D.D.S**-Dr. Mullins, a former Board member (1997-1999) and examiner with multiple testing agencies, stated that it was in the best interest of the Board to allow applicants the choice of testing agency. He also indicated that there perhaps could be anti-trust issues. He asked the Board to reconsider their decision to only accept the ADEX exam stating that multiple agencies allows for competition and more pathways to licensure.

**Richael “Sheli” Cobler, Executive Director for CRDTS**- requested the Board amend guidance document 60-25, 60-26 to accepting CRDTS for dental and dental hygiene applicants. She stated CRDTS’ method of scoring meets the conjunctive scoring requirements and numerous candidates have contacted CRDTS to state that they have been denied licensure because of compensatory scoring. She requested a better understanding of denials from the Board.

**APPROVAL OF MINUTES:** Dr. Bryant asked if there were any edits or corrections to the May 27, 2022 Formal Hearing or June 10, 2022 Business Meeting minutes. Hearing none, Dr. Dawson made a motion to approve the minutes as presented. The motion was seconded and passed.

**DIRECTOR’S REPORT:** Dr. Brown welcomed the new members and stated that serving as a Board member is one of the most rewarding things a person can do for their profession. He reminded the Board that their role as Board members is to protect the public, not the profession and these do not always overlap. He informed the Board the Governor has an initiative to reduce unnecessary regulations by 25% which was reiterated in Executive Order 19. The Governor has established the Office of Regulatory Management to carry out this initiative. He asked the Board be prepared at the next meeting to begin reviewing regulations that can be reduced or eliminated for dentistry.

**LIAISON & COMMITTEE REPORTS:** **ADEX Report** – Dr. Bryant gave a report from the ADEX annual meeting held on August 5-6, 2022 in Chicago, Illinois. He reported the final merger of the three testing agencies is complete as of August 1, 2022. The new name is CDCA/WREB/CITA. He recommended that the Board update their documents to reflect this change. The next meeting is scheduled for August 4-5, 2023.

**CITA Report** – Ms. Lemaster reported CITA will have their final meeting in December 2022. She and Ms. Sacksteder will be attending.

**LEGISLATION,  
REGULATION, AND  
GUIDANCE:**

**Nominating Committee-** Dr. Hendricksen reported from the Nominating Committee. He made a motion to nominate Dr. Bryant for President, Dr. Dawson for Vice-President and Mr. Martinez for Secretary-Treasurer. There were no nominations from the floor. Hearing none, the Board elected the slate of officers as presented. The motion was seconded and passed. The new officers will assume their positions at the end of the meeting.

**Status Report on Regulatory Actions Chart-**Ms. Barrett reviewed the updated Regulatory Actions chart included in the agenda packet. As of August 25, 2022, she stated there are seven ongoing regulatory actions. The first two: proposed regulation on the elimination of restriction on advertising dental specialties and a fast-track technical corrections are at the Governor's office.

The following items are at the Secretary's office. Pages 20-21 in agenda packet.

- NOIRA for expansion and clarification of refresher courses required for reinstatement;
- Training in infection control;
- NOIRA for continuing education requirements for jurisprudence;
- Digital scan technicians; and
- Elimination of direct pulp-capping as a delegable task for a DAII.

**Guidance Document 60-1: Confidential Consent Agreements ("CCA")-** Ms. Barrett explained she worked with Ms. Sacksteder to amend this document regarding Confidential Consent Agreements. The following additional amendments were also made:

- Change the words in the first sentence that reads "CCAs may be only" to read "CCAs may only be"; and
- In the 5<sup>th</sup> paragraph, delete the words "A proposal from a respondent for".

Dr. Zapatero made a motion to adopt the amendments as proposed. The motion was seconded and passed.

\*Dr. Butt arrived at 9:40 AM. Nine Board members were in attendance.

**Guidance Document 60-14: Bylaws-** Ms. Barrett reviewed the proposed amendments with the Board. She stated that in the first paragraph, last sentence of number "3. Terms of Office" the word "vacancies" should be deleted. Ms. Lemaster made a motion to accept the amendments as proposed. The motion was seconded and passed.

**Discussion of Public Comment-** Dr. Bryant asked if the Board wanted to consider CRDTS's public comments. Ms. Sacksteder explained any applicant applying by credentials, the Board will accept a passing score of the Clinical Competency Exam required in the state in which the dentist was originally licensed, as long as they are in good standing in that state(s) regardless of the test and they meet the experience requirements.

Ms. Barrett explained that the Petition for Rulemaking submitted by SRTA would not be considered because a Petition for Rulemaking applies only to changes in regulations of the Board and does not apply to guidance documents. Dr. Brown asked if the Board was interested in following-up or revisiting the issue of the testing agencies.

The Board assured Dr. Brown that the decision to approve ADEX as the only test in 2023 came after much discussion, several meetings, expert review, and in depth research and deliberation by the Board. It was also acknowledged that the ADEX exam is accepted in 48 states, Jamaica and Virgin Islands. Therefore, the Board does not consider only accepting the ADEX to be a portability issue or an access issue. The Board also discussed the importance of ensuring clinical equivalency and this will be done by only accepting the ADEX exam. At this time, the Board supports their decision to only approve the ADEX exam as of January 1, 2023 and its current position to not accept exams that conduct compensatory scoring, which includes CRDTS.

After discussion, Dr. Chaudhry moved that the Board take this matter to the Exam Committee for further discussion. The motion was seconded, the vote was unanimous, and the motion failed.

**BOARD DISCUSSION  
TOPICS:**

**CE Audit Procurement Process-** Ms. Sacksteder stated Procurement has reviewed the Memorandum of Understanding (MOU). An addendum will be completed and signed once the Board has made a decision of which CE Audit company to utilize.

Ms. Barrett stated that if the Board made a regulatory change, a cost benefit analysis would have to be submitted to Planning and Budget with each proposal. Dr. Brown repeated that using a CE Audit agency would be voluntary and not required; therefore, no regulations.

Dr. Chaudhry stated that there would be no cost to the Board. He also recommended C.E. Broker as a better fit for the Board because of its experience, process and metrics setup.

Dr. Dawson moved that the Board accept C.E. Broker as its CE Audit agency and that licensees participate on a voluntary basis. The motion was seconded and passed.

**BOARD COUNSEL  
REPORT:**

Mr. Rutowski stated that one formal hearing decision: Amr Sheta, D.D.S. has been appealed to Virginia Circuit Court.

**DEPUTY EXECUTIVE  
DIRECTOR'S REPORT:**

Ms. Sacksteder reviewed the disciplinary Board report on case activity from January 1, 2022 through August 25, 2022, giving an overview of the actions taken and a breakdown of the cases closed with violations.

**ADJOURNMENT:**

With all business concluded, the Board adjourned at 10:25 a.m.



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Nathaniel C. Bryant, D.D.S., President



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Jamie C. Sacksteder, Executive Director

2 Dec 2022

Date

12/2/22

Date