

Agency Response Board of Dentistry

The Board does not concur with one of the statements made in the Economic Impact Analysis (EIA) of the Department of Planning and Budget for proposed amendments to 18VAC60-21, Regulations Governing the Practice of Dentistry, relating to amendments for advertising dental specialties.

The EIA states that the Board proposes to replace “another regulatory limitation on specialty advertising with a requirement that an advertisement not violate § 54.1-2718 of the *Code of Virginia*.” Regulations of the Board do not need to *require* compliance with the Code. The *Code of Virginia* trumps regulation, and dentists have always been required to adhere to a statutory prohibition.

§ 54.1-2706 of the *Code* authorizes the Board to “refuse to admit a candidate to any examination, refuse to issue a license to any applicant, suspend for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes: . . . 9. **Violating, assisting, or inducing others to violate any provision of this chapter or any Board regulation.**” Therefore, the Board has authority to take disciplinary action for a violation of § 54.1-2718; it does not need to establish a requirement in regulation for compliance with the *Code*.

The proposal by the Board eliminates a regulatory restriction on advertising dental specialties and instead makes reference to the existing statutory limitation found in § 54.1-2718.