

## Agency Response to Economic Impact Analysis

The Board of Dentistry does not concur with the analysis of the Department of Planning and Budget (DPB) for amendments to 18 VAC 60-20-10 et seq. pursuant to a periodic review of regulations. The Board is concerned that the analysis fails to consider provisions in the Code of Virginia and that it inaccurately represents the supply and demand economics associated with the practice of dentistry.

The economic impact analysis notes that “dentists cannot obtain licensure by endorsement under these regulations.” DPB has raised an issue in current regulation that was not the subject of this regulatory action and which the Board could not address in its periodic review. The regulatory action on which the Department is required to prepare an analysis did not involve the issue of licensure by endorsement, nor was there any identification of the issue of endorsement for dentist raised in the Notice of Intended Regulatory Action. Therefore, it would have been inappropriate for the Board to address it in the proposed amendments.

In addition, the Department is incorrect in stating the licensure by endorsement is not permitted because regulations of the Board do not allow it. Regulations must be based on statute, and there is a statutory provision that is interpreted as prohibiting licensure by endorsement, so any modification of that policy would require action by the General Assembly. Prior to 1995, regulations of the Board of Dentistry did provide for licensure by endorsement. In the 1995 General Assembly, SB 767 was passed to “prohibit licensure by endorsement for the practice of dentistry in the Commonwealth” (Summary of bill by Legislative Services). The bill provided that “notwithstanding the provisions of § 54.1-103 C, it shall be unlawful for any person to practice dentistry or to receive a licensure from any commissioner of the revenue to practice dentistry, unless he has passed **the** examination and obtained a license.” **The** examination accepted for licensure in Virginia is the examination of the Southern Regional Testing Agency (SRTA).

Other comments by DPB in its analysis related to licensure by endorsement do not seem to be factually supported. DPB asserts that discouraging non-SRTA state dentists from seeking licensure in Virginia lowers the quantity and quality of dental services, while the cost of such services are higher. No data has been provided to support the contention that the quality of dental care is lower and the cost higher than in other states. Costs are more related to the general cost of living in an area than to the availability of dentists. For example, costs for dental services are higher in Northern Virginia than they are in Southside Virginia, although the number of dentists in more urban areas is higher for the population they serve.

In its EIA, DPB also asserts that the licensure examinations in other regions are more rigorous than Virginia’s, resulting in the overall average quality of dental services being reduced. The analysis claims that dentists in non-SRTA states have “met and passed a higher standard indicating knowledge and skills than is required here.” Yet, DPB has not provided any data or study to support such an assertion, and the Board takes exception to a prejudicial statement about the licensure examination and about the quality of dental services in Virginia.

Finally, there is a statement asserting that “no demonstration of knowledge is required to obtain continuing education credits...only attendance is mandated.” While attendance may be the only criteria for obtaining CE credits by some providers, some courses have a clinical component and others have passage of a post-test required for credit. So it is not entirely accurate to state that there is no demonstration of knowledge in the acquisition of continuing education.