

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. relative to its requirements for licensure. The Board is concerned that the analysis fails to consider provisions in the Code of Virginia.

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.” Any dentist who seeks to be licensed in Virginia is required, by law, to have taken **the** examination accepted for licensure, and prior to January 1, 2005, the examination accepted for licensure in Virginia was exclusively the examination of the Southern Regional Testing Agency (SRTA). Therefore, anyone who took a licensing examination prior to 1/1/05 would have to provide proof of passage of the SRTA examination.

At its meeting on September 10, 2004, the Board of Dentistry voted to accept the four regional examinations (SRTA, NERB, CRDTS and WREB) as described in the EIA . Beginning in 2005, an applicant who passes any of the regional examinations can submit such evidence to the Board for licensure. In addition, the Board has submitted draft legislation to repeal the Code section that prohibits licensure by endorsement for dentists and to accept dentists who apply for licensure by credentials.

In addition, 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.