

APPROVED

**BOARD OF DENTISTRY
MINUTES OF REGULATORY–LEGISLATIVE COMMITTEE
Friday, February 12, 2016**

TIME AND PLACE: The meeting of the Regulatory-Legislative Committee of the Board of Dentistry was called to order on February 12, 2016 at 9:30 a.m. at the Department of Health Professions, 9960 Mayland Drive, Suite 201, Board Room 4, Henrico, Virginia.

PRESIDING: Melanie C. Swain, R.D.H., Chair

COMMITTEE MEMBERS PRESENT: Tonya A. Parris-Wilkins, D.D.S.
Bruce S. Wyman, D.M.D.

MEMBER ABSENT: John M. Alexander, D.D.S.

OTHERS PRESENT: Charles E. Gaskins, III, D.D.S., Ex-Officio
Al Rizkalla, DDS
Tammy K. Swecker, R.D.H.

ESTABLISHMENT OF QUORUM: With three members of the Committee present, a quorum was established.

STAFF PRESENT: Sandra K. Reen, Executive Director
Kelley W. Palmatier, Deputy Executive Director
Huong Q. Vu, Operations Manager
Elaine Yeatts, DHP Policy Analyst

PANELISTS PRESENT: Tina A. Bailey, CDA, President Virginia Dental Assistants Association (VDAA)
Cathy A. Berard, RDH, Virginia Dental Hygienists' Association (VDHA)
Vicki Brett, DA Program Director, ECPI University
Nancy C. Daniel, CDA, DA Program Head, J. Sargeant Reynolds Community College (JSRCC)
Yolanda J. Gray, CDA, DA Program Director, Fortis College
Michele Green-Wright, RN, Program Specialist, Virginia Department of Education (DOE)
Misty Mesimer, RDH, DA Program Director, Germanna Community College (GCC)
Kara Spouse, RDH, CDA, DA II
Richard Taliaferro, DDS, President Virginia Dental Association (VDA)
Lori Turner, BSH/HM, VCU School of Dentistry

DISCUSSION WITH THE Ms. Swain welcomed the members of the Regulatory

**DISCUSSION WITH THE
REGULATORY ADVISORY
PANEL ON THE EDUCATION
AND PRACTICE OF
DENTAL ASSISTANTS I & II:**

Ms. Swain welcomed the members of the Regulatory Advisory Panel and asked them to introduce themselves. She then opened the floor for discussion.

The first topics raised were who is and should be teaching DA II programs and whether the faculty is calibrated. Discussion followed about the two schools offering the program, Fortis-Richmond and GCC, and their capacity, staffing and program funding. It was noted that the lack of accreditation standards for the program affects the funding available to support program development, prevents programmatic consistency and limits the credential that can be offered for completing the program. Several panelists spoke in favor of requiring all DAs I to be Certified Dental Assistants as a strategy to establish a career path and increase interest in DA II registration. It was suggested that other community colleges are or may be interested in starting programs now that there are 6 related courses recognized by the VCCS. Several panelists also spoke in favor of calibrating program faculty and requiring the clinical components be taught under the oversight of dentists. Discussion of this topic concluded with general agreement that DA II programs should be taught by dentists, dental hygienists with DA II credentials, and DA II registrants.

Ms. Swain asked the panelist to address the DA II curriculum. Many panelists spoke in favor of establishing additional pathways to obtain registration for:

- dental hygienists,
- experienced dental assistants, and
- those with secondary level dental assisting education.

The panelists acknowledged that Registered Dental Hygienists are already educated in Infection Control and Radiation Health and Safety practices so requiring them would be duplication. It was noted that there should be programs available for preparing to take the CDA exam. Panelists recommended that the requirements for clinical experience be changed from the number of hours required for each procedure to the minimum number of procedures that must be completed to competency. Several panelists advised the Board to approve DA II programs in order to standardize the curriculum and calibrate the faculty. Panelists said that Board oversight could include administration of a final practical exam to test competency.

Review of DOE's requirements for dental assisting programs was suggested as a resource for curriculum development. There was also a recommendation that there should be a seat on the Board for a dental assistant.

Prior to concluding the RAP, Ms. Reen explained the lengthy process for Board consideration and for addressing regulatory changes. She encouraged panelists to monitor the Board's activities for opportunities to address any proposals that may be advanced regarding dental assistants. Ms. Swain thanked the panelists for their time and recommendations. She adjourned the meeting with the RAP at 11:30 am.

The Committee reconvened at 11:40 a.m.

PUBLIC COMMENT:

David Black, D.D.S., stated that the Board should regulate only DAsII and trust the dentists to regulate DAs I.

APPROVAL OF MINUTES:

Ms. Swain asked if Committee members had reviewed the October 16, 2015 minutes. Dr. Wyman moved to accept the minutes. The motion was seconded and passed.

STATUS REPORT ON LEGISLATION AND REGULATORY ACTIONS:

Ms. Yeatts reported:

- The comment period on the NOIRA for a law exam ended on December 16, 2015 and 191 comments were received. The Board will consider them at its March meeting.
- The fast track action to accept education programs accredited by the Commission on Dental Accreditation of Canada went into effect on January 28, 2016;
- The comment period on the NOIRA to require capnography equipment for monitoring anesthesia or sedation ended on December 30, 2015 with no comment received. The Board will consider this matter at its March meeting.
- The fast track regulatory action to amend 18VAC60-21-230 on the qualifications for a restricted license is under review. She added that statutory changes which were made in 2012 for a faculty license and a temporary resident's license were not included in the new regulations.

Ms. Yeatts stated that the bill addressing the composition of health profession boards was amended to strike the proposal to add a citizen member to the Board of Dentistry. She then reviewed the following legislative proposals which are being considered by the General Assembly:

- A bill allowing volunteer health care providers to count volunteer hours as required continuing education;
- A bill requiring prescribers to query the PMP when prescribing an opiate or benzodiazepine;
- A bill authorizing the PMP to send unsolicited reports on prescribers and dispensers; and
- A bill allowing dental hygienists to practice under remote supervision in free clinics and federally qualified health centers.

**RECOMMENDATION ON
THE REQUIREMENTS FOR
DA II REGISTRATION:**

Ms. Swain asked the Committee to discuss the information provided by the RAP and propose recommendations for consideration by the Board. Discussion followed about:

- having DA II students perform the clinical training at dental schools or equivalent institutions;
- requiring more than one site for clinical experience;
- establishing a uniform curriculum for DA II based on competency rather than the number of hours;
- establishing requirements for instructors; and
- taking no action.

Ms. Reen suggested asking for information on the competency standards for dental students performing restorative procedures at the VCU School of Dentistry and for the Dean's recommendation on requirements for instructional personnel.

Dr. Parris-Wilkins moved to have staff investigate the competency measurement standards for restorative procedures and to get recommendations on education requirements for instructors supervising clinical practice, and program accreditation. The motion was seconded and passed.

**DRAFT GUIDANCE
DOCUMENT(GD)
ADDRESSING
DENTAL PRACTICE:**

Ms. Reen stated that the Board charged the Committee to propose a GD addressing dental practice ownership and duties only a dentist might perform. She reported Board counsel advised her to compile the various Code and

**Virginia Board of Dentistry
Regulatory-Legislative Committee Meeting
February 12, 2016**

regulatory provisions into a proposal guidance document for consideration. The draft document is provided for discussion.

There was agreement that Ms. Reen should add the text of §54.1-2712(3) and add the following Code sections:

- §32.1-127.1:03 - Patient Health Record; and
- §54.1-2405 – Transfer of patient records in conjunction with closure, sale, or relocation of practice; notice required.

Dr. Wyman moved to present the GD as amended to the Board for consideration. The motion was seconded and passed.

NEXT MEETING:

By consensus, the Committee decided to meet on Friday, October 14, 2016.

ADJOURNMENT:

With all business concluded, Ms. Swain adjourned the meeting at 1:55 p.m.



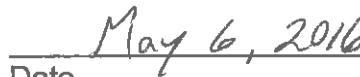
Melanie C. Swain, R.D.H., Chair



Sandra K. Reen, Executive Director



Date



Date