

VIRGINIA BOARD OF DENTISTRY

Executive Committee Meeting

Agenda

October 16, 2015

Department of Health Professions

Perimeter Center - 9960 Mayland Drive, 2nd Floor Conference Center

Henrico, Virginia 23233

The Executive Committee Meeting will be immediately following the Regulatory-Legislative Committee Meeting

Call to Order – Dr. Gaskins, President

Evacuation Announcement – Ms. Reen

Public Comment

Approval of Minutes

January 10, 2014 Minutes

P1

Review of The Bylaws

P4

UNAPPROVED

BOARD OF DENTISTRY
MINUTES OF EXECUTIVE COMMITTEE

Friday, January 10, 2014

Department of Health Professions
9960 Mayland Drive, 2nd Floor
Henrico, Virginia 23233
Board Room 4

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- CALL TO ORDER:** The meeting was called to order at 10:00 a.m.
- PRESIDING:** Jeffrey Levin, D.D.S., President
- MEMBERS PRESENT:** Charles E. Gaskins, III, D.D.S.
Melanie C. Swain, R.D.H.
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Huong Q. Vu, Operations Manager
- OTHER PRESENT:** Elaine J. Yeatts, Senior Policy Analyst
Department of Health Professions
- QUORUM:** With all members of the Committee present, a quorum was established.
- PUBLIC COMMENT:** Ralston King, representing the Virginia Dental Hygienists' Association, wanted to comment on the Sedation/Anesthesia permits regulations.
- Ms. Reen noted that the comment period for the sedation regulations closed on December 6, 2013. Ms. Yeatts added that the comment period on the proposed chapters from the periodic review is still open through close of business on January 11, 2014. She suggested that he submit his comments using that regulatory action.
- APPROVAL OF MINUTES:** Dr. Levin requested a motion for approval of the minutes of the December 6, 2012. Dr. Gaskins moved to accept the December 6, 2012 minutes. The motion was seconded and passed.
- Dr. Levin requested a motion for approval of the minutes of March 7, 2013. Dr. Gaskins noted that an "s" needed to be added to "*Parliamentarian*." All agreed. Dr. Gaskins moved to accept the March 7, 2013 minutes, as amended. The motion was seconded and passed.

**STATUS REPORT OF
REGULATORY ACTIONS:**

Ms. Yeatts reported that:

- Periodic Review – the proposed regulations to establish four chapters have been approved by the Governor. The public hearing was earlier today and no comment has been received to date. The public comment period will end on January 11, 2014.
- Sedation and Anesthesia permits for dentists – the emergency regulations initially expired on September 13, 2013, but were extended to March 15, 2014. The public comment period on the final regulations ended at 5 pm on December 6, 2013. The Regulatory-Legislative Committee, on December 5, 2013, discussed the public comments; adopted amendments; then recommended the revised regulations to the Executive Committee for adoption today.
- Correction of renewal deadline for faculty licenses - §54.1-2713.D of the Code relating to faculty licenses was amended in 2012. As a result, the Regulations Governing Dental Practice were amended by the Board at its September, 2013 meeting to conform to the statute. The correction has been approved and it will be effective as of February 12, 2014.

**ADOPTION OF FINAL
REGULATIONS FOR
SEDATION/ANESTHESIA
PERMITS – REPLACEMENT
OF EMERGENCY
REGULATIONS:**

Ms. Yeatts noted that the summary of comments on the proposed Final Regulations for Sedation/Anesthesia permits and the draft responses to comment were printed on blue paper. She added that the comment period was from October 7, 2013, to December 6, 2013. She asked the Committee to review and discuss the draft responses to the comments received. Then, to make a motion to adopt the responses; to be posted on the Regulatory Town Hall website.

**Virginia Board of Dentistry
Executive Committee Meeting
January 10, 2014**

Dr. Gaskins moved to adopt the responses as drafted. The motion was seconded and passed.

Ms. Yeatts reviewed the proposed final regulations with the changes recommended by the Regulatory-Legislative Committee shown in brackets then asked for discussion.

Dr. Gaskins moved to adopt the final regulations as presented. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Committee meeting was adjourned at 10:25 a.m.

Jeffrey Levin, D.D.S., President

Sandra K. Reen, Executive Director

Date

Date

VIRGINIA BOARD OF DENTISTRY

BYLAWS

Article I. Officers

Election, Terms of Office, Vacancies

1. Officers

The officers of the Virginia Board of Dentistry (Board) shall be a President, a Vice-President, and a Secretary-Treasurer.

2. Election.

Prior to the Fall meeting, the President shall appoint a Nominating Committee. The committee shall present the names of candidates for office to the Board for election at its Fall meeting.

3. Terms of Office.

The term of office of the President, Vice-President and Secretary-Treasurer shall be for twelve months or until their successors shall be elected. The term of each office shall begin at the conclusion of the Fall meeting and end at the conclusion of the subsequent Fall meeting. No officer shall be eligible to serve for more than two consecutive terms in the same office unless serving an unexpired term.

4. Vacancies.

In the event of a vacancy in the office of president, the vice president shall assume the office of president for the remainder of the term. In the event of a vacancy in the office of vice president, the secretary/treasurer shall assume the office of vice president for the remainder of the term. In the event of a vacancy in the office of secretary/treasurer, the president shall appoint a board member to fill the vacancy for the remainder of the term.

In the event that the offices are vacated and succession is not possible, the Board shall be convened to appoint the Nominating Committee which will develop a slate of candidates for the Board's consideration at its next meeting. Pending the election of officers, the member of the Board with the longest length of continuous service shall serve as acting president.

Article II. Duties of Officers

1. President.

The *President* shall preside at all meetings and conduct all business according to the Administrative Process Act and American Institute of Parliamentarian Standard Code of Parliamentary Procedure. The President shall appoint all committees and designate all representatives except where specifically provided by law. The President shall sign certificates and documents authorized to be signed by the President and may serve as an

ex-officio member of all committees. He might serve as a substitute for an absent committee member and, in this role, he shall participate in voting.

2. Vice-President.

The *Vice-President* shall perform all duties of the President in either the absence of, or the inability of the President to serve.

3. Secretary-Treasurer.

The *Secretary-Treasurer* shall authorize issuance of the draft unapproved minutes of meetings of the Board and shall be knowledgeable about the budget of the Board.

Article III. Duties of Members

1. Qualifications.

After appointment by the Governor, each member of the Board shall forthwith take the oath of office to qualify for service as provided by law.

2. Attendance at meetings.

Members of the Board shall attend all regular and special meetings of the full Board, meetings of committees to which they are assigned and all hearings conducted by the Board at which their attendance is requested by the President or Board Executive Director, unless prevented by illness or other unavoidable cause. In the case of unavoidable absence of any member from any meeting, the President shall reassign the duties of such absent member when necessary to achieve a quorum for the conduct of business.

3. Examinations.

Each member of the Board who is currently licensed as a dentist or as a dental hygienist may participate in conducting clinical examinations—~~for testing agencies in which the Board holds membership.~~

4. Code of Conduct.

Members of the Board shall abide by the adopted Code of Conduct (Guidance Document 60-9, adopted June 12, 2009).

Article IV. Meeting

1. Number.

The Board shall hold at least three regular meetings in each year. The President shall call meetings at any time to conduct the business of the Board and shall convene conference calls when needed to act on summary suspensions and settlement offers. Additional meetings shall be called by the President at the written request of any two members of the Board.

2. Quorum.

A majority of the members of the Board shall constitute a quorum at any meeting.

3. Voting.

All matters shall be determined by a majority vote of the members present.

Article V. Committees

As part of their responsibility to the Board, members appointed to a committee shall faithfully perform the duties assigned to the committee. The standing committees of the Board shall be the following:

- Executive Committee
- Regulatory-Legislative Committee
- Credentials Committee
- Examination Committee
- Special Conference Committees

Committee Duties.

1. Executive Committee.

The Executive Committee shall consist of the current officers of the Board and the Past President of the Board with the President serving as Chair. The Executive Committee shall:

- a) order a biennial review of these Bylaws
- b) review the proposed budget presented by the Executive Director, and submit it and recommendations relating to the proposed budget to the Board for approval
- c) periodically review financial reports and may make recommendations to the Board regarding financial matters
- d) select former board members and knowledgeable professionals to be invited to serve as agency subordinates
- e) conduct all other matters delegated to it by the Board.

2. Regulatory-Legislative Committee.

The Regulatory-Legislative Committee shall consist of two or more members, appointed by the President. This Committee shall consider matters bearing upon state and federal regulations and legislation and make recommendations to the Board regarding policy matters. The Board may direct the Committee to review the law for possible changes. Proposed changes in State laws, or in the Rules and Regulations of the Board, shall be distributed to all Board members prior to scheduled meetings of the Board.

3. Credentials Committee.

The Credentials Committee shall review and provide guidance to staff on the action to be taken regarding:

- a) applications for licensure when the application includes information about criminal activity, practice history, medical conditions or other content issues.

- b) applicant or licensee requests for approval of credit for programs when the content or the sponsorship of the course is in question.
- c) hold informal fact-finding conferences at the request of the applicant or licensee to determine if the requirements established by the Board have been met.

4. Examination Committee.

The Examination Committee shall develop and oversee the administration of all Board examinations. This shall include, but not be limited to jurisprudence and licensure examinations.

5. Special Conference Committees.

Special Conference Committees shall:

- a) review investigation reports to determine if there is probable cause to conclude that a violation of law or regulation has occurred,
- b) hold informal fact-finding conferences, and
- c) direct the disposition of disciplinary cases at the probable cause review and informal fact-finding stages. The committee chair shall provide guidance to staff on implementation of the committee's decisions.

Each year, on a rotating basis, one of the Special Conference Committees shall be designated to receive all investigation reports alleging violations of the existing Board of Dentistry Rules and Regulations pertaining to advertising.

Article VI. Executive Director

1. Designation.

The Administrative Officer of the Board shall be designated the Executive Director of the Board.

2. Duties.

The Executive Director shall:

- a) Supervise the operation of the Board office and be responsible for the conduct of the staff and the assignment of cases to agency subordinates.
- b) Carry out the policies and services established by the Board.
- c) Provide and disburse all forms as required by law to include, but not be limited to, new and renewal application forms.
- d) Keep accurate record of all applications for licensure, maintain a file of all applications and notify each applicant regarding the actions of the Board in response to their application. Prepare and deliver licenses to all successful applicants. Keep and maintain a current record of all dental and dental hygiene licenses issued by the Board.

- e) Notify all members of the Board of regular and special meetings of the Board. Notify all Committee members of regular and special meetings of Committees. Keep true and accurate minutes of all meetings and distribute approved draft minutes to the Board members within ten days following such meetings.
- f) Issue all notices and orders, render all reports, keep all records and notify all individuals as required by these Bylaws or law. Affix and attach the seal of the Board to such documents, papers, records, certificates and other instruments as may be directed by law.
- g) Keep accurate records of all disciplinary proceedings. Receive and certify all exhibits presented. Certify a complete record of all documents whenever and wherever required by law.
- h) Present the biennial budget with any revisions to be reviewed by the Executive Committee prior to submission to the Board for approval.