

**VIRGINIA BOARD OF DENTISTRY
BUSINESS MEETING MINUTES
September 10, 2021**

- TIME AND PLACE:** The meeting of the Virginia Board of Dentistry was called to order at 9:04 a.m., on September 10, 2021 at the Perimeter Center, 9960 Mayland Drive, in Board Room 4, Henrico, Virginia 23233.
- PRESIDING:** Augustus A. Petticolas, Jr., D.D.S., President
- MEMBERS PRESENT:** Sandra J. Catchings, D.D.S., Vice President
Patricia B. Bonwell, R.D.H., Ph.D.
Perry E. Jones, D.D.S.
Margaret F. Lemaster, R.D.H.
J. Michael Martinez de Andino, J.D.
Dagoberto Zapatero, D.D.S.
- MEMBERS ABSENT:** Nathaniel C. Bryant, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S.
- STAFF PRESENT:** Sandra K. Reen, Executive Director of the Board
Jamle C. Sacksteder, Deputy Executive Director
Donna Lee, Discipline Case Manager
Glory Milton, Executive Assistant
Lisa Hahn, Chief Operating Officer, Department of Health Professions
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
- COUNSEL PRESENT:** James E. Rutkowski, Assistant Attorney General
- ESTABLISHMENT OF A QUORUM:** With seven members of the Board present, a quorum was established.

Ms. Reen read the emergency evacuation procedures.
- PUBLIC COMMENT:** Dr. Petticolas explained the parameters for public comment and opened the public comment period. There was no public comment.
- APPROVAL OF MINUTES:** Dr. Petticolas asked if there were any edits or corrections to any of the draft minutes included in the agenda package. Dr. Petticolas stated that on page 15 of the agenda, the paragraph after the reconvene motion of the June 11, 2021 minutes, the words "motioned to vote on" should be deleted and replaced with the words "addressed a motion by the Exam Committee to adopt"; and after the words "Dental Hygiene Clinical Exam Requirements" the remainder of the sentence should be changed to read "as proposed by the Committee". Dr. Petticolas also stated that on the same page of the June 11, 2021 minutes, under the heading "Consideration of Public Comments," second paragraph, the word "motioned" should be deleted and the words "agreed by consensus" should be added, and the last sentence of the paragraph should be deleted.

Dr. Catchings moved to approve the minutes from the June 10, 2021 Formal Hearing, June 11, 2021 Public Hearing, June 11, 2021 Business meeting as amended, and August 5, 2021 Special Session Telephone Conference Call. The motion was seconded and passed.

DIRECTOR'S REPORT:

Ms. Hahn stated she would address the Board since Dr. Brown was not present. Ms. Hahn informed the Board that the Governor's state of emergency ended on June 30, 2021; therefore, the Board is not able to conduct virtual meetings. She also stated that the agency may pursue legislation to have some virtual meetings. The current building policy requires that all who enter the building must wear masks, regardless of vaccination status. Ms. Hahn stated that 75% of DHP employees are currently teleworking. She added that Dr. Brown had previously stated that by September 1, 2021, staff should be prepared to come back to the new normal; however, that has been postponed until January 3, 2022. Dr. Brown has authorized that 50% of an employee's work time can be conducted remotely. The agency is encouraging employees to be together in the office.

LIAISON & COMMITTEE REPORTS:

- **Board of Health Professions Report** - Dr. Catchings stated that the August 13, 2021 meeting was canceled so she had nothing to report.

- **ADEX Report** – Dr. Bryant was not in attendance; however, he submitted a report for the Board to review. There were no questions from the Board.

- **CITA Update** – Ms. Lemaster stated that she and Dr. Dawson will be attending the CITA conference on October 8 and 9, 2021 in Florida.

- **Nominating Committee** – Dr. Petticolas referred the Board to the Nominating Committee minutes that listed the slate of officers for the coming year – Dr. Bryant for President; Dr. Catchings for Vice-President; and Dr. Bonwell for Secretary. Dr. Bonwell as the alternate for President and Vice-President, and Dr. Dawson as the alternate for Secretary. There were no nominations from the floor. The Board agreed by consensus to accept the slate of officers put forth by the Nominating Committee. Dr. Petticolas said the new officers will assume their positions at the end of the meeting.

LEGISLATION, REGULATION, AND GUIDANCE:

Status Report on Regulatory Actions Chart. Ms. Yeatts reviewed the updated Regulatory Actions. The following proposed regulations are currently at the Governor's Office:

- amendment to restriction on advertising dental specialties;
- technical correction to fees; and
- removal of pulp capping as a delegable task for a DAI.

She said the Board will adopt final regulations today on waivers for e-prescribing. She explained this action is necessary but moot because the authority for granting waivers expired on July 1, 2021.

She reported that the proposed regulations on training and supervision of digital scan technicians are in the Secretary of Health and Human Resource's Office and the proposed regulations on training in infection control are at the Department of Planning and Budget.

Ms. Yeatts informed the Board that she and the Director have repeatedly contacted the Governor's office about the long period of time the regulations for amendment of the restriction on advertising dental specialties and the action on making a technical correction have been pending.

Waiver on Electronic Prescribing – Ms. Yeatts stated that this is the final regulations that would replace the emergency regulations then asked for a motion. Dr. Zapatero moved to adopt the final regulations for Waiver on Electronic Prescribing. The motion was seconded and passed.

Guidance Document 60-8: Education Requirements for Dental Assistants II - Ms. Yeatts stated this guidance document has to be revised because there were changes to the regulations. She added that on page 59 of the agenda package, near the bottom under the title "Competency Exam Requirements" the 18VAC60-30-120 (a) (b) should be corrected to read "18VAC60-30-120 (B) (2)". Ms. Yeatts further stated that the guidance document would be effective November 11, 2021. Mr. Martinez moved to adopt the revised guidance document. The motion was seconded and passed.

Guidance Document 60-20: Radiation Certification – Ms. Yeatts explained this guidance document was reviewed and that no changes are needed so the Board just needs to reaffirm it. Dr. Bonwell moved to reaffirm the guidance document. The motion was seconded and passed.

Guidance Document 60-24: Dental Practices – Ms. Yeatts said there were changes in the Code of Virginia, laws and regulations; this guidance document needs to be updated to reflect those changes. Dr. Catchings moved to adopt the revised guidance document. The motion was seconded and passed.

**BOARD DISCUSSION
TOPICS:**

When a Dentist Dies Guide - Ms. Yeatts commended Mr. Martinez on the document he created pertaining to guidance on the Death or Retirement of a Dentist. She stated that Board counsel suggested to remove the Professional Liability Issues section since the Board does not provide advice in that area.

Mr. Rutkowski explained that the mission of the Board is to protect the public, and that the Professional Liability Issues section is more about providing business advice. He also stated he had some concerns about the Estate Planning section of the guidance document, but he would leave it up to the discretion of the Board on whether to remove that portion.

Dr. Zapatero questioned the need for a guidance document because he stated the burden is on the licensee regarding the dental records and not the spouse. In response to Dr. Zapatero's question, Ms. Reen explained that this issue was initially brought to the Board's attention because she receives telephone calls from family members and attorneys about 4 or 5 times a year asking what should be done with patient records following the death of a dentist. She added that there have been instances where dental records have been found in dumpsters and in garages. She said her concern is protecting the confidentiality of patient records.

After discussion, Dr. Catchings moved that the Board accept the guidance document with the removal of the second paragraph under the Professional Liability Issues section, and the Estate Planning section would remain. The motion was seconded and passed.

Dr. Catchings moved to approve the guidance document as amended. The motion was seconded and passed.

Clarification on Use of Scalers - Dr. Bonwell stated that at the last Board meeting there was discussion concerning clarification on use of scalers and the matter was referred to the Regulatory-Legislative Committee so she would defer any comments until that meeting is convened.

Prescribing Antibiotics without a DEA License - Dr. Bonwell questioned whether a dentist could prescribe antibiotics without a DEA license. Mr. Rutkowski stated that some Schedule 1-5 drugs would be regulated under Federal law and some regulated under state law, depending on the drug. Mr. Rutkowski informed the Board he would have to research the subject before providing guidance to the Board. Dr. Petticolas requested that Mr. Rutkowski provide a report to the Board at its next meeting.

Modernizing Disciplinary Case Records - Dr. Zapatero addressed the Board regarding the modernization of disciplinary case records and streamlining the disciplinary process. Ms. Hahn stated that the agency does have the capabilities to do electronic records. She stated that in her prior position at DHP as an Executive Director, she implemented the process of providing electronic records for disciplinary matters and explained there are some issues that arise, which would have to be worked out by the Board. She informed the Board that she is currently working with several boards at DHP to assist with using electronic records and she can work with Ms. Reen and Ms. Sacksteder in making the transition to electronic disciplinary case records. Since laptops would be necessary during hearings, Ms. Hahn suggested that the Board may be able to share laptops with other Boards.

Dr. Zapatero moved that the Board start the process to modernize discipline case records as soon as possible. The motion was seconded and passed.

**BOARD COUNSEL
REPORT:**

Mr. Rutkowski stated he had nothing to report.

**DEPUTY EXECUTIVE
DIRECTOR'S REPORT:**

Ms. Sacksteder reviewed the disciplinary Board report on case activity from January 1, 2021 to August 31, 2021, giving an overview of the actions taken and a breakdown of the cases closed with violations. She also provided an overview of the CDCAWREB webinar that took place on August 19, 2021.

**EXECUTIVE DIRECTOR'S
REPORT:**

AADA Update – Ms. Reen informed the Board that she has been selected to be one of the representatives to discuss dental compact in Virginia.

Staffing Update – Ms. Reen introduced Glory Milton a temporary employee who is working in the Executive Assistant position; and reported that the vacant licensing specialist position has been filled. She thanked Ms. Milton and Ms. Lee for all their work. Ms. Reen added that Board members and staff have received and addressed numerous questions about the licensing delays. She explained that since the end of June there has been a 'perfect storm' of problems preventing the timely licensure of applicants. Ms. Reen assured the Board that staff is working overtime and is receiving assistance from a licensing specialist from another board so progress on catching up is being made.

Closing Remarks - Dr. Petticolas commended Ms. Reen and all Board staff for their perseverance. He asked Ms. Hahn to relay his concern about how cumbersome the hiring process is to upper management, he then said this would be his last day of service with the Board and noted he has served on the Board for 9 years. Dr. Petticolas ended with saying he has learned a lot, that protecting the public is an awesome task, and it has been an interesting journey.

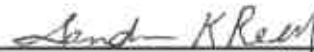
ADJOURNMENT:

With all business concluded, the Board adjourned at 10:13 a.m.



Augustus A. Petticolas, Jr., D.D.S., President
Nathaniel Bryant

10 Dec 2021
Date



Sandra K. Reen, Executive Director

December 10, 2021
Date