

**VIRGINIA BOARD OF DENTISTRY
MINUTES
March 10, 2017**

TIME AND PLACE: The meeting of the Board of Dentistry was called to order at 9:03 a.m. on March 10, 2017, at the Department of Health Professions, 9960 Mayland Drive, Suite 201, Board Room 4, Henrico, Virginia 23233.

PRESIDING: A. Rizkalla, D.D.S., President

BOARD MEMBERS PRESENT: John M. Alexander, D.D.S
Tonya A. Parris-Wilkins, D.D.S.
Nathaniel C. Bryant, D.D.S.
Augustus A. Petticolos, Jr., D.D.S.
Tammy C. Ridout, R.D.H.
Carol R. Russek, J.D., Citizen Member
James D. Watkins, D.D.S.
Bruce S. Wyman, D.M.D.

BOARD MEMBER ABSENT: Patricia B. Bonwell, R.D.H., PhD

STAFF PRESENT: Sandra K. Reen, Executive Director for the Board
Elaine J. Yeatts, DHP Senior Policy Analyst
Kelley Palmatier, Deputy Executive Director for the Board
Sheila Beard, Executive Assistant for the Board
Donna Lee, Discipline Case Manager for the Board

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT: Lisa R. Hahn, Chief Deputy Director, DHP

ESTABLISHMENT OF A QUORUM: With nine members of the Board present, a quorum was established.

Ms. Reen read the emergency evacuation procedures.

Dr. Rizkalla explained the parameters for public comment and opened the public comment period.

PUBLIC COMMENT: No public comments.

APPROVAL OF MINUTES: Dr. Rizkalla asked if there were any corrections to the December 9, 2016 Business Meeting minutes. Dr. Petticolos moved to approve the minutes as published. The motion was seconded and passed.

**DHP DIRECTOR'S
MINUTES:**

Ms. Hahn complimented the Board for being ahead of the curve by working on regulations dealing with the prescribing of opioids for acute and chronic dental pain before the legislative requirement becomes effective.

**LIAISON/COMMITTEE
REPORTS:**

ADEX. Dr. Bryant stated that the convention will be held in August 2017.

SRTA. Dr. Watkins stated that the Board of Directors met by telephone conference call to discuss the licensure exam. He said the loss of VCU as a test site was a huge hit; the budget shows a firm financial base; and the exam process is going well.

Board of Health Professions (BHP). Dr. Watkins said a meeting was held on February 23, 2017, to review the budget and to discuss a feasibility study for anesthesiologist assistants; telehealth; and Sanction Reference Points. The next meeting will be held in May.

Exam Committee. Dr. Watkins asked if there were any questions about the information in the Committee's December 16, 2016 minutes.

AADB. Dr. Alexander said the Board is up to date with the rest of the country regarding dentistry; all states have the same problems and issues with anesthesia; AADB can be a great resource to contact with questions; and the clinics were very useful.

Advisory Panel on Opioids. Dr. Alexander stated that on January 23, 2017 the Committee developed draft regulations on how dentists should prescribe opioids with the goals of prescribing for the least amount of days possible and avoiding over-prescribing. He stated the Committee agreed that if a dentist is prescribing for chronic pain, he would need to follow the regulations of the Board of Medicine for chronic pain. It also agreed it is important for dentists to have continuing education on opioids and to teach patients about the dangers of opioids; proper disposal of opioids; and about not keeping excess medicines.

Regulatory-Legislative Committee – RAP Meeting. Dr. Wyman stated the Committee was charged to look at the education requirements for Dental Assistants II (DAII) in Virginia and the fact that there are very few registered. He stated that through the RAP it was learned that in Pennsylvania over 50% of dental offices use a DAII to free up dentists from doing basic restoration treatments. Dr. Wyman said that many of the panelists supported recommendations to change the DAII curriculum to competency

based requirements; establish requirements for instructors; and to develop laboratory training that is mannequin based. All panelists were instructed to provide Ms. Reen with their recommendations, which will be discussed by the Committee.

LEGISLATION AND REGULATIONS:

Status Report on Regulatory Actions. Ms. Yeatts reviewed the status on the following Regulatory Actions:

- Credit for volunteer hours and extension of time for CE went into effect on February 10, 2017. She added that other boards have used these regulations as their model.
- Administration of nitrous oxide only also went into effect on February 10, 2017.
- Eliminating the requirement to post a DEA registration went into effect on March 9, 2017.
- Conforming rules to ADA guidelines on moderate sedation were deemed inappropriate for fast track action so the standard process will be followed.
- Requirement for capnography for monitoring anesthesia or sedation is at the Governor's Office for approval to publish as final regulations.

Report of 2017 General Assembly. Ms. Yeatts reviewed legislation passed by the General Assembly, stating:

- HB 1474 changes the provisions for dental hygienists to practice under remote supervision and the Board will need to adopt revised regulations at its June meeting.
- HB 1748 provides liability protection for administrators of charity health care services.
- HB 1799 authorizes the Board of Pharmacy to address FDA action on a substance 30 days after publication in the Federal register.
- HB 1885 limits the amount of opioids that can be prescribed and requires a prescriber to request information about a patient from the Prescription Monitoring Program when initiating a new course of treatment that includes the prescribing of opioids.
- HB 2164 adds gabapentin to the list of drugs of concern.
- HB 2165 requires electronic prescriptions for drugs containing opiates beginning July 1, 2020.
- HB 2167 requires the Boards of Dentistry and Medicine to adopt regulations for prescribing Opioids and buprenorphine.
- HB 2470 adds thiafentanil to Schedule II and Brivaracetam to Schedule V of the Drug Control Act.
- SB 848 establishes requirements for dispensing Naloxone for use in opioid overdose reversal.

Board Action on Draft Regulations for Opioid Prescribing. Following Ms. Yeatts review of the draft, the Board made the following amendments:

- * in 18VAC60-21-103(C) the term "medical record" was changed to "patient record".
- o in 18VAC60-21-105(1) the terminology was changed to address a "pain management specialist" to be consistent with 18VAC60-21-103(B)(3).
- * 18VAC60-21-106 was changed to require dentists who prescribes any Schedule II through IV controlled substances to obtain two hours of continuing education on pain management during the renewal cycle following the effective date of the regulations which may be included in the 15 hours required for license renewal.

Dr. Watkins moved to adopt the amended regulations. The motion was seconded and passed.

Board Action on Petitions for Rulemaking.

- * Dr. Carney petitioned the Board to amend three regulatory sections which address the requirements for taking vital signs when sedation is being administered. Following discussion, Dr. Petticolas moved to refer this matter to the Legislative-Regulatory Committee. The motion was seconded and passed.
- * Dr. Mayberry petitioned the Board to recognize the American Board of Dental Specialties as a bona fide dental specialty certifying organization and to authorize dentists who were certified by the American Board of Implantology/Implant Dentistry be recognized as Dental Implant Specialists. Ms. Ridout moved to refer this matter to the Legislative-Regulatory Committee. The motion was seconded and passed.

**BOARD
DISCUSSION/ACTION:**

Exam Committee Motion that the Board Reaffirm its Position of Requiring Live Patient Exams.

Dr. Watkins offered the motion for discussion. Following a brief discussion in support of the motion, it was passed.

How Should the Board Address the Use of a Cavitron Device.

Dr. Watkins explained that during a recent informal conference, Special Conference Committee C discussed its concern that dentists are allowing dental assistants to use Cavitrons for scaling. He asked if the Board should issue a guidance document to inform licensees that dental assistants cannot use Cavitrons. Ms. Reen suggested that the Board review 18VAC60-21-140 which restricts delegation of scaling to only dental hygienists. Discussion followed about how to proceed and Ms. Ridout made a motion to refer this matter to the Legislative-Regulatory Committee. The motion was seconded and passed.

How Should the Board Address the CDC Guidelines.

Dr. Rizkalla stated that the CDC Guidelines are referred to in the Board's Guidance Documents and questioned if the CDC Guidelines should be referenced in the Regulations. Ms. Yeatts suggested that a link to the CDC guidelines be placed in each Guidance Document that mentions the CDC Guidelines. The Board agreed by consensus to proceed with Ms. Yeatts' suggestion.

Continuing Education Tracking Services.

Dr. Rizkalla stated that at the AADB conference he was very impressed with the discussions and demonstrations by continuing education tracking services which allows licensees to see their continuing education certificates with a click of a mouse. Ms. Yeatts indicated other boards have access to voluntary tracking services. Questions were raised about how the services are funded. Dr. Wyman moved that Ms. Reen research the continuing education tracking services and present the Board with more information about how they function and the costs. The motion was seconded and passed.

**BOARD COUNSEL
REPORT:**

Mr. Rutkowski asked Board members to not chat with or thank respondents or witnesses at an informal conference or formal hearing.

**REPORT ON CASE
ACTIVITY:**

Ms. Palmatier reviewed her report noting that from January 1, 2017 through February 23, 2017, 45 cases were received and 31 were closed. She then reported the following statistics for the October 1, 2016 to December 31, 2016 quarter:

- 37 patient care cases were received and 58 were closed for a 171% clearance rate;
- The current pending caseload older than 250 days is 28% and the goal is 20%; and
- 75% of the patient care cases were closed within 250 days and the goal is 90%.

She added that between November 19, 2016 and February 23, 2017, the Board did not suspend any licenses.

Dr. Petticolas stated his concern that some allegations are not on target and make it difficult to sanction violations. Ms. Palmatier acknowledged the concern and explained the process for developing allegations.

62nd Southern Conference of Dental Deans and Examiner.

Ms. Palmatier said the conference was very enlightening and explained the “gamification” approach now in use at dental schools through which students develop clinical skills using video gaming elements in learning environments. She also noted the average debt a dental student has incurred through dental school is \$262,119. Dr. Bryant and Dr. Watkins agreed with Ms. Palmatier’s report.

Ms. Reen reminded Board members that each attendee at a Board related conference or meeting is required to submit a report to Dr. Brown. She added that this requirement does not apply for participating in an exam.

**EXECUTIVE
DIRECTOR’S
REPORT/BUSINESS:**

Status Report on a Proposal to Change Renewal Timeframe.

Ms. Reen explained work on this project is in progress but not completed.

Pending Regulatory Changes.

Ms. Reen stated the changes to clarify provisions that went into effect on December 2, 2015 is also in progress.

New Employee.

Ms. Reen introduced and welcomed Sheila Beard, Executive Assistant to the Board’s staff.

Correspondence to DOCS.

Ms. Reen provided information on the letter which was sent to DOCS on behalf of the Board requesting action to correct the misinformation included in the DOCS Education Course advertisement sent to dentists in Virginia. She provided the response she received from DOCS, and also an ADA Update that contained a clarification that there is no “grandfather clause” in the ADA Sedation and Anesthesia Guidelines which was also addressed in the DOCS advertisement.

Mailings.

Ms. Reen asked about not mailing the notebooks with the agenda package and having them to use during meetings. The Board agreed by consensus. Discussion followed about “going green” by only providing agenda packages electronically. Ms. Reen and Ms. Beard agreed to provide the packages based on each members preference.

Calendar of Meetings.


Ms. Reen said the proposed meeting calendar for 2018 will be sent out for review so that it can be approved at the June Board meeting. Ms. Reen asked each Special Conference Committee to give feedback to Ms. Palmatier regarding their interest in holding informal conferences on days other than Fridays for consideration in developing the calendar.

Service Recognition.

Ms. Reen read thank you notes from Dr. Gaskins and Ms. Swain for the December 2016 luncheon and gifts they received for serving as Board members and reported that Ms. Swecker called to express her appreciation. Ms. Reen stated that she has contacted the Southwest Dental Society about giving a presentation. This would make it possible to give Dr. Rolon her plaque and gift personally.

ADJOURNMENT:

With all business concluded, the meeting was adjourned at 11:45 a.m.



A. Rizkalla, D.D.S., President



Sandra K. Reen, Executive Director

6/30/17

Date

June 30, 2017

Date