

**VIRGINIA BOARD OF DENTISTRY
MINUTES
June 21, 2019**

TIME AND PLACE: The meeting of the Board of Dentistry was called to order at 9:01 a.m. on June 21, 2019, at the Department of Health Professions, 9960 Mayland Drive, Suite 201, Board Room 4, Henrico, Virginia 23233.

PRESIDING: Tonya A. Parris-Wilkins, D.D.S., President

BOARD MEMBERS PRESENT: Augustus A. Petticolos, Jr., D.D.S., Vice President
Sandra J. Catchings, Secretary
Patricia B. Bonwell, R.D.H., PhD
Nathaniel C. Bryant, D.D.S.
Jamiah Dawson, D.D.S.
Tammy C. Ridout, R.D.H.
James D. Watkins, D.D.S.

BOARD MEMBERS ABSENT: Perry E. Jones, D.D.S.
Carol R. Russek, J.D.

STAFF PRESENT: Sandra K. Reen, Executive Director of the Board
David Brown, D.C., DHP Director
Barbara Allison-Bryan, M.D., DHP Chief Deputy Director
Donna Lee, Discipline Case Manager
Deborah Southall, Discipline Case Manager
Tracey Arrington-Edmonds, Licensing Manager

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

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

Ms. Reen read the emergency evacuation procedures.

PUBLIC COMMENT: Dr. Parris-Wilkins explained the parameters for public comment and opened the public comment period. Hearing none, she stated that written comment was received from Dr. Zapatero regarding the operation of SmileDirectClub in Virginia.

APPROVAL OF MINUTES: Dr. Parris-Wilkins asked if there were corrections to any of the posted minutes. Dr. Petticolos moved to approve the following minutes as published: March 14, 2019; March 15, 2019; March 25, 2019; and April 18, 2019. The motion was seconded and passed.

- DIRECTOR'S REPORT:** Dr. Brown informed the Board about the following:
- The Department of Health Profession's (DHP) website has a new look that is more user friendly for applicants, licensees and the public. He added that the new format will be expanded to all the boards' webpages.
 - DHP will be convening two legislatively mandated workgroups this summer addressing: (1) the practice of telemedicine and (2) barriers to licensure in Virginia for foreign-trained medical doctors.
 - The Virginia Board of Pharmacy is now regulating five pharmaceutical processors who will be producing and dispensing Cannabidiol (CBD) and THC-A oil by the end of the year.

**2019 WORKFORCE
REPORT:**

Yetty Shobo, Deputy Executive Director, Board of Health Professions and the Healthcare Workforce Data Center, gave a presentation on the latest workforce data on dentists and dental hygienists licensed in Virginia, and answered questions about the statistical data.

Ms. Shobo noted that a dental hygiene survey question asked about working under remote supervision and 974 hygienists responded they worked under remote supervision at their primary work location. She suggested that the hygienists misunderstood the term because the number of positive responses appears to be too high given the limited practice locations for this level of supervision.

Following discussion, the Board agreed by consensus to add the definition of remote supervision and the practice locations set out in the Code of Virginia to the 2020 survey.

**SANCTION
REFERENCE POINTS:**

Dr. Parris-Wilkins stated that Neal Kauder, President of Visual Research, Inc., made a presentation at the Board's March meeting regarding the proposed SRP manual that included reducing the number of worksheets from three to one. She said the new worksheet was discussed by an Ad-Hoc Committee and Ms. Reen was asked to address the proposed decline in agreement rate with Visual Research.

Dr. Parris-Wilkins asked Mr. Kauder to address the proposed worksheet. Mr. Kauder reviewed an agreement rate analysis chart which shows over time that the rate of agreement with the three worksheets declined significantly. He explained that the proposed worksheet addresses the three case types and lists the factors that add points to the score.

Following discussion, Dr. Petticolas moved to adopt the proposed SRP worksheet as presented. The motion was seconded and passed.

Dr. Kauder then asked which of the three monetary penalty options he should use in the updated SRP manual. Dr. Watkins moved to adopt the option that shows 68% accuracy with the new worksheet. The motion was seconded and passed.

**LIAISON/COMMITTEE
REPORTS:**

Southern Regional Testing Agency (SRTA). Dr. Watkins stated that SRTA is still working on the merger with CITA. He noted that all the 2020 exams were scheduled by CITA and former SRTA examiners are doing the CITA exams. He recommended that the Board decide at its September meeting if it wants to be a member of CITA because the last annual meeting of SRTA will be held in August 2019.

Board of Health Professions (BHP). Dr. Watkins did not attend the last meeting in May; therefore, he did not have a report.

Regulatory-Legislative Committee Meeting. Dr. Petticolas stated that the Committee met on May 17, 2019 and the draft minutes are in the agenda packet.

ADEX. Dr. Bryant stated that the meeting will be held in August 2019.

JCNDE. Dr. Bryant stated that the meeting will be held June 26, 2019.

**BOARD DISCUSSION/
ACTION:**

Dental Interstate Licensing Compact. Dr. Parris-Wilkins reported that the Council of State Governments (CSG) is currently exploring funding for a dental licensure compact so any further work will be pending funding.

Silver Diamine Fluoride. Dr. Parris-Wilkins stated she attended a continuing education course and was asked about whether or not Virginia has special language or guidance for Silver Diamine Fluoride. Following discussion, the Board agreed by consensus that current regulatory language should apply and no action was necessary.

Adoption of 2020 Board Meeting Calendar. Dr. Parris-Wilkins asked if there were any requests for changes to the calendar. Mr. Rutkowski noted a conflict with the March 13, 2020 Board meeting and agreed to see if another assistant attorney general could substitute for him. Dr. Petticolas moved to adopt the 2020 Board Meeting Calendar as presented. The motion was seconded and passed.

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

Regulatory Actions. Ms. Reen reported that the following proposed regulations are currently under review by the Secretary of Health and Human Resources:

- amendment to restriction on advertising dental specialties;
- amendment to the administration of sedation and anesthesia; and
- education and training for Dental Assistants II.

She added that the proposed regulation for changing the renewal schedule is at the Governor's Office and the proposed regulation for acceptable clinical examination content is under review at the Department of Planning and Budget.

Protocols for Remote Supervision. Ms. Reen reviewed the amendments to §54.1-2722 of the Code of Virginia and presented the protocols submitted by the Virginia Department of Health (VDH) and Department of Behavioral Health and Developmental Services (DBHDS) addressing practice by hygienists under remote supervisions in these agencies. She explained that the Board needs to adopt the protocols and amend section 18VAC60-25-40 of the Regulations Governing the Practice of Dental Hygiene as an emergency action to comply with the Code amendments.

Dr. Bonwell moved to adopt the amendment to 18VAC60-25-40 as an emergency regulation. The motion was seconded and passed.

Dr. Petticolas moved to adopt the protocols from VDH and DBHDS for the practice by remote supervision for dental hygienists employed by VDH and DBHDS. The motion was seconded and passed.

Technical Correction to Fees; Renewal & Reinstatement. Ms. Reen explained section 18VAC60-21-40 in the Dentistry regulations needs to be amended to restore fee types, which were inadvertently omitted when Chapter 21 was adopted. In addition, amendments are proposed to reduce the fee for reactivation of an inactive license/registration and to establish the renewal date for mobile clinics or portable dental operations. Dr. Petticolas moved to adopt the proposed amendments to 18VAC60-21-40, 18VAC60-21-220 and 18VAC60-21-240 of the Regulations Governing the Practice of Dentistry. The motion was seconded and passed.

Exempt Regulations. Ms. Reen reviewed the adoption of two exempt actions needed to implement new laws. She reviewed the proposed regulatory provisions for restricted volunteer practice, and for the administration of drugs by dental hygienists under remote supervision which are required to conform to changes being made in the Code of Virginia. Dr. Dawson moved to adopt the

amendments to Chapter 21 as it relates to restricted volunteer practice and to Chapter 25 as it relates to the administration of topical drugs by dental hygienists under remote supervision. The motion was seconded and passed.

**DISCIPLINARY
ACTIVITY REPORT:**

Ms. Reen provided an overview of the disciplinary activity report. She also sought the Board's advice on how to handle sanctioning for licensees practicing with an expired license, and stated that currently Guidance Document 60-6 is used to address the issue. Following discussion, Dr. Petticolas moved to withdraw Guidance Document 60-6 and requested that staff propose other options to monitor licensees practicing with an expired license, and present them to the Board for consideration. The motion was seconded and passed.

**REVENUE,
EXPENDITURES,
CASH BALANCE
ANALYSIS:**

Ms. Reen reviewed Dentistry's Analysis which recommends a one-time reduction in renewal fees and said the needed reduction is already being addressed in the regulatory action to change renewals to birth months.

**DUPLICATE WALL
CERTIFICATE:**

Ms. Reen reported that "duplicate" wall certificates show the names of the members serving on the Board when the duplicate is requested. She asked if outgoing members should have the choice of a new certificate or the traditional wooden plaque as their recognition for service on the Board. She added a member can purchase a wall certificate at any time. By consensus, the Board agreed to give each member the choice of a new wall certificate or a plaque at the end of their term on the Board.

**BOARD
PARTICIPATION WITH
AADB:**

Ms. Reen said a decision on participation was deferred to this meeting. She reported the elected president was dismissed from the presidency and the president-elect was elevated to the president of AADB by its Board of Directors. She asked if it is worthwhile to send Board members and staff to the annual meeting being held in October. During discussion, Ms. Reen said usually she and two Board members attend the meeting and have voting privileges. Following discussion, Dr. Petticolas moved that the Board send the usual representation to the AADB meeting in October. The motion was seconded and passed.

**NEW BOARD STAFF
INTRODUCTIONS:**

Ms. Reen introduced and welcomed Deborah Southall, Discipline Case Manager, and Tracey Arrington-Edmonds, Licensing Manager, to the Board's staff.

**BOARD MEMBER
CONCERNS:**

Dr. Bryant expressed concern that there are no sanction guidelines for applicants and Board members to follow in addressing reinstatement applications. Mr. Rutkowski advised against creating


any guidelines which would obligate future Board members to follow in deciding a case when each case should be decided on its own. He added that the findings of fact and conclusions of law in an order gives an applicant guidance on why reinstatement was not granted.

Dr. Bryant asked why testing agencies cannot compensate a Board member who serves as an examiner. Mr. Rutkowski responded that compensation beyond actual expenses would violate the Conflict of Interest law.

ADJOURNMENT: With all business concluded, the meeting was adjourned at 12:02 p.m.



Tonya A. Paris-Wilkins, D.D.S., President



Sandra K. Reen, Executive Director

9/13/19
Date

September 13, 2019
Date

APPROVED

BOARD OF DENTISTRY
MINUTES of the NOMINATING COMMITTEE MEETING

Friday, June 21, 2019

Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, VA 23233
Board Room 4

CALL TO ORDER: The meeting was called to order at 1:30 P.M.

PRESIDING: Tonya Parris-Wilkins, D.D.S., Chair

MEMBERS PRESENT: James D. Watkins, D.D.S.

MEMBERS ABSENT: Carol Russek, J.D.

STAFF PRESENT: Sandra K. Reen, Executive Director for the Board

QUORUM: With two members present, a quorum was established.

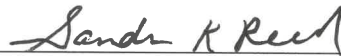
NOMINATIONS: The Committee discussed possible candidates and agreed by consensus to nominate Dr. Petticolas for president, Dr. Catchings for Vice-President and Dr. Bryant for Secretary-Treasurer.

ADJOURNMENT: With all business concluded, the Committee adjourned at 1:45 P.M.



Tonya Parris-Wilkins, D.D.S., Chair
Jamiah Dawson, D.D.S., Chair

Date



Sandra K. Reen, Executive Director

September 11, 2020
Date