

**VIRGINIA BOARD OF DENTISTRY
BUSINESS MEETING MINUTES**

- TIME AND PLACE:** The meeting of the Board of Dentistry was called to order at 9:03 a.m., on September 13, 2019, at the Department of Health Professions, 9960 Mayland Drive, Suite 201, Board Room 4, Henrico, Virginia 23233.
- PRESIDING:** Augustus A. Petticolas, Jr., D.D.S., President
- BOARD MEMBERS PRESENT:** Sandra J. Catchings, D.D.S., Vice-President
Patricia B. Bonwell, R.D.H., PhD
Jamiah Dawson, D.D.S.
Perry E. Jones, D.D.S.
Tonya A. Parris-Wilkins, D.D.S.
Tammy C. Ridout, R.D.H.
James D. Watkins, D.D.S.
- BOARD MEMBERS ABSENT:** Nathaniel C. Bryant, D.D.S.
Carol R. Russek, J.D.
- STAFF PRESENT:** Sandra K. Reen, Executive Director
David C. Brown, DHP Director
Elaine Yeatts, DHP Senior Policy Analyst
Jamie C. Sacksteder, Deputy Executive Director
Kathryn Brooks, Executive Assistant
Donna Lee, Discipline Case 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.
- NEW BOARD STAFF INTRODUCTIONS:** Ms. Reen introduced and welcomed Jamie Sacksteder, Deputy Executive Director, and Kathryn Brooks, Executive Assistant, to the Board's staff.
- PUBLIC COMMENT:** Dr. Petticolas explained the parameters for public comment and opened the public comment period.

Alex Vaughan, D.D.S. (Virginia Total Sleep) encouraged the Board to have a broad view of teledentistry when establishing regulations on teledentistry. He also stated that oral pain is a specialty not currently recognized by the American Dental Association and requested that the Board send a letter to the ADA supporting specialty recognition of the oral pain and oral medicine advanced programs.

Andrew Wiltsch (American Association of Orthodontists) said the AAO supports including impressions taken by digital scanning in the statute addressing what constitutes the practice of dentistry. He also advised that impressions should not be taken until a dentist has physically examined a patient because digital scans and impressions can be performed incorrectly and can cause harm to a patient. He added that an in-person screening is necessary before determining someone is a candidate for orthodontic treatment.

**APPROVAL OF
MINUTES:**

Dr. Petticolas asked if there were corrections to any of the posted minutes. Dr. Watkins stated that on page 3 of the June 21, 2019 Board minutes the heading "South Regional Testing Agency" should be changed to "Southern Regional Testing Agency". Dr. Watkins further stated that for the August 9, 2019 minutes there is nothing showing that he informed the Board in open session that the Respondent was a dental school classmate, but that it did not compromise his decision regarding the case. Dr. Catchings moved to approve both sets of minutes with the changes stated by Dr. Watkins. The motion was seconded and passed.

DIRECTOR'S REPORT:

Dr. Brown reported on his work on two legislatively mandated workgroups addressing (1) the practice of telemedicine and (2) barriers to licensure in Virginia for foreign-trained medical doctors.

Dr. Brown noted that each Board member should have received an invitation and the agenda for DHP's Board member training scheduled for October 7, 2019 and encouraged all Board members to attend.

**SANCTIONING
REFERENCE POINTS:**

Neal Kauder, President of Visual Reserach, Inc., said the revised Sanctioning Reference Points Instruction Manual which includes the proposed SRP worksheet adopted at the June Board meeting is presented for discussion. He noted a minor correction to be made then asked for questions and comments. Hearing none, Dr. Parris-Wilkins moved to accept the SRP manual as presented. The motion was seconded and passed.

Ms. Yeatts advised the Board that since the SRP manual is a guidance document, it will have to be posted for a 30-day comment period before going into effect.

**LIAISON/COMMITTEE
REPORTS:**

Nominating Committee/Election of Officers. Dr. Watkins reviewed the draft minutes of the Committee meeting then opened the floor for nominations. Hearing none, he moved the election of Dr. Petticolas as President, Dr. Catchings as Vice-President, and Dr. Bryant as Secretary/Treasurer. The motion was seconded and passed.

Board of Health Professions (BHP). Dr. Watkins moved to accept his written report on the BHP meeting held on August 20, 2019. The motion was seconded and passed.

Southern Regional Testing Agency (SRTA). Dr. Watkins reviewed his report of the SRTA annual meeting held on August 2-3, 2019. He said SRTA is moving forward on development of a non-patient based clinical exam and asked if the Board could discuss today if they want to consider offering non-patient based clinical exams. Dr. Parris-Wilkins moved to accept the report on SRTA. The motion was seconded and passed.

Southern Regional Testing Agency (SRTA) Dental Hygiene Committee. Dr. Bonwell reviewed her report and stated that the trend in dental hygiene is moving away from a patient-based clinical exam. Dr. Catchings moved to accept the SRTA Dental Hygiene Committee report. The motion was seconded and passed.

Southern Regional Testing Agency (SRTA) Finance Committee and Annual Meeting. Dr. Petticolas read his report of the SRTA Finance Committee and Annual Meeting held on August 2-3, 2019. He said the landscape is changing and now is a good time to re-examine the Board's position on patient-based exams. Dr. Petticolas suggested that a meeting of the Exam Committee be called to discuss the subject of non-patient based exams in Virginia.

Ms. Reen advised that information would be needed from SRTA, CITA and ADEX, agencies the Board works with on clinical testing. She also questioned whether the Fast-Track regulatory action on exam content should be or could be withdrawn. She said Board members could be polled for a meeting in October or November.

Discussion followed in support of a called meeting and it was agreed by consensus to proceed with a special meeting to discuss accepting non-patient based exams.

Dr. Jones moved to delegate to the Executive Director the decision on how to deal with the Fast-Track regulation and refer to the Regulatory-Legislative Committee for discussion about non-patient based exams in Virginia. The motion was seconded and passed.

Dr. Parris-Wilkins moved to withdraw the guidance document that addresses acceptance of only live patient exams in Virginia. The motion was seconded and passed.

Dr. Parris-Wilkins moved to accept the SRTA report submitted by Dr. Petticolas. The motion was seconded and passed.

Ms. Yeatts said she contacted the Registrar's office regarding the Fast-Track regulatory action addressing the content of acceptable examination and learned the action can be withdrawn if acted on today.

Dr. Jones moved to withdraw his previous motion assigning work on the Fast-Track action to Ms. Reen and to request withdrawal of regulatory proposal today. The motion was seconded and passed.

Ms. Yeatts advised the Registrar of this decision and regulatory action was withdrawn effective September 13, 2019.

ADEX. In Dr. Bryant's absence, his written report on the ADEX Conference held August 9-10, 2019 was noted without discussion.

JCNDE. In Dr. Bryant's absence, his written report on the Joint Commission of the National Dental Board Examination meeting that was held on June 26, 2019 was noted without discussion.

Dr. Catchings moved to accept the ADEX and JCNDE reports. The motion was seconded and passed.

LEGISLATION AND REGULATION:

Regulatory Actions Chart. Ms. Yeatts provided and reviewed an updated chart, reporting that the following proposed actions 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;
- technical correction to fees; and
- protocols for remote supervision.

Ms. Yeatts added a public hearing will be held on October 18, 2019 on the proposed change in renewal schedule. She said the regulatory actions on restricted volunteer practice and on the administration of Schedule VI fluorides under remote supervision became effective September 4, 2019. The proposed regulations for education and training for Dental Assistants II is at the Governor's Office.

Waiver of Electronic Prescribing. Ms. Yeatts reported that HB2559

amended the Code to require electronic prescribing of opioids by July 1, 2020, which requires emergency action to address the provision for a one-time waiver in regulation. Dr. Watkins moved adoption of the proposed emergency regulations and issuance of a Notice of Intended Regulatory Action to replace the emergency regulations. The motion was seconded and passed.

Dr. Zapetaro's Petition for Rulemaking. Ms. Yeatts stated Dr. Zapetaro submitted a Petition for Rulemaking and then he requested to withdraw it so no action is required.

**BOARD
DISCUSSION/ACTION:**

ADEX Report. Dr. Watkins asked a member of the audience, Dr. Sarrett, Dean of the VCU School of Dentistry, if he would address using live patients for regional exams versus testing students' skills on patients at the School of Dentistry. Dr. Sarrett responded, indicating that historically candidates for regional exams have difficulty finding acceptable patients and the testing agencies make no provisions for follow up treatment. He explained that the School tests students on patients of record who have treatment plans so the procedure being tested is done in sequence with an ongoing treatment plan for the patient.

Discussion of Public Comment Topics. Dr. Jones moved that the concerns expressed by Dr. Vaughan regarding telehealth practice be referred to the Regulatory-Legislative Committee for further discussion. The motion was seconded and passed.

Dr. Watkins moved to receive Dr. Vaughan's request for a letter of support for ADA recognition of training in oral pain and oral medicine as a specialty as information. The motion was seconded and passed.

Dr. Catchings moved that Mr. Wiltsch's statements regarding clear aligner therapy and digital scanning be referred to the Regulatory-Legislative Committee for further discussion. The motion was seconded and passed.

Clear Aligner Therapy. Dr. Jones addressed the Board regarding clear aligner therapy. After discussion, Dr. Watkins moved to refer this topic to the Regulatory-Legislative Committee for further discussion. The motion was seconded and passed.

Intraoral Digital Scanning. Dr. Jones explained the process for using intraoral digital scanning and questioned whether or not certain functions could be assigned to a Dental Assistant I or II. After discussion, Dr. Catchings moved to refer this topic to the Regulatory-Legislative Committee for further discussion. The motion was seconded and passed.

CBCT. Dr. Jones stated that a dentist who does not own a CBCT unit may send his patient to another dentist to have CBCT taken, and there needs to be clarification from the Board regarding how to handle outsourcing of CBCT scans. Dr. Jones moved that the matter be referred to the Regulatory-Legislative Committee for further discussion. The motion was seconded and passed.

**HEARING PROTOCOL
PRESENTATION:**

Ms. Reen introduced Jennifer Deschenes, Deputy Executive Director for the Board of Medicine, who addressed the Board regarding the protocols to follow in informal conferences and formal hearings.

Following the presentation, Ms. Reen said she would like to provide more information on conducting board business at future meetings. She asked if there were any topics of particular interest and parliamentary procedure was recommended.

**DEPUTY EXECUTIVE
DIRECTOR'S REPORT:**

Ms. Sacksteder stated she did not have a case activity report for this meeting because she is working on a new format. She discussed her work experience and goals for her position.

**EXECUTIVE
DIRECTOR'S REPORT:**

Ms. Reen provided the Board with a list of its current guidance documents that need to be reviewed for any changes and updates. Dr. Catchings moved that the Regulatory-Legislative Committee review the guidance documents. The motion was seconded and passed.

Ms. Reen asked for approval to establish a Regulatory Advisory Panel on sedation permits and inspections to: review the inspection process, develop regulations for the inspection program, consider requiring an inspection before issuing a permit, and discuss other relevant issues. Dr. Catchings moved to establish a Regulatory Advisory Panel for sedation permits. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 11:50 a.m.

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

Sandra K. Reen
Sandra K. Reen, Executive Director

Dec. 13, 2019
Date

December 13, 2019
Date