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- PRESIDING:** Augustus A. Petticolas Jr., D.D.S., President
- MEMBERS PRESENT:** Sandra J. Catchings, D.D.S., Vice President
Nathaniel C. Bryant, D.D.S., Secretary
Patricia B. Bonwell, R.D.H., PhD
Jamiah Dawson, D.D.S.
Tammy C. Ridout, R.D.H.
James D. Watkins, D.D.S.
- MEMBERS ABSENT:** Perry E. Jones, D.D.S.
Mike Nguyen, D.D.S.
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Barbara Allison-Bryan, MD, DHP Chief Deputy Director
Elaine J. Yeatts, Senior Policy Analyst
Jamie C. Sacksteder, Deputy Executive Director
Kathryn E. Brooks, Executive Assistant
- 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.

Tracey Martin, RDH (Virginia Dental Hygienists Association) spoke in favor of adding this sentence to the definition of "Dentistry" brought forward by staff that reads: "*Dentistry includes blood glucose or HbA1c screening, which may be done prior to comprehensive, complex, or long term treatment.*" She added that the VDHA will also be commenting on the DA II regulatory action and the requirements for dental hygienists to qualify for DAII certification.

Dipa J. Patel, DDS (Virginia Society of Oral Maxillofacial Surgeons) sent a written comment against removing the requirement for a laryngoscope for the administration of deep sedation and general anesthesia. He indicated that it is critical to managing the airway.

**APPROVAL OF
MINUTES:**

Dr. Petticolas asked if there were any corrections to the draft minutes of the Board's December Business Meeting. Hearing none, Ms. Ridout moved to approve the minutes as presented; the motion was seconded and passed.

**LIAISON AND
COMMITTEE
REPORTS:**

Dr. Watkins directed attention to his written reports on the activities of the **Southern Regional Testing Agency** and the **Board of Health Professions**. He said the minutes of the recent **Exam Committee** meeting are provided in the agenda package for reference during the Board's discussion of clinical competency examination requirements.

Dr. Bryant and Dr. Petticolas reported on their participation in the **Southern Conference of Dental Deans and Examiners** sponsored by the University of Alabama at Birmingham. Both said the program was excellent, well organized and informative. Dr. Petticolas noted his appreciation for the opportunity to participate in a simulated OSCE examination with Dr. Bryant and Dr. Sarrett.

Ms. Ridout referenced the **Public Hearing** and the **Regulatory-Legislative Committee** draft minutes provided in the agenda package, highlighting that discussion regarding DAI were deferred to the full Board and that all recommendations from the Sedation RAP be recommended to the full Board.

**LEGISLATION AND
REGULATION:**

Ms. Yeatts referenced her **Status report on Regulatory Actions**, noting that 6 actions are at the Secretary's or Governor's office for review. She added that the pending regulatory actions are not likely to be considered in the current climate. She said a standard regulatory action will be needed to address the teledentistry legislation and to replace the emergency regulations for e-prescribing waivers.

She then referenced her **Report of the 2020 General Assembly** noting the results of the medical marijuana study; the new requirements for expediting issuance of credentials to military spouses and veterans; and legislation that allows pharmacists to initiate treatment in accordance with a protocol.

Ms. Yeatts explained the **Petition for Rulemaking** to change the definition of a "Dental Assistant I" is to add requirements for completion of coursework in Infection Control and in Radiation Health and Safety. She said the comments received on the petition were in favor of the requested

action. She explained that the Regulatory-Legislative Committee reviewed the petition, then requested that staff provide additional information for discussion at this board meeting. Ms. Sacksteder reviewed the chart of dental assistant requirements by state and the list of recent disciplinary cases addressing infection control violations. Following discussion of the need for this action, Ms. Ridout made a motion to initiate rulemaking to require infection control training for DAIs. The motion was seconded. More discussion followed on the need for this action, the supervising dentist being responsible, the availability of OSHA training and the possibility of creating an additional barrier for hiring DAIs. The question was called and the motion passed.

**BOARD DISCUSSION/
ACTION:**

Ms. Sacksteder gave an overview of the Regulatory Advisory Panel's work on improving **Sedation Inspections** and the recommended changes. Dr. Patel's comment on laryngoscopes being necessary when deep sedation or general anesthesia is administered was discussed. Ms. Sacksteder explained that the intent of the RAP was to no longer require a laryngoscope for moderate sedation. Ms. Yeatts advised that the proposals from the RAP would require significant changes to regulation. Counsel advised that the Board does not have the authority to require a practice location to have a facility permit. After lengthy discussion regarding the sedation permitting process, Dr. Catchings moved to advance the idea of a two-step permit process for dentists and give staff permission to develop proposed language for issuing a permit and inspecting a practice for readiness to provide sedation. The motion was seconded and passed. Ms. Reen said she will work with Counsel to develop the two-step permit process and the provisions for unannounced and announced inspections. She added that the RAP's recommendations will be reorganized and presented for discussion in a more structured manner.

The Examination Committee recommended criteria for acceptance of **Clinical Competency Examinations** which included acceptance of a passing score of 75%; not accepting examination results based on compensatory scoring; and adopting definitions for the terms "clinical" and "clinical competency examination" were discussed without opposition and adopted by consensus. Membership in a testing agency was also discussed. Mr. Rutkowski informed the Board that he researched this matter and determined that the Board could be a member of only one testing agency at a time and that current board members can only examine for the testing agency in which the Board holds membership. It was agreed by consensus

to formally withdraw from membership in SRTA and apply to become a member of CITA. Discussion on when to make this change followed. Dr. Bryant moved to postpone the date of withdrawal from SRTA until after its annual meeting in August of this year. The motion was seconded and passed.

Ms. Ridout initiated discussion on revising the **Definition of Dentistry** by adding a sentence addressing blood glucose screening. She presented the two proposed options for discussion. There was support for adding the sentence proposed by staff which reads: “Dentistry” includes blood glucose or HbA1C screening which may be done prior to comprehensive, complex or long term treatment. Dr. Bonwell moved to accept the staff definition; the motion was seconded and passed. The information pamphlet, How to obtain a CLIA Certificate of Waiver, was discussed as important information for licensees planning to do blood glucose screenings.

Dr. Catchings moved to have the Regulatory-Legislative Committee discuss HPV testing prior to issuing THC or marijuana prescriptions. The motion was seconded and passed.

Dr. Catchings moved to have the Regulatory-Legislative Committee develop separate regulations for pediatric sedation to include setting an age limit which requires sedation and treatment to be performed in a hospital setting. The motion was seconded and passed.

**BOARD COUNSEL
REPORT:**

Mr. Rutkowski advised that many answers in regards to the COVID-19 pandemic are not available, and asked that any questions or concerns about this be funneled through the Executive Director of the Board.

**DEPUTY EXECUTIVE
DIRECTOR’S
REPORT:**

Ms. Sacksteder reviewed the **Disciplinary Board Report** on case activity during calendar year 2019, giving an overview of the actions taken and a breakdown of the cases closed with violations. As requested by the Board, an additional report on unlicensed activity violations compared to 2018 and 2017 case activities was provided. Dr. Watkins requested that staff provide the number of current licensees for comparative use in Disciplinary reports moving forward.

**EXECUTIVE
DIRECTOR’S
REPORT:**

Ms. Reen addressed the 5 Board positions that are up for appointment or reappointment this year and noted that the citizen position is still vacant. She explained that 2 of the 5 positions this year will have limited terms in

order to better distribute appointments across 4 years. She explained that if the Secretary of the Commonwealth's Office asks for a recommendation, she would like to propose one of the dental hygienist appointments be for a 2 year term and one of the dentist appointments be for a 1 year term. The Board agreed to this proposal by consensus.

She recommended consideration of using the **Ethics and Boundaries Assessment Services** for reinstatement and disciplinary cases involving ethical violations.

Ms. Reen provided the **Oral Health Workforce Research Center Dental Hygiene Graph** for informational purposes only.

Ms. Reen reviewed the emergency regulation, which permits the Board to issue a one-time, one-year waiver for compliance with the **E-prescribing** requirements that go into effect on July 1, 2020. She presented the draft form being used by multiple Boards in DHP in order to collect consistent information. She asked that the Board delegate waiver decisions to her or to a committee. She said that if it is delegated to her she would consult with the Board President before denying a waiver. Ms. Ridout moved to allow the Executive Director to grant waivers and to consult with the Board President before denying a waiver request. The motion was seconded and passed.

ADJOURNMENT: With all business concluded, the Board adjourned at 12:31 PM.

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

Sandra K. Reen
Sandra K. Reen, Executive Director

Sept. 11, 2020
Date

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