



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 60-20 – Regulations Governing the Practice of Dentistry and Dental Hygiene
Department of Health Professions
January 4, 2007

Summary of the Proposed Amendments to Regulation

Under the current regulations a dental hygienist may perform duties specified by a supervising dentist in a written order without the dentist present for up to **seven** months from the date the dentist last examined the patient. The Board of Dentistry (board) proposes to permit dental hygienists to perform duties specified by a supervising dentist in a written order without the dentist present for up to **ten** months from the date the dentist last examined the patient.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Under these regulations dental hygienists are required to work under the supervision of a dentist. Certain duties are required to be performed with the dentist present, while other specified duties may be performed without the dentist present if the supervising dentist has examined the patient and issued a written order for the specific, authorized services to be provided by the dental hygienist when the dentist is not present in the facility. The latter is called general supervision.

According to the Department of Health Professions (department),

The Board has become aware that many dentists encounter situations in which a patient who has an order for dental care by a hygienist under general supervision is not able to get that care within the seven-month limitation on the order. The recommended interval for dental care is six months, but for a variety of reasons, a patient is not always able to return for an appointment within that time frame. The Board believes the dental hygienist should be able

to provide the prescribed care under general supervision (without the presence of the dentist) for a period not to exceed ten months, if so specified by the dentist writing the order. The ability of dental hygienists to care for patients under general supervision expands access and potentially reduces the cost of dental care. Therefore, any expansion of care by hygienists while still under supervision by dentists is in the best interest of public health and safety.

Additionally, research by the U.S. Federal Trade Commission found that the services provided by hygienists under general supervision are considered unlikely to produce additional health and safety risks when conducted without a dentist present.¹ Thus, expanding the time limit from seven to ten months will likely reduce costs without increasing health risks. Therefore, the proposed amendment will most likely produce a net benefit.

Businesses and Entities Affected

The proposed amendment affects dentists, dental hygienists, and their patients. According to the department, there are 5,826 dentists and 4,261 dental hygienists licensed in Virginia. The practices for most, if not all of the dentists, are small businesses.

Localities Particularly Affected

The proposed amendment does not particularly affect specific localities.

Projected Impact on Employment

Some dental hygienists may work moderately greater hours.

Effects on the Use and Value of Private Property

The proposed amendment will allow dental practices to use their staff somewhat more productively. Thus, the value of some dental practices may moderately increase.

Small Businesses: Costs and Other Effects

The proposed amendment will moderately reduce costs for some small businesses, i.e., dental practices.

¹ Source: Liang, J. Nellie and Jonathan D. Ogur. 1987. "Restrictions on Dental Auxiliaries: An Economic Policy Analysis." Bureau of Economics Staff Report to the U.S. Federal Trade Commission.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendment does not adversely affect small businesses.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.