

VIRGINIA BOARD OF DENTISTRY
BOARD BUSINESS MEETING AGENDA
JUNE 21, 2024

<u>TIME</u>		<u>PAGE</u>
9:00 a.m.	Call to Order – Margaret F. Lemaster, RDH, President	--
	Public Comment – Ms. Lemaster	--
	Approval of Minutes	
	• July 21, 2023, Licensing Workgroup Meeting	1-4
	• March 7, 2024, Formal Hearing	5-6
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	• March 20, 2024, Telephone Conference Special Session	10-11
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	• May 17, 2024, a.m., Formal Hearing	16-17
	• May 17, 2024, p.m., Formal Hearing	18-19
	DHP Director’s Report – Arne W. Owens (Tentative)	--
	Board Counsel Report – Mr. Rutkowski	--
	Liaison & Committee Reports	
	• AADB Mid-Year Conference – Ms. Sacksteder	--
	• CDCA WREB CITA Exam – Dr. Chaudhry	--
	• AADA Mid-Year Meeting – Ms. Sacksteder	--
	Legislation and Regulation - Ms. Barrett	
	• 18VAC60-21-108 - Dentistry Opioid Counseling Requirement	20-22
	• BOD Current Regulatory Actions	23-24
	• 18VAC60-11 - PPG Periodic Review	25-35
	Board Discussion Action	
	• Consideration of Public Comments	
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	• AADB Membership	

**VIRGINIA BOARD OF DENTISTRY
LICENSING WORKGROUP MEETING MINUTES
July 21, 2023**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:07 a.m., on July 21, 2023, at the Perimeter Center, 9960 Mayland Drive, in Board Room 4, Henrico, Virginia 23233.

PRESIDING: Margaret F. Lemaster, R.D.H.

MEMBERS PRESENT: William C. Bigelow, D.D.S.

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Sarah Moore, Executive Assistant
Yetty Shobo, Director of Healthcare Workforce Data Center
Erin Barrett, Director of legislative and Regulatory Affairs

OTHERS PRESENT: Lisa Ward, ADSO Vice President, Communications
Heather Tuthill, President of Virginia Dental Hygienists' Association
Benjamin Traynham, Virginia Dental Association

Ms. Sacksteder read the emergency evacuation procedures.

It was noted at the beginning of the meeting that Ms. Tuthill would be arriving late. However, since there was a quorum, the workgroup proceeded without Ms. Tuthill.

PUBLIC COMMENT: Ms. Lemaster explained the parameters for public comment and opened the public comment period.

No one signed up for Public Comment prior to the start of the meeting.

Ms. Lemaster closed the Public Comment Period.

Ms. Tuthill arrived at 9:24 a.m.

**LEGISLATION,
REGULATION AND
GUIDANCE:**

House Bill 2251 - Ms. Barrett distributed the language of HB2251, Regulation 18VAC60-25-150 language on Licensure by Credentials for Dental Hygienists, and Regulation 18VAC60-21-210 language on Qualifications for an Unrestricted Licensure for Dentists.

She reviewed the parameters of the bill and advised that it does not change the Code of Virginia. The bill directs the Board of Dentistry to hold a workgroup, the specifics of the workgroup, and what the workgroup should review.

She clarified that Virginia does issue licensure by Endorsement called 'Credentialing' in the regulations.

PRESENTATION:

Review of workforce data for Dentists and Dental Hygienists - Dr. Shobo presented a PowerPoint presentation regarding the workforce of dentist and dental hygienists workforce demographic and economic indicators, and geographical distribution. The overall presentation revealed a healthy workforce of licensed dentists and dental hygienists and did not show a shortage of licensed dentists or dental hygienists. The information showed a concentration in specific areas such as Northern Virginia, Central Virginia, and Tidewater region.

Public Comment re-addressed:

Re-addressed Public Comment - Ms. Lemaster recognized Caleb Taylor, Director of the Virginia Institute for Public Policy, who requested, after the start of the meeting, to address the panel with public comment.

He discussed that a number of dentists have approached him regarding licensure in the Commonwealth of Virginia. He addressed the shortage of oral workforce in the areas west of Interstate 95 corridor, specifically in Southwest Virginia. He spoke of the current workforce being concentrated in the Tidewater and Northern Virginia areas due to higher cash flow and margin of population. He petitioned a look at solutions for incentives to draw more members of the oral workforce to these localities.

Note: The Board has no control over the location of where licensees work and the Board cannot control economic factors that were discussed.

COMMITTEE DISCUSSION TOPICS:

Dental License and Dental Hygienist License: Comparison of Virginia to other states – Ms. Sacksteder.

Ms. Sacksteder presented a thorough listing of the requirements for all states for Dental and Dental Hygienists licensure, fees, education, and endorsement. She presented charts comparing Virginia to all other states with regard to clinical exam requirements, licensing fees, fees for credentialing (endorsement and reciprocity), educational requirements, endorsement/credentialing/and reciprocity requirements, clinical experience practice requirement, requirements for foreign trained applicants, background check requirements, and the jurisprudence exam requirements. Virginia was shown to be comparable to other states in their requirements with the exception of jurisprudence exam. Virginia does not require a jurisprudence exam the vast majority of other states require one for licensure.

Ms. Sacksteder asked for discussion among the workgroup members, specifically regarding the Board's current endorsement process. Mr. Traynham reported that the VDA is in support of the Board's current endorsement process. There were no other comments from the other workgroup members.

Ms. Sacksteder read the Board Meeting minutes of June 16, 2023, with regard to the Board's discussion of the Department of Defense funded Dentist and

Dental Hygienist Compact, and their unanimous decision as 'not in favor' of joining the Compact due to its current standards, which are lesser requirements than what Virginia currently requires for licensure. The Board also follows Va. Code 54.1-118 which allows the Board to make exceptions to licensure requirements for military. Also, the Board expedites all applications that are identified as military or military spouses.

Ms. Ward asked some clarifying comments about the reason the Board had concern regarding having applicants do background checks.

Ms. Barrett discussed that the Compact's requirement of Background checks would have a significant fiscal impact on the Board of Dentistry and the State Police if passed and would be a barrier to applicants.

Ms. Tuthill distributed information about the dental and dental hygiene licensure compact. The information was about facts vs. myths of the licensure compact. No further discussion was had regarding the handouts.

Ms. Tuthill reported that she thought that the compact only accept CODA accredited graduates. She stated she saw this at a recent conference.

Ms. Sacksteder reported that this would be change from the final compact that the Board reviewed at its June Board Meeting.

Mr. Traynham reported that it would be a concern to accept non-CODA accredited applicants, since CODA is the standard.

Note: It was later determined that the compact does allow for non-CODA accredited graduates, therefore this would a concern of the Board as it is a lesser requirement. The Finalized Compact can be found at:

https://compacts.csg.org/wp-content/uploads/2023/02/Spr23_Dentist_Dental-Hygienist-Compact-Draft_Final.pdf

There was discussion regarding foreign trained dentist and concerns regarding comparability of educational programs. Minnesota's requirements for foreign trained dentists was discussed as a possible model.

Ms. Sacksteder advised that the Board of Dentistry processed 398 applications during the period of January 1, 2022, to July 1, 2022. 588 applications were processed during the period of January 1, 2023, to July 1, 2023. This significant application processing increase was due to a significant streamlining of the application requirement processes

Ms. Sacksteder asked if there was any further discussion or comments concluded its meeting. Members would like to have, hearing none, the Workgroup

ACTION: Ms. Lemaster advised that Ms. Sacksteder will report the findings of the Workgroup to the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health by October 1, 2023, as required.

ADJOURNMENT: With all business concluded, the panel adjourned at 10:40 a.m.

Margaret F. Lemaster R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
March 7, 2024**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:02 a.m., on March 7, 2024, in Board Room 2 at the Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia, 23233.

PRESIDING: Margaret F. Lemaster, R.D.H., President

MEMBERS PRESENT: Alf Hendricksen, D.D.S., Vice-President
J. Michael Martinez de Andino, J.D., Secretary-Treasurer
William C. Bigelow, D.D.S.
Nathaniel C. Bryant, D.D.S.
Sidra Butt, D.D.S.
Sultan Chaudhry, D.D.S.

MEMBERS ABSENT: Jamiah Dawson, D.D.S.
Emelia McLennan, R.D.H.
Jennifer Szakaly, D.D.S.

STAFF PRESENT: Jamie Sacksteder, Executive Director
Sarah Moore, Executive Assistant

COUNSEL PRESENT: James E. Rutkowski, Senior Assistant Attorney General

OTHERS PRESENT: Lori Pound, Adjudication Consultant

ESTABLISHMENT OF A QUORUM: With seven Board members present, a panel was established.

**Randall S. Krebs
Case No.:235390** Mr. Randall Krebs was present in accordance with the Notice of the Board dated February 7, 2024.

Ms. Lemaster swore in the witnesses.

Following Ms. Pound's opening statement, Ms. Lemaster admitted into evidence Commonwealth's Exhibits 1-4.

Testifying on behalf of the Commonwealth:

- Courtney Merkel, DHP Senior Investigator

Following Mr. Krebs' opening statement, he requested a closed session for the discussion of his medical testimony.

Mr. Krebs testified on his own behalf.

Closed Meeting: Dr. Hendricksen moved that the Board enter into a closed meeting pursuant to §2.1-3711(A)(16) of the Code of Virginia for the purpose of consideration and discussion of medical and mental health records of Mr. Randall Krebs. Additionally, he moved that Board staff, Ms. Sacksteder, Ms. Moore, Ms. Pound

and the Board Counsel, Mr. Rutkowski, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Hendricksen moved to certify that the Board heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Ms. Pound and Mr. Krebs provided closing arguments.

Closed Meeting:

Dr. Hendricksen moved that the Board enter into a closed meeting pursuant to §2.1-311(A)(27) and Section 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Randall Krebs. Additionally, he moved that Board staff, Ms. Sacksteder, Ms. Moore and the Board Counsel, Mr. Rutkowski, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Hendricksen moved to certify that the Board heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Decision:

Mr. Rutkowski read the Board's Decision that Mr. Randall Krebs' request for reinstatement of his dental license is approved subject to an 8 (eight) hour CODA accredited Dental refresher course with 75% hands-on instruction within 6 months of the entering of the order. Mr. Martinez moved to accept the decision as presented by the Commonwealth and read by Mr. Rutkowski. Following a second, the motion passed unanimously.

ADJURNMENT:

The Board adjourned at 10:38 a.m.

Margaret F. Lemaster, R.D.H., President

Jamie Sacksteder, Executive Director

Date

Date

**VIRGINIA BOARD OF DENTISTRY
BUSINESS MEETING MINUTES
March 8, 2024**

- TIME AND PLACE:** The meeting of the Virginia Board of Dentistry was called to order at 9:00 a.m., on March 8, 2024, at the Perimeter Center, 9960 Mayland Drive, in Board Room 2, Henrico, Virginia 23233.
- PRESIDING:** Margaret F. Lemaster, R.D.H., President
- MEMBERS PRESENT:** Alf Hendricksen, D.D.S., Vice-President
J. Michael Martinez de Andino, J.D., Secretary-Treasurer
William C. Bigelow, D.D.S.
Nathaniel C. Bryant, D.D.S.
Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S.
Emelia H. McLennan, R.D.H.
Jennifer Szakaly, D.D.S.
- STAFF PRESENT:** Jamie C. Sacksteder, Executive Director
Erin Weaver, Deputy Executive Director
Sarah Moore, Executive Assistant
Arne Owens, Agency Director, Department of Health Professions
James Jenkins, Deputy Director, Department of Health Professions
- COUNSEL PRESENT:** James E. Rutkowski, Assistant Attorney General
- ESTABLISHMENT OF A QUORUM:** With ten members of the Board present, a quorum was established.
Ms. Sacksteder read the emergency evacuation procedures.
- PUBLIC COMMENT:** Ms. Lemaster explained the parameters for public comment and opened the public comment period.
Ms. Lemaster advised that no one registered for public comments prior to the meeting and closed the public comment period.
- APPROVAL OF MINUTES:** Ms. Lemaster asked if there were any edits or corrections to the December 8, 2023, Board Meeting Minutes. Hearing none, Dr. Hendricksen moved to approve the minutes as presented. The motion was seconded and passed unanimously.

**DHP DIRECTOR'S
REPORT:**

Arne Owens, Agency Director, provided an update on the ongoing 2024 Virginia General Assembly, scheduled to conclude on March 9, 2024. The Department of Health Professions was tasked with reviewing 105 bills and providing recommendations.

Mr. Owens advised they are awaiting the General Assembly's Final Budget; however, he reminded attendees that DHP is a non-general funded agency relying on funding from its fees.

Mr. Owens also noted the current and upcoming recruitment for the replacement of several retiring senior executives within the agency.

Mr. Owens then discussed the upcoming Business Process Re-engineering with Impact Makers for all Boards. They are reviewing current license practices starting with the Board of Nursing and Board of Behavioral Science to give a picture of the process, from initial application to issue of license, to identify more efficient methods for real-time improvements.

**BOARD COUNSEL
REPORT:**

Mr. Rutkowski had no report for the Board as there are currently no pending appeals.

**LIAISON & COMMITTEE
REPORTS:**

CDCA-WREB-CITA Conference – Ms. Sacksteder and Dr. Bryant reported on the virtual meeting held January 10 - 12, 2024. They remarked on the informative sessions and the wealth of information regarding examinations.

Southern Dental Deans, Administrators, and Dental Examiners Annual Conference – Ms. Sacksteder reported on the conference held January 19-21, 2024, which included examiners, dental colleges, and other state board officials. She advised that they discussed various topics and the meeting resulted in good networking opportunities. Dr. Bryant also recommended to other Board members to attend these conferences in the future.

Upcoming AADB Conference: Ms. Sacksteder reported she will attend the April 12 - 13, 2024, meeting in Chicago, IL.

PRESENTATION:

2023 Virginia Dental Workforce – Dr. Yetty Shobo, Healthcare Workforce Data Center Director, presented the comparison survey of dentist and dental hygienist's results from 2023.

Ms. Lemaster asked for a motion to approve the 2023 Virginia Dental Workforce results. Mr. Martinez moved to approve the results as presented. The motion was seconded and passed unanimously.

**LEGISLATION,
REGULATION, AND
GUIDANCE:**

Status Report on Regulatory Actions Chart – Mr. Owens reviewed the updated Regulatory Actions chart, detailing the progress of the eight ongoing regulatory actions as of February 9, 2024.

Mr. Ownes then provided an overview of the Legislative Report of March 5, 2024, distributed before the meeting, including the status of the nine bills as detailed below.

- HB 42 – passed in the Senate on February 26, 2024
- HB 225 – passed in the Senate on February 23, 2024
- HB 605 – passed in the Senate on February 26, 2024
- HB 699 – passed in the Senate on February 26, 2024
- HB120 – passed in the Senate on February 19, 2024
- HB 257 – passed in the Senate on March 4, 2024
- HB 722 – stricken from docket by General Laws on January 30, 2024
- HB 1428 – stricken from docket by General Laws on February 8, 2024
- SB 682 – continued to 2025 in Rules on February 9, 2024

**BOARD DISCUSSION
TOPICS:**

Consideration of Public Comment – Ms. Lemaster advised there were no public comments.

**DEPUTY EXECUTIVE
DIRECTOR’S REPORT:**

Disciplinary Report - Ms. Weaver updated the Board on the Disciplinary Report for November 14, 2023 – February 15, 2024, of the number of cases received and cases closed. She advised there were no summary suspensions during this period. She thanked the Board for their case reviews contributing to a more efficient workflow.

**EXECUTIVE DIRECTOR’S
REPORT:**

FY2023 Budget Report – Ms. Sacksteder reviewed the Current Number of Licenses, Registrations, and Permits as of February 15, 2024.

Dental Assisting National Board (DANB) – Ms. Sacksteder advised that she was nominated for a DANB nationwide committee to create a model for a congruent workforce throughout the entire United States for Dental Assistants.

ADJOURNMENT:

With all business concluded, the Board adjourned at 10:02 a.m.

Margaret Lemaster, R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

UNAPPROVED

VIRGINIA BOARD OF DENTISTRY

**MINUTES
SPECIAL SESSION**

CALL TO ORDER: The Board of Dentistry convened by telephone conference call on March 20, 2024 at 5:15 p.m.

PRESIDING: Margaret F. Lemaster, R.D.H. President

MEMBERS PRESENT: William C. Bigelow, D.D.S.
Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S.
Alf Hendricksen, D.D.S.
J. Michael Martinez de Andino, J.D., Secretary-Treasurer
Emelia H. McLennan, R.D.H.
Jennifer Szakaly, D.D.S.

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

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Donna M. Lee, Discipline Case Manager

OTHERS PRESENT: James E. Rutkowski, Assistant Attorney General, Board Counsel
Sean Murphy, Assistant Attorney General
Rebecca Smith, Senior Adjudication Specialist

**Derrick Broadaway, D.D.S.
Case Nos.: 228161, 233519** The Board received information from Mr. Murphy to determine if based on Dr. Derrick Broadaway's Board history and pending cases, his treatment of patients fails to meet the standard of care in the practice of dentistry and constitutes a substantial danger to public health and safety. Mr. Murphy reviewed the cases and responded to questions.

Closed Meeting: Dr. Hendricksen moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Derrick Broadaway, D.D.S. Additionally, Dr. Hendricksen moved that Ms. Sacksteder, Ms. Lee, and Mr. Rutkowski attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Board in its deliberations.

Reconvene: The motion was seconded and passed.

Dr. Hendricksen moved that the Board certify that it heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:

Dr. Bigelow moved that the Board summarily suspend Dr. Broadway's license to practice dentistry in the Commonwealth of Virginia because his treatment of patients fails to meet the standard of care in the practice of dentistry and constitutes a substantial danger to public health and safety; and schedule a formal hearing. The motion was seconded and passed unanimously.

ADJOURNMENT:

With all business concluded, the Board adjourned at 5:33 p.m

Margaret F. Lemaster, R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

UNAPPROVED

VIRGINIA BOARD OF DENTISTRY

**MINUTES
SPECIAL SESSION**

CALL TO ORDER: The Board of Dentistry convened by telephone conference call on April 8, 2024, at 5:15 p.m.

PRESIDING: Jennifer Szakaly, D.D.S.

MEMBERS PRESENT: Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S
Emelia H. McLennan, R.D.H.

MEMBERS ABSENT: J. Michael Martinez de Andino, J.D., Secretary-Treasurer

PANEL: With five members present, a panel was established.

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Sarah Moore, Executive Assistant

OTHERS PRESENT: James E. Rutkowski, Assistant Attorney General, Board Counsel
Lori Pound, Adjudication Specialist

**Brian Lee Bertholomey,
D.D.S. Case No.: 216086** The Board received information from Ms. Pound regarding a proposed consent order pertaining to Dr. Bertholomey in lieu of a Formal Hearing. Ms. Pound reviewed the case and responded to questions.

CLOSED MEETING: Dr. Chaudhry moved that the Board convene a closed meeting pursuant to §2.2-3711 (A) (27) of the code of Virginia for the purpose of deliberation to reach a decision in the matter of Brian Lee Bertholomey, D.D.S. Additionally, Dr. Chaudhry moved that Ms. Sacksteder, Ms. Moore, and Mr. Rutkowski attend the closed meeting because their presence was deemed necessary, and their presence would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene: Dr. Chaudhry moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION: Dr. Dawson moved to accept the proposed consent order for the voluntary surrender of Dr. Bertholomey's license to practice dentistry in the Commonwealth of Virginia lieu of proceeding with the scheduled Formal Hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

Virginia Board of Dentistry
Special Session
April 8, 2024

ADJOURNMENT: With all business concluded, the Board adjourned at 5:22 p.m.

Margaret F. Lemaster, R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
April 19, 2024**

CALL TO ORDER: The meeting of the Virginia Board of Dentistry was called to order at 9:08 a.m., on April 19, 2024, at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, Board Room 4, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Alf Hendricksen, D.D.S., Vice-President

MEMBERS PRESENT: William C. Bigelow, D.D.S.
Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
Emelia H. McLennan, R.D.H.

MEMBERS ABSENT: Margaret F. Lemaster, R.D.H.

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Donna M. Lee, Discipline Case Manager

COUNSEL PRESENT: James E. Rutkowski, Senior Assistant Attorney General

OTHERS PRESENT: Amanda C. Padula-Wilson, Assistant Attorney General
Rebecca Smith, Senior Adjudication Specialist
Juan Ortega, Court Reporter

ESTABLISHMENT OF A PANEL: With five members present, a panel was established.

**Julius Morrison, D.D.S.
Case Nos.: 223679, 224324,
230785** Dr. Julius Morrison did not appear. Ms. Padula-Wilson informed the Board, by letter dated March 6, 2024, the Board sent a Corrected Notice of Formal Hearing ("Notice") to Dr. Morrison notifying him that a formal administrative hearing would be held on April 19, 2024. The Notice was sent by UPS to the legal address of record on file with the Board. The UPS tracking showed that the Notice was delivered to Dr. Morrison on March 7, 2024. On April 12, 2024, Dr. Morrison sent an email to the Board indicating that he did not plan to appear for the formal hearing.

The Panel Chair concluded that adequate notice was provided to Dr. Morrison and the formal hearing proceeded in his absence.

Dr. Hendricksen swore in the witnesses.

Following Ms. Padula-Wilson's opening statement, Dr. Hendricksen admitted into evidence Commonwealth's Exhibits 1-7.

The following witnesses testified on behalf of the Commonwealth:

- Bryan Horowitz, Senior Investigator, DHP
- Sarah Moore, Executive Assistant/Compliance Manager, Virginia Board of Dentistry
- Patient A
- Patient B

Ms. Padula-Wilson provided closing statements.

Closed Meeting:

Dr. Chaudhry moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) and § 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Julius Morrison, D.D.S. Additionally, he moved that Board staff, Ms. Sacksteder, Ms. Lee, and Board counsel, Mr. Rutkowski, attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Chaudhry moved to certify that the Board heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:

Mr. Rutkowski reported that Dr. Morrison's license to practice dentistry in the Commonwealth of Virginia was revoked.

Dr. Chaudhry moved to accept the Board's decision as read by Mr. Rutkowski. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 10:53 a.m.

Margaret F. Lemaster, R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
May 17, 2024**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:17 a.m., on May 17, 2024, in Board Room 4 at the Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia, 23233.

PRESIDING: Margaret F. Lemaster, R.D.H., President

MEMBERS PRESENT: Alf Hendricksen, D.D.S., Vice-President
William C. Bigelow, D.D.S.
Sultan E. Chaudhry, D.D.S.
Jennifer Szakaly, D.D.S.

MEMBERS ABSENT: Sidra Butt, D.D.S.
Emelia H. McLennan, R.D.H

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Sarah Moore, Executive Assistant

COUNSEL PRESENT: James E. Rutkowski, Senior Assistant Attorney General

OTHERS PRESENT: David Robinson, Assistant Attorney General
Shevaun Roukous, Adjudication Specialist
Joshua Delauter, Court Reporter

ESTABLISHMENT OF A PANEL: With Five Board members present, a panel was established.

**Alisha White, Dental Hygienist
Case No.:226935** Ms. Alicia White, R.D.H., did not appear at the start of the meeting. Mr. Robinson informed the Board regarding the Notice dated March 21, 2024, to Ms. White, notifying her that a formal administrative hearing would be held May 17, 2024 at 9:00 a.m. The Notice was sent by UPS to the legal address of record on file with the Board. UPS tracking showed that the Notice was delivered on March 21, 2024 .

The Panel Chair concluded that adequate notice was provided to Ms. White and the Formal Hearing proceeded in her absence.

Ms. Lemaster swore in the witnesses.

Following Mr. Robinson' s opening statement, Ms. Lemaster admitted into evidence Commonwealth's Exhibits 1-5.

Ms. White's exhibit was distributed to the panel prior to the meeting.

Testifying on behalf of the Commonwealth:

- Mr. Scott Dillon, Investigator for Department of Health Professions
- Ms. Gina Helveston, Practice Administrator for Winchester Dental Studio
- Dr. Jason Hutchens, Hutchens Family Dentistry
- Ms. Kaylyn Fraley, Dental Hygienist, Hutchens Family Dentistry

Ms. White then arrived at the Formal Hearing at 9:54 a.m.

Also testifying on behalf of the Commonwealth:

- Amy Ressler, HPMP Program Administrative Director

Ms. White testified on her own behalf.

Mr. Robinson and Ms. White provided closing statements.

Closed Meeting:

Dr. Hendricksen moved that the Board enter into a closed meeting pursuant to §2.1-311(A)(27) and Section 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter Alicia White, R.D.H. Additionally, he moved that Board staff, Ms. Sacksteder, and Ms. Moore and the Board Counsel, Mr. Rutkowski attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Hendricksen moved to certify that the Board heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Decision:

Mr. Rutkowski reported that Ms. White's license to practice dental hygiene in the Commonwealth of Virginia was revoked. Dr. Hendricksen moved to accept the Board's decision as read by Mr. Rutkowski. The motion was seconded and passed.

Adjournment:

The Board adjourned at 12:36 p.m.

Margaret F. Lemaster, R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
May 17, 2024**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 12:54 p.m., on May 17, 2024, in Board Room 4 at the Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia, 23233.

PRESIDING: Margaret F. Lemaster, R.D.H., President

MEMBERS PRESENT: Alf Hendricksen, D.D.S., Vice-President
J. Michael Martinez de Andino, J.D., Secretary-Treasurer
William C. Bigelow, D.D.S.
Sultan E. Chaudhry, R.D.H.
Jennifer Szakaly, D.D.S.

MEMBERS ABSENT: Sidra Butt, D.D.S.
Jamiah Dawson, D.D.S.
Emelia H. McLennan, R.D.H.
Nathaniel C. Bryant, D.D.S.

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Sarah Moore, Executive Assistant
Erin Weaver, Deputy Executive Director

COUNSEL PRESENT: James E. Rutkowski, Senior Assistant Attorney General

OTHERS PRESENT: Sean Murphy, Assistant Attorney General
Rebecca Smith Adjudication Specialist
Joshua Delauter, Court Reporter

ESTABLISHMENT OF A QUORUM: With six Board members present, a quorum was established.

**Derrick Broadaway, D.D.S.
Case No.:233519, 228161** Dr. Derrick Broadaway was present without legal counsel, in accordance with the Notice of the Board dated March 21, 2024.

Ms. Lemaster swore in the witnesses.

Following Mr. Murphy's opening statement, Ms. Lemaster admitted into evidence Commonwealth's Exhibits 1-5

Testifying on behalf of the Commonwealth:

- Patient A
- Dr. Kevin Mistry

Dr. Broadaway provided an opening statement.

Testifying on behalf of the Dr. Broadaway:

- Ms. Kareida Kerr-Brown, Office Manager Arlington Emergency Care

Dr. Broadaway testified on his own behalf.

Ms. Murphy and Mr. Broadaway provided closing statements.

Closed Meeting:

Dr. Hendricksen moved that the Board enter into a closed meeting pursuant to §2.1-311(A)(27) and Section 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Derrick Broadaway, D.D.S. Additionally, he moved that Board staff, Ms. Sacksteder, and Ms. Moore and the Board Counsel, Mr. Rutkowski attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Hendricksen moved to certify that the Board heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Decision:

Mr. Rutkowski reported that Dr. Broadaway's license to practice dentistry in the Commonwealth of Virginia is revoked.

Dr. Hendricksen moved to accept the Board's decision as read by Mr. Rutkowski. The motion was seconded and passed.

Adjournment:

The Board adjourned at 3:52 p.m.

Margaret F. Lemaster, R.D.H., President

Jamie C. Sacksteder, Executive Director

Date

Date

Agenda Item: Adoption of exempt regulatory actions pursuant to HB699

Included in your agenda package:

- Draft changes to 18VAC60-21-108 setting forth certain patient counseling and recordkeeping requirements related to opioid prescriptions, consistent with changes in the 2024 GA; and
- HB699, which requires these changes.

Action needed:

- Adoption of exempt regulatory change to amend 18VAC60-21-108 as presented.

Board of Dentistry

Changes to patient counseling regarding opioid prescriptions pursuant to HB699

18VAC60-21-108. Patient counseling for opioids.

A. Prior to issuing a prescription for an opioid to treat acute or chronic pain, practitioners must provide patient counseling on the following:

1. The risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid drugs with alcohol, benzodiazepines, and other central nervous system depressants;
2. The reasons why the prescription is necessary;
3. Alternative treatments that may be available; and
4. Risks associated with the use of the drugs being prescribed, specifically that opioids are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the controlled dangerous substance, and that the risks of taking more opioids than prescribed, or mixing sedatives, benzodiazepines, or alcohol with opioids can result in fatal respiratory depression.

Such patient counseling shall be documented in the patient's medical record.

B. Patient counseling as described in subsection A shall not be a requirement for patients who are (i) in active treatment for cancer, (ii) receiving hospice care from a licensed hospice or palliative care, (iii) residents of a long-term care facility, (iv) being prescribed an opioid in the course of treatment for substance abuse or opioid dependence, or (v) receiving treatment for sickle cell disease.

CHAPTER 448

An Act to direct the Board of Medicine, the Board of Dentistry, the Board of Optometry, and the Boards of Medicine and Nursing to amend their regulations related to patient counseling for the prescription of opioids to treat acute or chronic pain.

[H 699]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Medicine, the Board of Dentistry, the Board of Optometry, and the Boards of Medicine and Nursing shall amend their regulations to require that, prior to issuing a prescription for any opioid to treat acute or chronic pain, practitioners provide patient counseling. Such patient counseling shall include providing the patient with information regarding (i) the risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid drugs with alcohol, benzodiazepines, and other central nervous system depressants; (ii) the reasons why the prescription is necessary; (iii) alternative treatments that may be available; and (iv) risks associated with the use of the drugs being prescribed, specifically that opioids are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the controlled dangerous substance, and that the risks of taking more opioids than prescribed, or mixing sedatives, benzodiazepines, or alcohol with opioids, can result in fatal respiratory depression. The regulations shall require that the practitioner document in the patient's medical record that the patient has discussed with the practitioner the risks of developing a physical or psychological dependence on the controlled dangerous substance and alternative treatments that may be available. The regulations shall include an exception to the patient counseling requirement for patients who are (a) in active treatment for cancer, (b) receiving hospice care from a licensed hospice or palliative care, (c) residents of a long-term care facility, (d) being prescribed an opioid in the course of treatment for substance abuse or opioid dependence, or (e) receiving treatment for sickle cell disease.*

2. *That the Board of Medicine, the Board of Dentistry, the Board of Optometry, and the Boards of Medicine and Nursing shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.*

Board of Dentistry
Current Regulatory Actions
As of May 28, 2024

In the Governor's Office

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC60-21	Proposed	Elimination of restriction on advertising dental specialties	9/15/2019	1717 days (4.7 years)	Adopted on advice of Board counsel

In the Secretary's Office

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC60-21 18VAC60-25	NOIRA	Expansion and clarification of refresher coursed required for reinstatement	6/24/2022	704 days (1.9 years)	In response to a petition for rulemaking, the Board will consider amendments to expand the types of refresher courses reinstatement applicants may take and clarify the number of course hours and type of training required for courses.
18VAC60-21 18VAC60-30	Final	Training in infection control	7/5/2022	693 days (1.8 years)	Amendments require specific training in infection control for dental assistants. Promulgated in response to a petition for rulemaking.
18VAC60-21 18VAC60-25	NOIRA	Continuing education requirements for jurisprudence	7/12/2022	686 days (1.8 years)	Board is considering amendments to Chapters 21 and 25 to require jurisprudence

					continuing education for dentists and dental hygienists.
18VAC60-21	Proposed	Digital Scan Technicians	Withdrawn 5/19/2022; Re-Proposed 8/18/2022	649 days (1.7 years)	Regulations for the training of digital scan technicians to practice under a licensed dentist
18VAC60-30	Proposed	Elimination of direct pulp-capping as a delegable task	7/22/2022	642 days (1.7 years)	Eliminates direct pulp-capping as a delegable task for a DAII.
18VAC60-21; 18VAC60-25; 18VAC60-30	Fast-Track	Implementation of amendments identified during 2022 periodic review of Chapters 21, 25, and 30	12/19/2023	26 days	The Board adopted amendments to delete outdated, redundant, or duplicative provisions and clarify others consistent with current practice.

At DPB

None.

At OAG

None.

Recently effective or awaiting publication

VAC	Stage	Subject Matter	Publication date	Effective date/ next steps
18VAC60-21	Emergency/ NOIRA	Training requirements for botulinum toxin injections for cosmetic purposes	5/20/2024	Comment period 5/20/2024 – 7/3/2024. Board will vote on proposed regulations at next meeting.

Agenda Item: Completion of periodic review of public participation guidelines contained in 18VAC60-11

Included in your agenda packet:

- Town Hall summary page showing no comments on periodic review
- 18VAC60-11

Staff Note: Agencies are required to conduct periodic reviews of regulatory chapters every four years. Although this particular chapter is only changed when the Department of Planning and Budget provides new model language, the Board was still required to conduct a periodic review. Now that the review is complete, the Board should not initiate any changes, but retain as is until DPB amends the model regulations.

Action Needed:

- Motion to retain 18VAC60-11 as is.



Department of Health Professions
An official website | [Back to Home](#)

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- Agency** Department of Health Professions
- Board** Board of Dentistry
- Chapter** Public Participation Guidelines [18 VAC 60 - 11]

[Edit Review](#)

Review 2491

Periodic Review of this Chapter Includes a Small Business Impact Review

Date Filed: 2/9/2024

Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19
<https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf>.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Contact Information	
Name / Title:	Jamie Sacksteder / <i>Executive Director</i>
Address:	9960 Mayland Drive Suite 300 Henrico, VA 23233
Email Address:	jamie.sacksteder@dhp.virginia.gov
Telephone:	(804)367-4581 FAX: (804)698-4266 TDD: (-)

Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 3/11/2024 [Volume: 40 Issue: 15]

Comment Period begins on the publication date and ended on 4/1/2024

Comments Received: 0

Review Result

Pending

TH-07 Periodic Review Report of Findings *(not yet submitted)*

ORM Economic Review Form *(not yet submitted)*

Attorney General Certification

Submitted to OAG: 2/9/2024

Review Completed: 2/13/2024

Result: Certified

 **Review Memo**

This periodic review was created by Erin Barrett on 02/09/2024 at 1:51pm

Commonwealth of Virginia



PUBLIC PARTICIPATION GUIDELINES

VIRGINIA BOARD OF DENTISTRY

Title of Regulations: 18 VAC 60-11-10 et seq.

**Statutory Authority: §§ 54.1-2400 and 2.2-4007
of the *Code of Virginia***

Revised Date: December 15, 2016

9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

(804) 367-4538 (TEL)
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Part I

Purpose and Definitions

18VAC60-11-10. Purpose.

The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the Board of Dentistry. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

18VAC60-11-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter 40 (§2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Agency" means the Board of Dentistry, which is the unit of state government empowered by the agency's basic law to make regulations or decide cases. Actions specified in this chapter may be fulfilled by state employees as delegated by the agency.

"Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency.

"Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by §2.2-3707 C of the Freedom of Information Act.

"Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action.

"Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency.

"Open meeting" means any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.

"Regulation" means any statement of general application having the force of law, affecting the rights or conduct of any person, adopted by the agency in accordance with the authority conferred on it by applicable laws.

"Regulatory action" means the promulgation, amendment, or repeal of a regulation by the agency.

"Regulatory advisory panel" or "RAP" means a standing or ad hoc advisory panel of interested parties established by the agency for the purpose of assisting in regulatory actions.

"Town Hall" means the Virginia Regulatory Town Hall, the website operated by the Virginia Board of Planning and Budget at www.townhall.virginia.gov, which has online public comment forums and displays information about regulatory meetings and regulatory actions under consideration in Virginia and sends this information to registered public users.

"Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§2.2-4031 et seq.) of the Administrative Process Act.

Part II

Notification of Interested Persons

18VAC60-11-30. Notification list.

A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency.

B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier.

C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list.

E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list.

F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.

18VAC60-11-40. Information to be sent to persons on the notification list.

A. To persons electing to receive electronic notification or notification through a postal carrier as described in 18VAC60-11-30, the agency shall send the following information:

1. A notice of intended regulatory action (NOIRA).
2. A notice of the comment period on a proposed, a repropoed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents.
3. A notice soliciting comment on a final regulation when the regulatory process has been extended pursuant to §2.2-4007.06 or 2.2-4013 C of the Code of Virginia.

B. The failure of any person to receive any notice or copies of any documents shall not affect the validity of any regulation or regulatory action.

Part III Public Participation Procedures

18VAC60-11-50. Public comment.

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).

2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropounded regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

18VAC60-11-60. Petition for rulemaking.

A. As provided in §2.2-4007 of the Code of Virginia, any person may petition the agency to consider a regulatory action.

B. A petition shall include but is not limited to the following information:

1. The petitioner's name and contact information;
2. The substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections; and
3. Reference to the legal authority of the agency to take the action requested.

C. The agency shall receive, consider and respond to a petition pursuant to §2.2-4007 and shall have the sole authority to dispose of the petition.

D. The petition shall be posted on the Town Hall and published in the Virginia Register.

E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.

18VAC60-11-70. Appointment of regulatory advisory panel.

A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action.

B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall determine when a RAP shall be appointed and the composition of the RAP.

C. A RAP may be dissolved by the agency if:

1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.

18VAC60-11-80. Appointment of negotiated rulemaking panel.

A. The agency may appoint a negotiated rulemaking panel (NRP) if a regulatory action is expected to be controversial.

B. A NRP that has been appointed by the agency may be dissolved by the agency when:

1. There is no longer controversy associated with the development of the regulation;
2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act; or
3. The agency determines that resolution of a controversy is unlikely.

18VAC60-11-90. Meetings.

Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with §2.2-3707 D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.

18VAC60-11-100. Public hearings on regulations.

A. The agency shall indicate in its notice of intended regulatory action whether it plans to hold a public hearing following the publication of the proposed stage of the regulatory action.

B. The agency may conduct one or more public hearings during the comment period following the publication of a proposed regulatory action.

C. An agency is required to hold a public hearing following the publication of the proposed regulatory action when:

1. The agency's basic law requires the agency to hold a public hearing;
2. The Governor directs the agency to hold a public hearing; or
3. The agency receives requests for a public hearing from at least 25 persons during the public comment period following the publication of the notice of intended regulatory action.

D. Notice of any public hearing shall be posted on the Town Hall and Commonwealth Calendar at least seven working days prior to the date of the hearing. The agency shall also notify those persons who requested a hearing under subdivision C 3 of this section.

18VAC60-11-110. Periodic review of regulations.

A. The agency shall conduct a periodic review of its regulations consistent with:

1. An executive order issued by the Governor pursuant to §2.2-4017 of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and
2. The requirements in §2.2-4007.1 of the Administrative Process Act regarding regulatory flexibility for small businesses.

B. A periodic review may be conducted separately or in conjunction with other regulatory actions.

C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.

Board of Dentistry 2025 Calendar

January							February							March							April															
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S									
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5	6	7	8	9	10	11	2	3	4	5	6	7	8	2	3	4	5	6	7	8	6	7	8	9	10	11	12									
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19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22	20	21	22	23	24	25	26									
26	27	28	29	30	31		23	24	25	26	27	28	23	24	25	26	27	28	29	27	28	29	30													
													30	31																						

May							June							July							August																	
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4	5	6	7	8	9	10	1	2	3	4	5	6	7	6	7	8	9	10	11	12	3	4	5	6	7	8	9											
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18	19	20	21	22	23	24	15	16	17	18	19	20	21	20	21	22	23	24	25	26	17	18	19	20	21	22	23											
25	26	27	28	29	30	31	22	23	24	25	26	27	28	27	28	29	30	31	24	25	26	27	28	29	30													

September							October							November							December																		
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28	29	30					19	20	21	22	23	24	25	23	24	25	26	27	28	29	28	29	30	31															
							26	27	28	29	30	31																											

Formal Hearing: March 6, June 12, Sept 11, Dec 4
Board Meeting: March 7, June 13, Sept 12, Dec 5
Tentative Dates: Mar 28, May 16, Oct 24



Virginia Department of
Health Professions
Board of Dentistry

Disciplinary Board Report

Today's report reviews the February 1, 2024 through May 30, 2024 case activity

February 1, 2024 – May 30, 2024

The table below includes all cases that have received Board action since February 1, 2024 through May 30, 2024.

Year 2024	Cases Received	Cases Closed No Violation	Cases Closed W/Violation	Total Cases Closed
February	50	53	11	64
March	57	66	18	84
April	41	58	10	68
May	34	48	6	54
TOTALS	182	225	45	270

Closed Case with Violations consisted of the following:

Patient Care Related:

- **10 Standard of Care: Diagnosis/Treatment:** Instances in which the diagnosis/treatment was improper, delayed, or unsatisfactory. Also, include failure to diagnose/treat& other diagnosis/treatment issues.
- **2 Inability to Safely Practice:** Impairment due to use of alcohol, illegal substances, or prescriptions drugs, or incapacitation due to mental, physical, or medical conditions.
- **1 Inappropriate Relationship:** Dual relationship, sexual relationship, or other boundary issues.

Non-Patient Care Related:

- **26 Business Practice Issues:** Recordkeeping or continuing education.
- **3 Compliance:** Violation of an Order term or probation violation.
- **2 Reinstatement:** An application or request for licensure.
- **1 HPMP:** Vacated stay, dismissal, or non-compliance with HPMP.

CCA's

There were 6 CCAs issued from February 1, 2024 through May 30, 2024. The CCAs issued consisted of the following violations:

- **6 Business Practice Issues:** Recordkeeping

Suspensions/Revocations

There has been 1 Summary Suspensions issued from February 1, 2024 through May 30, 2024.