

VIRGINIA BOARD OF DENTISTRY
BRIEFS
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IS YOUR LICENSE CURRENT?

Check the expiration date on your license. This year, the Board received numerous complaints from licensees who paid to renew their license but had not received the new license that was mailed to them. If you do not have a current license to post, please contact the Board at denbd@dhp.virginia.gov.

LEGISLATION TO REVISE THE PROVISIONS FOR REMOTE SUPERVISION

In response to questions about a hygienist's ability to possess and administer Schedule VI topical drugs while practicing under remote supervision, the Board decided to seek amendments of two provisions in §54.1-3408 in the Drug Control Act which address Professional Use by Practitioners and the remote supervision provisions in the Dentistry Chapter of the Code of Virginia. The amendments would permit hygienists practicing under remote supervision to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal lesions, and any other Schedule VI topical drug approved by the Board.

RENEWAL SCHEDULE

The Notice of Intended Regulatory Action (NOIRA) to change the renewal schedule from March 31st each year to renewal in birth months was published on 8/6/18 for public comment. The comment period on this stage of the regulatory process **ends on 9/5/18**. Control click on [NOIRA](#) to submit comments. This action will apply to dentists, dental hygienists, dental assistants II and is needed to distribute the workload associated with renewals across a calendar year and should make the renewal deadline easier for licensees to remember. The proposed change in the renewal schedule will occur in the year following the effective date of the regulations. There will be another public comment period on this action.

ADVERTISING DENTAL SPECIALTIES

The Notice of Intended Regulatory Action to amend [18VAC60-21-80\(G\)](#) in the Regulations Governing the Practice of Dentistry on false, deceptive and misleading advertising was published on 8/6/18 for public comment. This comment period **ends on 9/5/18**. Control click on [NOIRA](#) to submit comments. The Board proposes striking language limiting advertising a dental specialty to those specialties recognized by the National Certifying Boards for Dental Specialists of the American Dental Association. The current prohibitions against false, deceptive or misleading advertising in the Code of Virginia remain in effect. There will be another public comment period on this action.

CE REQUIRED FOR PRACTICE UNDER REMOTE SUPERVISION

The Fast Track regulatory action to adopt final regulations on the continuing education course requirements was published on 8/6/18 and will go into effect on 9/20/18. To review the requirements, control click on [18VAC60-25-190](#) in section H in the Regulations Governing the Practice of Dental Hygiene.

AMENDING THE REGULATIONS ON CONTROLLED SUBSTANCES, SEDATION AND ANESTHESIA

The [Notice of Intended Regulatory Action](#) to update and to improve the clarity and consistency of the regulations for pre-operative, peri-operative and post-operative vital signs for each level of sedation was published for public comment on 8/6/18. This comment period **ends on 9/5/18**. This review was initiated in response to a Petition for Rulemaking and began with convening a Regulatory Advisory Panel and an Open Forum for interested individuals and organizations to present their concerns and recommendations regarding the requirements for sedating patients. A preliminary draft of changes recommended by the Regulatory Advisory Panel is posted with the NOIRA for public review and comment. The draft minutes and transcript of the [Open Forum](#) are also available for review. There will be another public comment opportunity on this action.

PRESCRIBING OPIOIDS FOR PAIN MANAGEMENT

The Board is replacing the Emergency Regulations, which have been in effect since April 24, 2017, with final regulations. In response to public comment, the Board is proposing to amend 18VAC60-21-103(A)(4) in the final regulations to require a dentist to consider whether a prescription for naloxone is necessary for a patient who took a small dose of a benzodiazepine prior to treatment or occasionally takes benzodiazepine. Prescribing naloxone for such patients would become discretionary and dependent on the professional judgment of the dentist in the proposed final regulations. All dentists who prescribe Schedule II through IV drugs will be required to take two hours of continuing education on pain management during the renewal cycle following the effective date of these regulations. The [proposed final regulations](#) are currently posted for public comment. The comment period for this action **ends on 9/7/2018**.

DENTAL ASSISTANT II (DAII) PROPOSED REGULATORY CHANGES

The Board has initiated rulemaking to modify the education provisions for dental assistants II in response to recommendations made by its Regulatory Advisory Panel on the Education and Practice of Dental Assistants I and II (RAP). After reviewing the RAP's recommendations, the Board decided to take no action regarding the practice of dental assistants I. At its meeting on September 15, 2017, the Board voted to initiate rulemaking to make entry into this profession more accessible to students and to ensure greater consistency in the training received to assure competency. Consideration will be given to modifying the educational requirements to a competency-based program wherein didactic course work would be followed by clinical training under the direction and supervision of a dentist who has successfully completed a calibration exercise on evaluating the clinical skills of a student. To see the proposed Notice of Intended Regulatory Action which was published on 8/6/2018 control click on [8069](#). This comment period **ends on 9/5/2018**. There will be another public comment period on this action.

CONFORMING RULES TO ADA TEACHING GUIDELINES ON MODERATE SEDATION

This regulatory action is pending the Governor's approval to publish as final regulations. The purpose of this action is to assure that general dentists who intend to administer moderate sedation are adequately trained in all aspects of patient evaluation, drug dosing, administration and monitoring of patients. Thorough knowledge about sedating drugs, techniques, equipment and emergency management are necessary to protect patients who are receiving sedation in a dental office. The changes being made to the Regulations Governing the Practice of Dentistry include replacing the term "*conscious/moderate sedation*" with "*moderate sedation*"; changing the name of the referenced American Dental Association Guidelines to be consistent with the 2016 title; and eliminating the training provisions for dentists to administer moderate sedation by an enteral method only. Click here to review the [proposed regulation](#).

PRACTICE TRANSITIONS AND PATIENT NOTICE

Before closing, selling or relocating a practice, a dentist is required by §54.1-2405 of the Code of Virginia to notify current patients by mail and by publishing prior notice in a newspaper of general circulation within the practice area. The notice must specify that, upon a written request of the patient or the patient's representative, the patients' dental records or copies will be sent within a reasonable time to another dentist of the patient's choice or provided to the patient. Charges for providing the records, which must be limited to the costs of copying and mailing a record, must also be addressed in the notice.

COMPLAINTS, DISCIPLINE AND OTHER BOARD ACTIONS

From January 1, 2018 to June 30, 2018, the Board received 224 complaints against its licensees and closed 241 cases. On June 30, 2018, the Board had 249 open cases at various stages in the case adjudication process.

Of the 241 cases closed, 148 were closed with no violation found and 41 were closed as undetermined.

The Director of the Department of Health Professions mandatorily suspended the licenses of three dentists during this time period.

- One licensee was mandatorily suspended based upon evidence that a license to practice dentistry in another state had been surrendered in lieu of further disciplinary action in that state.
- The second licensee was mandatorily suspended based upon evidence that a license to practice dentistry was suspended in another state.
- The third licensee was mandatorily suspended based upon evidence of being convicted for felony health care fraud in the Commonwealth of Virginia.

The Board summarily suspended one dental license during this time period. This summary suspension addressed the licensee being unsafe to practice dentistry due to declining memory.

During this time period, the Board held 2 formal hearings and 13 informal conferences; entered into 18 Consent Orders in lieu of proceeding to an administrative hearing; closed 17 cases with Advisory Letters; and closed one applicant case as ineligible.

One of the formal hearings found that a dental hygienist had practiced dental hygiene without holding a current active license. This hygienist was also found to be unsafe to practice due to use of alcohol or drugs.

The second formal hearing reinstated a dentist's license to practice dentistry after a mandatory suspension based on a felony conviction of maiming another as a result of driving while intoxicated. The license was reinstated, subject to terms and conditions, based on the reinstatement applicant's participation in and compliance with the terms of VASAP and VDOC supervised probation.

Of the 13 informal conferences held, the Board addressed allegations of:

- Failing to record a diagnosis for treatment;
- Failing to document treatment was rendered;
- Failure to document the size and manufacturer of implants that were placed;
- Improper performance of orthodontic treatment;
- Improper performance of endodontic treatment; and
- Failure to properly record vital signs during administration of sedation and prior to discharge of the patient.

FY 2018 LICENSING UPDATE

On June 30, 2018, the Board had 14,544 current licensees including:

- 7,252 dentists
- 5,894 dental hygienists

Between July 1, 2017 and June 30, 2018, the Board issued 836 new licenses including:

- 406 dental licenses
- 283 dental hygiene licenses