

VIRGINIA BOARD OF DENTISTRY
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Sandra K. Reen

E-MAIL
denbd@dhp.virginia.gov

WEB PAGE
www.dhp.virginia.gov/dentistry

PHONE: (804) 367-4538

eFAX: (804) 698-4266

ADDRESS
9960 Mayland Dr.
Suite 300
Henrico, VA 23233

TIME TO RENEW

Notices to renew dental licenses, dental hygiene licenses, dental assistant II registrations and related permits have been sent by e-mail. Please check your SPAM folder if you have not received the e-mail. The renewal applications require licensees and registrants to certify they are familiar with all the laws and regulations governing practice in the Commonwealth of Virginia. Click here to review the [governing laws and regulations](#).

USE OF SCHEDULE VI TOPICAL DRUGS UNDER REMOTE SUPERVISION

The 2019 Session of the General Assembly is considering House Bill 2493 which, if enacted, will amend §54.1-2722 of the Dentistry Chapter and §54.1-3408 of the Drug Control Act in the Code of Virginia. The proposed amendments will permit dental hygienists under remote supervision to possess and administer topical oral fluorides; topical oral anesthetics; topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions; as well as other Schedule VI topical drug approved by the Board of Dentistry.

PRESCRIBING OPIOIDS FOR PAIN MANAGEMENT

The Board adopted final regulations on prescribing opioids for pain management to replace the current emergency regulations. The final regulations will be published in the Virginia Register of Regulations on February 4, 2019 for the 30-day adoption period. These regulations, which mirror the emergency regulations, address opioid prescribing in acute versus chronic pain scenarios and the associated recordkeeping requirements. Dentists who prescribe Schedules II through IV controlled substances for pain are required to obtain two hours of pain management continuing education. The first course **must be taken by March 31, 2019**. Thereafter, dentists who prescribe Schedules II through IV controlled substances shall obtain two hours of continuing education on pain management every two years. Continuing education hours required for prescribing controlled substances may be included in the 15 hours required for license renewal.

EPA GUIDELINES REGARDING AMALGAM SEPARATORS

The Environmental Protection Agency published the Dental Office Point Source Category, referred to here as the "Dental Rule" on June 14th, 2017 with two addendums correcting compliance dates issued on June 26th and July 5th, 2017. The Dental Rule requires that dentists who apply and/or remove amalgam install and maintain an amalgam separator or similar amalgam removing device. The compliance dates for installing an amalgam separator and for submitting the completed Virginia Dental Rule Compliance Form can be found on the Virginia Department of Environmental Quality site at <https://www.deq.virginia.gov/DentalRule.aspx>. More information can be found in the FAQs (Frequently Asked Questions) document on the page. If you have questions that are not addressed in the FAQs, please email DentalRule@deq.virginia.gov.

MODERATE SEDATION REGULATIONS AMENDED

On November 11, 2018, the revised Regulations Governing the Practice of Dentistry went into effect. The changes address the education and training requirements and related terminology in the requirements to qualify for a permit to administer moderate sedation. These changes conform to the moderate sedation provisions in the 2016 ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students. The changes include replacing the term “conscious/moderate” sedation throughout the chapter with the term “moderate” sedation and eliminating the training provisions for dentists to administer moderate sedation by an enteral method only. Click here to review the [current regulations](#).

DENTAL CLINICAL EXAMINATION REQUIREMENTS FOR LICENSURE

During its December 14, 2018 business meeting, the Board adopted Guidance Document 60-25 Policy on Clinical Examinations Acceptable to the Board. To qualify for licensure in Virginia, this policy requires applicants who take a clinical examination after January 1, 2019, to pass all of the following sections: Endodontics; Prosthodontics; operative dentistry consisting of a Posterior Class II and Anterior Class III restorations; and Periodontics. The Board also voted to advance a proposal to add these requirements to the Regulations Governing the Practice of Dentistry.

ONGOING REGULATORY ACTIONS

Each standard regulatory action undertaken by the Board is submitted for administrative review and gubernatorial approval to publish at each of the three stages in the [Standard Three Stage Regulatory Process](#). The following four actions are in the administrative review period between the NOIRA and the Proposed stages of this process. When approved by the Governor, the proposed regulations will be published in the Virginia Register of Regulations and posted on the Regulatory Town Hall to start a 60 day public comment period.

I. License Renewal Schedule – The Board continues to work on changing the license renewal schedule for dentists, dental hygienists, dental assistants II, and for sedation permits from annually by March 31st to annually by the last day of a licensee’s birth month. This action will distribute the workload associated with renewals across a calendar year. The proposal will also provide for tracking annual continuing education requirements by birth month in keeping with the new renewal cycle. The Board anticipates changing the renewal schedule in the calendar year after the effective date of the regulations. To implement the transition, renewal fees will be prorated based on the number of months it will take to transition licensees from the last March 31st renewal to their birth month. During the transition, renewal fees will be reduced and pro-rated per month.

II. Advertising Dental Specialties – This action will modify section 18VAC60-21-80(G) of the Regulations Governing the Practice of Dentistry on false, deceptive and misleading advertising. It responds to public comment challenging the legality of the language on specialty advertising and to Board Counsel’s advice that the current regulation would not withstand a court challenge. The proposed action will remove the language addressing advertising a dental specialty and replace it with language which prohibits unsubstantiated claims of professional superiority and publishing an advertisement that is not in compliance with §54.1-2718 of the Code of Virginia which addresses practice names and specialty advertising.

III. Requirements For Administration Of Sedation And Anesthesia – This action addresses public comment requesting greater clarity and consistency in the provisions for the various levels of sedation. In response to the comments, the Board convened a Regulatory Advisory Panel to review these regulations and recommend changes. The revised regulations being advanced by the Board amend numerous provisions to: allow exceptions to certain requirements for special needs patients; clarify delegation to certified registered nurse anesthetists; address monitoring requirements; address patient evaluation; expand equipment requirements; clarify the requirements for minimal sedation and require a three-person treatment team for moderate sedation.

IV. Dental Assistant II (DAII) Education Requirements - The Board has advanced rulemaking to modify the DAII education provisions in response to public comment and subsequent recommendations made by a Regulatory Advisory Panel (RAP). The RAP recommended revision and expansion of the education requirements to focus on evaluation of competency rather than relying on completion of a specified number of hours. A new section is added to establish requirements for the staffing and management of DAII programs. The number of hours required for didactic courses and for laboratory training are reduced while the content and equipment requirements for these components are added.

DID YOU KNOW?

- Did you know that a bona fide dentist-patient relationship is established when examination and diagnosis of a patient is initiated? 18VAC60-21-50.A of the Regulations Governing the Practice of Dentistry
- Did you know that if a patient requests their health record in accordance with §32.1-127.1:03 of the Code of Virginia you are required, within 30 days, to furnish such health records regardless of whether the patient has an outstanding financial obligation? 18VAC60-21-90.C and D of the Regulations Governing the Practice of Dentistry
- Did you know that every patient record shall include an itemized patient financial record as require by §54.1-2404 of the Code of Virginia? 18VAC60-21-90.B(9) of the Regulations Governing the Practice of Dentistry
- Did you know that when closing, selling or relocating a practice, the licensee shall meet the requirements of §54.1-2405 of the Code of Virginia for giving notice and providing records? 18VAC60-21-90.F of the Regulations Governing the Practice of Dentistry

COMPLAINTS, DISCIPLINE AND OTHER BOARD ACTIONS

From July 1, 2018 to December 31, 2018, the Board received 472 complaints against its licensees and closed 414 cases. Of the 414 cases closed, 151 were closed with no violation found and 31 were closed as undetermined.

On December 31, 2018, the Board had 297 open cases at various stages in the case adjudication process.

The Director of the Department of Health Professions mandatorily suspended the license of one dentist during this time period. This suspension was based upon receipt of evidence that a license to practice dentistry in another state was revoked.

The Board summarily suspended one dental license during this time period. This summary suspension addressed the licensee being unsafe to practice dentistry due to substance abuse issues and improper prescribing.

During this time period, the Board held 2 formal hearings and 7 informal conferences; entered into 18 Consent Orders in lieu of proceeding to an administrative hearing; closed 206 cases with Advisory Letters; and offered 3 confidential consent agreements.

- One of the formal hearings denied a dentist's reinstatement application based on findings that he failed to present evidence he is competent to practice dentistry. The applicant had not practiced dentistry since his license was revoked in 2012 for a felony healthcare fraud conviction.
- The second formal hearing denied a dental hygiene applicant licensure because it was not accompanied by satisfactory proof she successfully completed a clinical examination acceptable to the Board.
- Of the 7 informal conferences held and 18 consent orders entered, the Board addressed allegations of:
 1. Failing to account for all teeth extracted and failing to recognize aspiration of a tooth;
 2. Failing to maintain monitoring records of a patient's vital signs and physiological measures when administering sedation;
 3. Prescribing outside the scope of dentistry;
 4. Improper performance of orthodontic treatment; and
 5. Failing to recognize and treat a sinus perforation during an extraction.

Board Notices and Orders issued to licensees are posted online for public viewing. There are two portals for accessing these documents. To find out if there is public information on specific licensees, use this link to [License Lookup](#). Use this link to see all the [Case Decisions](#) issued in the last 90 days, a link on this page is also provided to search for older case documents in a specified date range. Please note that a licensee's public record may include the records of proceedings in which a finding of "no violation" was made. Always click on the "Yes" link to see if the licensee was exonerated or disciplined. "No" means no public documents are available.