VIRGINIA BOARD OF DENTISTRY

Regulatory-Legislative Committee
December 2, 2010 Agenda

Department of Health Professions
Perimeter Center - 9960 Mayland Drive, 2nd Floor Conference Center
Henrico, Virginia 23233

TIME		PAGE
1:00 p.m.	**Call to Order – Robert B. Hall, Jr., DDS, Chair**	
	Public Comment	
	Approval of Minutes - November 5, 2010	**P.1-P.5**
	Status Report on Regulatory Actions	
	Periodic Review of Regulations	
	o **Second Review Draft of Dental Hygiene Chapter**	**P.6-P.20**
	o **First Review Draft of Dental Practice Chapter**	
	Next Meetings	
Adjourn		

VIRGINIA BOARD OF DENTISTRY
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE
NOVEMBER 5, 2010

TIME AND PLACE: The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 1:05 p.m. on November 5, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Robert B. Hall, Jr., D.D.S., Chair

MEMBERS PRESENT: Jacqueline G. Pace, R.D.H.
Herbert R. Boyd., D.D.S

MEMBER ABSENT: Meera A. Gokli, D.D.S.

OTHER BOARD MEMBER PRESENT: Jeffrey Levin, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Huong Vu, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With three members of the Committee present, a quorum was established.

PUBLIC COMMENT: None.

MINUTES: Dr. Hall asked if the members had reviewed the minutes of the September 10, 2010 meeting. Dr. Boyd moved to accept the minutes. The motion was seconded and passed.

STATUS REPORT ON REGULATORY ACTIONS: Ms. Reen stated that Ms. Yeatts was unable to attend the meeting today and went on to report the following:

Recovery of Disciplinary Costs – Ms. Reen reported that these regulations are still pending the Governor's approval for publication and the 60 day public comment period.

Registration of Mobile Clinics – Ms. Reen reported that these regulations are the replacement of the emergency regulations that will expire on January 7, 2011. They are at the Governor's office for approval. She added that an extension of the emergency regulations has been requested but not yet granted by the Governor.

Registration and Practice of Dental Assistants – Ms. Reen reported that these regulations are also at the Governor's office for approval.

She added that once they are approved, they will become effective 30 days after publication as final regulations.

Periodic Review; Reorganization of Chapter - Ms. Reen reported that the NOIRA is also waiting for Governor's approval for publication.

PERIODIC REVIEW OF REGULATIONS:

Discussion Draft of Dental Hygiene Chapter – Ms. Reen noted that the Committee started this process in 2007 in response to issues raised through cases, meetings and comments. She added that the purpose of this process is to restructure the regs to make them easier to follow and to improve clarity. She went on to state that the Committee decided at its last meeting to start with the dental hygiene chapter. She noted that Ms. Yeatts developed the discussion draft using the current regulations and the Committee's review notes.

The Committee discussed the draft page by page as numbered in the agenda package and decided to make the following changes:

Page 6

The consensus was that definitions should be consistently defined in each chapter of the regulations in which it is applicable. The following changes were agreed to:

- "Dental assistant I" - add "or *dental hygienist*" after "under the direction of a dentist"
- Delete the definition of "Dental assistant II" as not being relevant to the practice of dental hygienists
- "General supervision" – replace "The order may authorize" with "*Issuance of the order authorizes*"
- "Indirect supervision" – add "*or a dental assistant*" after "to advise and assist a dental hygienist"

Page 7

- Address of record – written as "*Each licensed dental hygienist shall provide the board with a current address of record. All required notices mailed by the board to any such licensee shall be validly given when mailed to the address of record on file with the board. Each licensee may also provide a different address for the board to provide the public…*"
- Posting of license – written as "*In accordance with §54.1-2727, a dental hygienist shall display a current, active license in an area where it is conspicuous and readable by patients. If a licensee is employed in more than one office, a notarized photocopy of the license may not be substituted for the original or a duplicate license issued by the board*"

Page 8

- 18VAC60-25-50.A – add "direction and" before "indirect or general supervision of a license dentist"
- 18VAC60-25-50.B – add a new section B which explains that the scope of practice for dental hygienists is limited to the treatment of oral conditions taught in a CODA accredited program. Continuing education courses through other recognized sponsors may be taken to incorporate new tools and techniques

to treat such oral conditions but shall not be relied on to undertake the treatment of oral conditions not previously learned in a CODA accredited program.

- 18VAC60-25-50.C1 – written as "*Scaling and/or root planing of natural and restored teeth using hand instruments, rotary instruments, ultrasonic devices and non-surgical lasers under local anesthesia or nitrous oxide administered by the dental hygienist or dentist or under moderate sedation, deep sedation or general anesthesia administered by the dentist.*"

Page 9

- Top of the page, # 2 – replace "an initial" with 'a *clinical*'
- Section D – after "dental hygienists" in line 1 insert "under direction" then in line 3 strike ""without the dentist being present"
- Section E – add the word "*independently*" in front of "providing educational services"
- Section F – was moved to dental assistance regs as a permitted activities
- 18VAC60-25-60 – replace "or on a voluntary basis" with "*or in a voluntary practice setting*"

Page 10

- Section D – Replace the word "direction" with "another level of supervision"
- 18VAC60-25-80(A) –
  - following "direction" add "of a dentist"
  - after "or" add "a dental hygienist practicing" under general supervision
  - replace "required" after "as" with "permitted"
  - add dental assistant II duties to the exceptions
- 18VAC60-25-90 (A)(2) and (B) Consolidate to eliminate repetition

Page 11

- Section C – strike "*Local anesthesia shall not include*" and the word "*that*" after "topical Schedule VI medicinal agents"

Page 12

- 18VAC60-25-100(A)
  - 3rd line – replace "supervision" with "direction"
  - #2. – add the word "*is*" after "initial appointment, which" and strike "*local anesthesia*"
- 18VAC60-25-100(A)(3) – the Committee decided that consent needs to be explained further and to discuss at the next meeting

Page 13

- 18VAC60-25-120
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - (C) – Strike the first word "All" and capitalize "Applicant"

Page 14

- Section D (top of the page) – strike the word "*All*" and capitalize "Applicant" then move to 18VAC60-20-140
- 18VAC60-25-130
  - Strike item 6 on good moral character
  - Move item #9 to 18VAC60-20-140
- 18VAC60-25-140. A1 – strike the transcript requirement

Page 15

- 18VAC60-25-150
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - A(1) – replace "a final certified transcript of the grades from the college" with "*verification of graduation from the accredited program* "
  - C – add the word "*hygiene*" after "generally accepted standards of dental"
- 18VAC60-25-160
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - B – the Committee decided to consider adding a continuing competence requirement for licensees who have been inactive status for five or more years without practice in another jurisdiction

Page 16

- 18VAC60-25-170
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - Section A, item 1a and item 1b – reversed the order of these two items
  - Section A, item 2c – add the word "*hygiene*" after "indirectly for providing dental"
  - Section A, item 2d – the Committee decided to give more thought to requiring continuing education
  - Section B – add the word "*oral*" in front of "health care to populations of underserved people'

Page 17

- 18VAC60-25-180
  - Rework the section to use the same writing style and format as used in the Credentials section, 18VAC60-25-130
  - A – strike "*dentistry or*" in front of "dental hygiene shall renew"
  - C – strike "*dentistry/*" in front of "dental hygiene shall be illegal"
- 18VAC60-25-190.A1 – add the phrase "*for healthcare providers which must be hands-on course*" after "basic cardiopulmonary resuscitation"

Page 18

- Section B, item 2 – replace "stress management" with "*record keeping and risk management*"

Dental Lab Work Orders:

Dr. Hall presented sample dental lab forms for review and discussion. The Committee agreed that the lab form should include the following information:

- Dentist name, address and license number
- Lab name and address
- Description of work to be performed
- Tooth number
- Material to be used
- Signature of dentist
- Lab use only section
  - Material used
  - Any work subcontracted – if yes then who and material used

Dr. Hall agreed to bring a proposed form to the Board for review and discussion.

NEXT MEETING:

Ms. Reen reminded the Committee that next meeting will be on December 2, 2010 at 1:00 p.m.

ADJOURNMENT:

Dr. Hall adjourned the meeting at 5:20 p.m.

Robert Hall, Jr., D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date

Project 2487 - DRAFT

BOARD OF DENTISTRY
Dental Hygiene regulations

CHAPTER 25
REGULATIONS GOVERNING THE PRACTICE OF DENTAL HYGIENE

Part I. General Provisions.

18VAC60-25-10. Definitions.

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

"Active practice" means clinical practice as a dental hygienist for at least 600 hours per year.

"ADA" means the American Dental Association.

"Analgesia" means the diminution or elimination of pain in the conscious patient.

"CODA" means the Commission on Dental Accreditation of the American Dental Association.

"Dental assistant I" means any unlicensed person under the direction of a dentist or a dental hygienist who renders assistance for services provided to the patient as authorized under this chapter but shall not include an individual serving in purely a secretarial or clerical capacity.

"Dental assistant II" means a person under the direction and direct supervision of a dentist who is registered to perform reversible, intraoral procedures as specified in 18VAC60-30-10 et seq.

"Direction" means the level of supervision that a dentist is required to exercise with a dental hygienist or that a dental hygienist is required to exercise with a dental assistant to direct and oversee the delivery of treatment and related services.

"General supervision" means that a dentist completes a periodic comprehensive examination of the patient and issues a written order for hygiene treatment that states the specific services to be provided by a dental hygienist during one or more subsequent appointments when the dentist may or may not be present. Issuance of the order authorizes the dental hygienist to supervise a dental assistant performing duties delegable to dental assistants I.

"Indirect supervision" means the dentist examines the patient at some point during the appointment, and is continuously present in the office to advise and assist a dental hygienist or a dental assistant who is (i) delivering hygiene treatment, (ii) preparing the patient for examination or treatment by the dentist, or (iii) preparing the patient for dismissal following treatment.

"Inhalation" is a technique of administration in which a gaseous or volatile agent, including nitrous oxide, is introduced into the pulmonary tree and whose primary effect is due to absorption through the pulmonary bed.

"Inhalation analgesia" means the inhalation of nitrous oxide and oxygen to produce a state of reduced sensibility to pain without the loss of consciousness.

"Local anesthesia" means the loss of sensation or pain in the oral cavity or the maxillofacial or adjacent and associated structures generally produced by an injected agent without depressing the level of consciousness.

"Monitoring" means

"Parenteral" means a technique of administration in which the drug bypasses the gastrointestinal tract (i.e., intramuscular, intravenous, intranasal, submucosal, subcutaneous, or intraocular).

"Topical oral anesthestics" means

18VAC60-25-20. Address of record.

Each licensed dental hygienist shall provide the board with a current address of record. All required notices mailed by the board to any such licensee shall be validly given when mailed to the address of record on file with the board. Each licensee may also provide a different address to be used as the public address, but if a second address is not provided, the address of record shall be the public address. All changes of address shall be furnished to the board in writing within 30 days of such changes.

18VAC60-25-30. Posting of license.

In accordance with § 54.1-2727, a dental hygienist shall display a current, active license where it is conspicuous and readable by patients. If a licensee is employed in more than one office, a duplicate license obtained from the board may be displayed.

18VAC60-25-40. Required fees.

A. Application fees.

1. License by examination	$175
2. License by credentials	$275
3. License to teach dental hygiene pursuant to § 54.1-2725	$175
4. Temporary permit pursuant to § 54.1-2726	$175
3. Restricted volunteer license	$25
4. Volunteer practice registration	$10

B. Renewal fees.

1. Active license	$75
2. Inactive license	$40
3. License to teach dental hygiene pursuant to § 54.1-2725	$75
4. Temporary permit pursuant to § 54.1-2726	$75
5. Restricted volunteer license	$15

C. Late fees.

1. Active license	$25
2. Inactive license	$15

3. License to teach dental hygiene pursuant to § 54.1-2725	$25
4. Temporary permit pursuant to § 54.1-2726	$25
D. Reinstatement fees.	
1. Expired license	$200
2. Suspended license	$400
3. Revoked license	$500
E. Administrative fees.	
1. Duplicate wall certificate	$60
2. Duplicate license	$20
3. Certification of licensure	$35
4. Returned check	$35

F. No fee shall be refunded or applied for any purpose other than the purpose for which the fee was submitted.

Part II. Practice of Dental Hygiene.

18VAC60-25-50. Scope of practice.

A. Pursuant to § 54.1-2722 of the Code of Virginia, a licensed dental hygienist may perform services that are educational, diagnostic, therapeutic, or preventive under the direction and indirect or general supervision of a licensed dentist.

B. The scope of practice for a dental hygienist is limited to treatment of oral conditions for which education and training is obtained in a CODA accredited program. Continuing education courses may be taken to incorporate new tools or techniques into hygiene practice but not to expand the scope of practice beyond the treatment of oral conditions taught in a CODA accredited program.

C. The following duties of a dentist shall not be delegated:

1. Final diagnosis and treatment planning;

2. Performing surgical or cutting procedures on hard or soft tissue;

3. Prescribing or parenterally administering drugs or medicaments, except a dental hygienist, who meets the requirements of 18VAC60-20-81, may parenterally administer Schedule VI local anesthesia to patients 18 years of age or older;

4. Authorization of work orders for any appliance or prosthetic device or restoration to be inserted into a patient's mouth;

5. Operation of high speed rotary instruments in the mouth;

6. Administration of deep sedation or general anesthesia and conscious/moderate sedation;

7. Condensing, contouring or adjusting any final, fixed or removable prosthodontic appliance or restoration in the mouth with the exception of packing and carving amalgam

and placing and shaping composite resins by dental assistants II with advanced training as specified in 18VAC60-30-10 et seq.;

8. Final positioning and attachment of orthodontic bonds and bands; and

9. Final adjustment and fitting of crowns and bridges in preparation for final cementation.

D. The following duties shall only be delegated to dental hygienists under direction and may only be performed under indirect supervision:

1. Scaling and/or root planing of natural and restored teeth using hand instruments, slow-speed rotary instruments, ultrasonic devices and non-surgical lasers with any sedation or anesthesia administered by the dentist.

2. Performing an initial examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for assisting the dentist in the diagnosis.

3. Administering nitrous oxide or local anesthesia by dental hygienists qualified in accordance with the requirements of 18VAC60-25-90.

E. The following duties shall only be delegated to dental hygienists and may be performed under indirect supervision or may be delegated by written order in accordance with § 54.1-3408 of the Code of Virginia to be performed under general supervision:

1. Scaling and/or root planing of natural and restored teeth using hand instruments, slow-speed rotary instruments, ultrasonic devices and non-surgical lasers with or without topical oral anesthestics.

2. Polishing of natural and restored teeth using air polishers.

3. Performing a clinical examination of teeth and surrounding tissues including the charting of carious lesions, periodontal pockets or other abnormal conditions for further evaluation and diagnosis by the dentist.

4. Subgingival irrigation or subgingival and gingival application of topical Schedule VI medicinal agents pursuant to § 54.1-3408 of the Code of Virginia.

5. Duties appropriate to the education and experience of the dental hygienist and the practice of the supervising dentist, with the exception of those listed as nondelegable in subsection B of this section and those restricted to indirect supervision in subsection C of this section.

F. Nothing in this section shall be interpreted so as to prevent a licensed dental hygienist from providing educational services, assessment, screening or data collection for the preparation of preliminary written records for evaluation by a licensed dentist.

18VAC60-25-60. Utilization of dental hygienists.

A dentist may utilize up to a total of four dental hygienists or dental assistants II in any combination practicing under direction at one and the same time, with the exception that a dentist may issue written orders for services to be provided by dental hygienists under general supervision in a free clinic, a public health program, or in a voluntary practice.

18VAC60-25-70. Delegation of services to a dental hygienist.

A. In all instances and on the basis of his diagnosis, a licensed dentist assumes ultimate responsibility for determining the specific treatment the patient will receive,

which aspects of treatment will be delegated to qualified personnel, and the direction required for such treatment, in accordance with this chapter and the Code of Virginia.

B. Dental hygienists shall engage in their respective duties only while in the employment of a licensed dentist or governmental agency or when volunteering services. Persons acting within the scope of a license issued to them by the board under § 54.1-2725 of the Code of Virginia to teach dental hygiene and those persons licensed pursuant to § 54.1-2722 of the Code of Virginia providing oral health education and preliminary dental screenings in any setting are exempt from this section.

C. Duties that are delegated to a dental hygienist under general supervision shall only be performed if the following requirements are met:

1. The treatment to be provided shall be ordered by a dentist licensed in Virginia and shall be entered in writing in the record. The services noted on the original order shall be rendered within a specified time period, not to exceed 10 months from the date the dentist last performed a periodic comprehensive examination of the patient. Upon expiration of the order, the dentist shall have examined the patient before writing a new order for treatment.

2. The dental hygienist shall consent in writing to providing services under general supervision.

3. The patient or a responsible adult shall be informed prior to the appointment that a dentist may not be present, that only topical oral anesthetics can be administered to manage pain, and that only those services prescribed by the dentist will be provided.

4. Written basic emergency procedures shall be established and in place, and the hygienist shall be capable of implementing those procedures.

D. A dentist may employ another level of supervision when, in the professional judgment of the dentist, such supervision is necessary to meet the individual needs of the patient.

18VAC60-25-80. Delegation of services to a dental assistant.

A. Duties appropriate to the training and experience of the dental assistant and the practice of the supervising dentist may be delegated to a dental assistant under the direction of a dentist or a dental hygienist practicing under general supervision as permitted in 18VAC60-25-70, with the exception of those listed as nondelegable and those which may only be delegated to dental hygienists as listed in 18VAC60-25-50.

B. Duties delegated to a dental assistant under general supervision shall be under the direction of the dental hygienist who supervises the implementation of the dentist's orders by examining the patient, observing the services rendered by an assistant and being available for consultation on patient care.

18VAC60-25-90. Administration of anesthesia or sedation.

A. A licensed dental hygienist may:

1. Administer topical oral fluoride varnish to children aged six months to three years of age under an oral or written order or a standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine pursuant to subsection V of § 54.1-3408 of the Code of Virginia;

2. Administer topical Schedule VI drugs, including topical oral fluorides, topical oral anesthetics and topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions pursuant to subsection J of § 54.1-3408 of the Code of Virginia; and

3. If qualified in accordance with subsections B or C of this section, administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia under the indirect supervision of a dentist.

B. To administer only nitrous oxide/inhalation analgesia, a dental hygienist shall:

1. Successfully complete a didactic and clinical course leading to certification in administration of nitrous oxide offered by a CODA accredited dental or dental hygiene program, which includes a minimum of eight hours in didactic and clinical instruction in the following topics:

a. Patient physical and psychological assessment;

b. Medical history evaluation;

c. Equipment and techniques used for administration of nitrous oxide;

d. Neurophysiology of nitrous oxide administration;

e. Pharmacology of nitrous oxide;

f. Recordkeeping, medical and legal aspects of nitrous oxide;

g. Adjunctive uses of nitrous oxide for dental patients; and

h. Clinical experiences in administering nitrous oxide, including training with live patients.

2. Successfully complete an examination with a minimum score of 75% in the administration of nitrous oxide/inhalation analgesia given by the accredited program.

C. To administer both nitrous oxide/inhalation analgesia and, to patients 18 years of age or older, local anesthesia, a dental hygienist shall:

1. Successfully complete a didactic and clinical course leading to certification in administration of local anesthesia and nitrous oxide/inhalation analgesia that is offered by a CODA accredited dental or dental hygiene program, which includes a minimum of 36 didactic and clinical hours in the following topics:

a. Patient physical and psychological assessment;

b. Medical history evaluation and recordkeeping;

c. Neurophysiology of local anesthesia;

d. Pharmacology of local anesthetics and vasoconstrictors;

e. Anatomical considerations for local anesthesia;

f. Techniques for maxillary infiltration and block anesthesia;

g. Techniques for mandibular infiltration and block anesthesia;

h. Local and systemic anesthetic complications;

i. Management of medical emergencies;

j. Clinical experiences in maxillary and mandibular infiltration and block injections;

k. Pharmacology of nitrous oxide;

l. Adjunctive uses of nitrous oxide for dental patients; and

m. Clinical experiences in administering nitrous oxide and local anesthesia injections on patients.

2. Successfully complete an examination with a minimum score of 75% in the administration of nitrous oxide/inhalation analgesia and local anesthesia given by the accredited program.

D. A dental hygienist who holds a certificate or credential issued by the licensing board of another U.S. jurisdiction that authorizes the administration of nitrous oxide/inhalation analgesia or local anesthesia may be authorized for such administration in Virginia if:

1. The qualifications on which the credential or certificate was issued were substantially equivalent in hours of instruction and course content to those set forth in subsections B and C of this section; or

2. If the certificate or credential issued by another jurisdiction was not substantially equivalent, the hygienist can document experience in such administration for at least 24 of the past 48 months preceding application for licensure in Virginia.

E. A dentist who provides direction for the administration of nitrous oxide/inhalation analgesia or local anesthesia shall ensure that the dental hygienist has met the qualifications for such administration as set forth in this section.

Part III. Standards of conduct.

18VAC60-25-100. Patient records; confidentiality.

A. A dental hygienist shall be responsible for accurate and complete information in patient records for those services provided by a hygienist or a dental assistant under direction to include the following:

1. Patient's name on each document in the patient record;

2. A health history taken at the initial appointment, which is updated at least annually or more often if medically indicated, (DISCUSS) and or when administering local anesthesia, nitrous oxide or oxygen inhalation analgesia;

3. Options discussed and oral or written consent for any treatment rendered (DISCUSS);

4. List of drugs administered and the route of administration, quantity, dose and strength;

5. Radiographs, digital images and photographs clearly labeled with the patient name and date taken; and

6. Notation of each date of treatment and the name or initials of the dentist (DISCUSS coding) and the dental hygienist providing service.

B. A dental hygienist shall comply with the provisions of § 32.1-127.1:03of the Code of Virginia related to the confidentiality and disclosure of patient records. A dental hygienist shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of confidentiality that is required or permitted by applicable law or beyond the control of the hygienist shall not be considered negligent or willful.

18VAC60-25-110. Acts constituting unprofessional conduct.

The following practices shall constitute unprofessional conduct within the meaning of § 54.1-2706of the Code of Virginia:

1. Fraudulently obtaining, attempting to obtain or cooperating with others in obtaining payment for services;

2. Performing services for a patient under terms or conditions which are unconscionable. The board shall not consider terms unconscionable where there has been a full and fair disclosure of all terms and where the patient entered the agreement without fraud or duress;

3. Misrepresenting to a patient and the public the materials or methods and techniques the licensee uses or intends to use;

4. Committing any act in violation of the Code of Virginia reasonably related to the practice of dentistry and dental hygiene;

5. Delegating any service or operation which requires the professional competence of a dentist or dental hygienist to any person who is not a licensee or registrant as authorized by this chapter;

6. Certifying completion of a dental procedure that has not actually been completed;

7. Violating or cooperating with others in violating provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.) or the Drug Control Act (§ 54.1-3400 et seq.).

Part IV. Requirements for Licensure.

18VAC60-25-120. General application requirements.

A. All applications for licensure by examination or credentials, temporary permits or teacher's licenses shall include:

1. Verification of completion of a dental hygiene degree or certificate from a CODA accredited program;

2. An original grade card issued by the Joint Commission on National Dental Examinations;

3. A current report from the Healthcare Integrity and Protection Data Bank (HIPDB) and a current report from the National Practitioner Data Bank (NPDB); and

4. Attestation of having read and understood the laws and the regulations governing the practice of dentistry and dental hygiene in Virginia and of the applicant's intent to remain current with such laws and regulations.

B. If documentation required for licensure cannot be produced by the entity from which it is required, the board, in its discretion, may accept other evidence of qualification for licensure.

18VAC60-25-130. Licensure by examination.

A. An applicant for licensure by examination shall have:

1. Graduated from or have been issued a certificate by a CODA accredited program of dental hygiene;

2. Successfully completed the dental hygiene examination of the Joint Commission on National Dental Examinations; and

3. Successfully completed a board-approved clinical competency examination in dental hygiene.

B. If the candidate has failed any section of a board-approved examination three times, the candidate shall complete a minimum of seven hours of additional clinical training in each section of the examination to be retested in order to be approved by the board to sit for the examination a fourth time.

C. Applicants who successfully completed a board-approved examination five or more years prior to the date of receipt of their applications for licensure by this board may be required to retake a board-approved examination or take board-approved continuing education that meets the requirements of 18VAC60-25-180, unless they demonstrate that they have maintained clinical, unrestricted, and active practice in U. S. jurisdiction for 48 of the past 60 months immediately prior to submission of an application for licensure.

18VAC60-25-140. Licensure by credentials.

An applicant for dental hygiene licensure by credentials shall:

1. Have graduated from or have been issued a certificate by a CODA accredited program of dental hygiene;

2. Be currently licensed to practice dental hygiene in another U. S. jurisdiction and have clinical, ethical, and active practice for 24 of the past 48 years immediately preceding application for licensure;

3. Be certified to be in good standing from each state in which he is currently licensed or has ever held a license;

4. Have successfully completed a clinical competency examination substantially equivalent to that required for licensure by examination;

5. Not have committed any act which would constitute a violation of § 54.1-2706 of the Code of Virginia; and

6. Have successfully completed the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board.

18VAC60-25-150. Temporary permit; teacher's license.

A. Issuance of a temporary permit.

1. A temporary permit shall be issued only for the purpose of allowing dental hygiene practice as limited by § 54.1-2726 of the Code of Virginia. An applicant for a temporary permit shall submit a completed application and verification of graduation from the program from which the applicant received the dental hygiene degree or certificate.

2. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking a board-approved clinical competency examination during the term of the temporary permit.

B. The board may issue a teacher's license pursuant to provisions of § 54.1-2725 of the Code of Virginia.

C. A dental hygienist holding a temporary permit or a teacher's license issued pursuant to this section is subject to the provisions of this chapter and the disciplinary regulations which apply to all licensees practicing in Virginia.

18VAC60-25-160. Voluntary practice.

A. Restricted volunteer license.

1. In accordance with § 54.1-2726.1, the board may issue a restricted volunteer license to a dental hygienist who:

a. Held an unrestricted license in Virginia or another state as a licensee in good standing at the time the license expired or became inactive;

b. Is volunteering for a public health or community free clinic that provides dental services to populations of underserved people;

c. Has fulfilled the board's requirement related to knowledge of the laws and regulations governing the practice of dentistry and dental hygiene in Virginia;

d. Has not failed a clinical examination within the past five years; and

e. Has had at least five years of active practice in Virginia, another U. S. jurisdiction or in federal, civil or military service.

2. A person holding a restricted volunteer license under this section shall:

a. Only practice in public health or community free clinics that provide dental services to underserved populations;

b. Only treat patients who have been screened by the approved clinic and are eligible for treatment;

c. Attest on a form provided by the board that he will not receive remuneration directly or indirectly for providing dental services; and

d. Not be required to complete continuing education in order to renew such a license.

3. A dental hygienist with a restricted volunteer license shall be sponsored by and practice only under the direction of a dentist who holds an unrestricted license in Virginia.

4. A restricted volunteer license granted pursuant to this section shall expire on the June 30 of the second year after its issuance, or shall terminate when the supervising dentist withdraws his sponsorship.

5. A dental hygienist holding a restricted volunteer license issued pursuant to this section is subject to the provisions of this chapter and the disciplinary regulations which apply to all licensees practicing in Virginia.

B. Registration for voluntary practice by out-of-state licensees.

Any dental hygienist who does not hold a license to practice in Virginia and who seeks registration to practice on a voluntary basis under the auspices of a publicly supported, all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people shall:

a. File a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice;

b. Provide a copy of a current license or certificate to practice dental hygiene;

c. Provide a complete record of professional licensure in each state in which he has held a license or certificate;

d. Provide the name of the nonprofit organization, the dates and location of the voluntary provision of services;

e. Pay a registration fee as required in 18VAC60-25-40; and

f. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of subdivision 5 of §54.1-2701 of the Code of Virginia.

Part V. Licensure Renewal and Reinstatement

18VAC60-25-170. Requirements for licensure renewal.

A. An active dental hygiene license shall be renewed on or before March 31 each year. A teacher's license, a restricted volunteer license or a temporary permit shall be renewed, on or before June 30 each year.

B. The license of any person who does not return the completed renewal form and fees by the deadline required in subsection A of this section shall automatically expire and become invalid and his practice of dental hygiene shall be illegal. With the exception of practice with a current, restricted volunteer license as provided in § 54.1-2726.1 of the Code of Virginia, practicing in Virginia with an expired license may subject the licensee to disciplinary action by the board.

C. Any person who does not return the completed form and fee by the deadline required in subsection A of this section shall be required to pay an additional late fee. The

board may renew a license if the renewal form, renewal fee, and late fee are received within one year of the deadline required in subsection A of this section.

18VAC60-25-180. Requirements for continuing education.

A. In order to renew an active license, a dental hygienist shall complete a minimum of 15 hours of approved continuing education. Continuing education hours in excess of the number required for renewal may be transferred or credited to the next renewal year for a total of not more than 15 hours.

1. A dental hygienist shall be required to maintain evidence of successful completion of a current hands-on course in basic cardiopulmonary resuscitation for healthcare providers.

2. A dental hygienist who monitors patients under general anesthesia, deep sedation or conscious sedation or who administers nitrous oxide or non-topical local anesthesia shall complete four hours every two years of approved continuing education directly related to administration or monitoring of such anesthesia or sedation as part of the hours required for licensure renewal.

B. An approved continuing education program shall be relevant to the treatment and care of patients and shall be:

1. Clinical courses in dental or dental hygiene practice; or

2. Nonclinical subjects that relate to the skills necessary to provide dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, risk management, recordkeeping). Courses not acceptable for the purpose of this subsection include, but are not limited to, estate planning, financial planning, investments, and personal health.

C. Continuing education credit may be earned for verifiable attendance at or participation in any courses, to include audio and video presentations, which meet the requirements in subdivision B 1 of this section and which are given by one of the following sponsors:

1. American Dental Association and National Dental Association, their constituent and component/branch associations;

2. American Dental Hygienists' Association and National Dental Hygienists Association, their constituent and component/branch associations;

3. American Dental Assisting Association, its constituent and component/branch associations;

4. American Dental Association specialty organizations, their constituent and component/branch associations;

5. American Medical Association and National Medical Association, their specialty organizations, constituent, and component/branch associations;

6. Academy of General Dentistry, its constituent and component/branch associations;

7. Community colleges with an accredited dental hygiene program if offered under the auspices of the dental hygienist program;

8. A college or university that is accredited by an accrediting agency approved by the U.S. Department of Education or a hospital or health care institution accredited by the Joint Commission on Accreditation of Health Care Organizations;

9. The American Heart Association, the American Red Cross, the American Safety and Health Institute and the American Cancer Society;

10. A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education or a dental school or dental specialty residency program accredited by the Commission on Dental Accreditation of the American Dental Association;

11. State or federal government agencies (i.e., military dental division, Veteran's Administration, etc.);

12. The Commonwealth Dental Hygienists' Society;

13. The MCV Orthodontic and Research Foundation;

14. The Dental Assisting National Board; or

15. A regional testing agency (i.e., Central Regional Dental Testing Service, Northeast Regional Board of Dental Examiners, Southern Regional Testing Agency, or Western Regional Examining Board) when serving as an examiner.

D. Verification of compliance.

1. All licenses are required to verify compliance with continuing education requirements at the time of annual license renewal.

2. Following the renewal period, the board may conduct an audit of licensees to verify compliance.

3. Licensees selected for audit must provide original documents certifying that they have fulfilled their continuing education requirements by the deadline date as specified by the board.

4. Licensees are required to maintain original documents verifying the date, the subject of the program or activity, the sponsor and the amount of time earned. Documentation must be maintained for a period of four years following renewal.

5. Failure to comply with continuing education requirements may subject the licensee to disciplinary action by the board.

E. Exemptions.

1. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following the licensee's initial licensure.

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters. A written request with supporting documents must be sumitted at least 30 days prior to the deadline for renewal.

F. Continuing education hours required by board order shall not be used to satisfy the continuing education requirement for license renewal or reinstatement.

18VAC60-25-190. Inactive license.

A. Any dental hygienist who holds a current, unrestricted license in Virginia may, upon a request on the renewal application and submission of the required fee, be issued an inactive license.

B. With the exception of practice with a restricted volunteer license as provided in § 54.1-2726.1 of the Code of Virginia, the holder of an inactive license shall not be entitled to perform any act requiring a license to practice dental hygiene in Virginia.

C. An inactive dental hygiene license may be renewed on or before March 31 each year.

18VAC60-25-200. Reinstatement or reactivation of a license.

A. Reinstatement of an expired license.

1. Any person whose license has expired for more than one year and who wishes to reinstate such license shall submit to the board a reinstatement application and the reinstatement fee.

2. An applicant for reinstatement shall submit evidence of completion of continuing education which meets the requirements of 18VAC60-20-180 and which is equal to the requirement for the number of years in which his license has not been active in Virginia, not to exceed a total of 45 hours. Of the required hours, at least 15 must be earned in the most recent 12 months and the remainder within the 36 months preceding an application for reinstatement.

3. An applicant for reinstatement shall also provide evidence of continuing competence which may also include: a) documentation of active practice in another state or in federal service; b) current specialty board certification; c) recent passage of a clinical competency examination accepted by the board; or d) completion of a refresher program offered by a CODA accredited program.

4. The executive director may reinstate a license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-25-110 to deny said reinstatement, and that the applicant has paid the reinstatement fee and any fines or assessments.

B. Reactivation of an inactive license.

1. An inactive license may be reactivated upon submission of the required application, payment of the current renewal fee, and documentation of having completed continuing education which meets the requirements of 18VAC60-20-180 and which is equal to the requirement for the number of years in which the license has been inactive, not to exceed a total of 45 hours. Of the required hours, at least 15 must be earned in the most recent 12 months and the remainder within the 36 months immediately preceding the application for activation.

2. An applicant for reactivation shall also provide evidence of continuing competence which may also include: a) documentation of active practice in another state or in federal service; b) current specialty board certification; c) recent passage of a clinical

competency examination accepted by the board; or d) completion of a refresher program offered by a CODA accredited program.

3. The executive director may reactivate a license provided that the applicant can demonstrate continuing competence and that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-25-110 to deny said reactivation.