Approved

VIRGINIA BOARD OF DENTISTRY
MINUTES
JUNE 3, 2011

TIME AND PLACE: The meeting of the Board of Dentistry was called to order at 9:04 a.m. on June 3, 2011 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Jacqueline G. Pace, R.D.H., President

BOARD MEMBERS PRESENT:

Robert B. Hall, Jr. D.D.S., Vice President
Augustus A. Petticolas, Jr., . D.D.S., Secretary-Treasurer
Herbert R. Boyd, III, D.D.S.
Martha C. Cutright, D.D.S.
Meera A. Gokli, D.D.S.
Jeffrey Levin, D.D.S.
Misty Mesimer, R.D.H.
Paul N. Zimmet, D.D.S.

BOARD MEMBERS ABSENT: Myra Howard, Citizen Member

STAFF PRESENT:

Sandra K. Reen, Executive Director for the Board
Dianne L. Reynolds-Cane, M.D., DHP Director
Arne Owens, DHP Chief Deputy Director
Elaine J. Yeatts, DHP Senior Policy Analyst
Alan Heaberlin, Deputy Executive Director for the Board
Huong Vu, Administrative Assistant for the Board

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

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

PUBLIC COMMENT: **Melanie Bartlam, RDH,** on behalf of the Virginia Dental Hygienists' Association (VDHA), asked the Board to include the duties delegable to Dental Assistants II in the Dental Hygiene (DH) Scope of Practice. She added that for many years hygienists have been performing expanded functions across the country with training through continuing education.

Sheri Moore, RDH, asked the Board to clarify what courses would satisfy the continuing education requirement for 4

hours every 2 years for monitoring patients under anesthesia or sedation.

APPROVAL OF MINUTES:

Ms. Pace asked if the Board members had reviewed the minutes in the agenda package. Dr. Gokli requested an amendment on page 3 and Ms. Reen offered substitute language on pages 5, 8 and 9. Dr. Zimmet moved to adopt the minutes of the March 11, 2011 business meeting as amended. The motion was seconded and carried.

DHP DIRECTOR'S REPORT:

Dr. Cane reported on the following activities of DHP:

- Budget development for the FY 13 -14 biennium is underway.
- The Board of Nursing just began accepting dynamic, online applications and other boards will soon follow.
- The second National Take Back Day event was on April 30, 2011 had 120 collection sites and collected nearly double the amount of prescription drugs over the first event held in September.
- The Healthcare Workforce Data Center hosted a successful media conference in September 2010 on the physician forecast with about 20 media outlets attending. The nurse practitioners forecast is underway with the results expected to be available within six months.
- She and Mr. Owens are part of the Virginia Health Reform Initiative which has presented recommendations to the Governor for implementing health reform in Virginia.
- The Lyme Disease Taskforce will be meeting toward the end of June 2011.

VCU SCHOOL OF DENTISTRY :

David C. Sarrett, D.M.D., M.S., Dean – Dr. Sarrett thanked the Board for the opportunity to provide an update on the school then gave a presentation addressing:

- Priorities for the new dean;
- The current state of the School of Dentistry;
- Student breakdown;
- VCU and National applications for dental school;
- FY10 budget;
- VCU ranking with In-State Tuition & Fee increase;
- Search for Director of Philips Research Institute and Chair of the Department of Oral & Craniofacial Molecular Biology;
- Clinical Departments- research strengths;
- National Institutes Heath (NIH) Ranking;

- Strategic faculty growth & development plan for next 10 years; and
- New faculty appointments

Dr. Sarrett added that he is working with the Virginia Dental Association on introducing a bill in the 2012 Session of the General Assembly to amend licensure provisions for dental school faculty.

Dr. Sarrett stated that the school is addressing liability questions about hosting and participating in live patient examinations at the school. He said he hopes that dentistry moves quickly away from such exams.

REPORTS:

Board of Health Professions (BHP). Dr. Zimmet reported the Board received an update on implementation activities of the Sanction Reference Points and decided to offer CE courses for lawyers and other interested members of the public.

AADB. Dr. Levin said that he attended the AADB Mid-Year meeting in Chicago in April 2011. He then reported that:

- Work continues on consolidating the parts of the National Board exam;
- He did request consideration of one vote per state which he learned would have to be advanced by the Executive Committee before it could be brought to the membership; and
- State Boards are advised to work through dental associations and peer pressure in regard to addressing advertising concerns.

SRTA. Dr. Gokli reported that:

- Record numbers of applicants took the 2011 SRTA exams;
- SRTA gave 17 dental exams, 19 dental hygiene exams, and 2000 computer simulations;
- SRTA is operating in the black ; and
- SRTA's Bylaws were amended to allow the Board of Director's to dismiss a SRTA member who has been sanctioned by a state board.

Ms. Pace stated there is nothing new to report on the dental hygiene exam.

Regulatory/Legislative Committee. Dr. Boyd reported that the Committee met on April 22, 2011and the materials are presented later in the agenda for discussion and action.

LEGISLATION AND REGULATION:

Review of Regulatory Action. Ms. Yeatts reported that the:

- Periodic Review and reorganization of the regulations - will be presented to the Board for adoption later in the agenda;
- Recovery of Disciplinary Costs regs – are in final stage and are at Secretary's Office for approval;
- Registration of Mobile Clinics – are in final stage and are at Secretary's Office for approval;
- Training in pulp capping for dental assistants II – is at Secretary's Office for approval; and
- Board-approved courses for radiation certification – was amended at the March 11, 2011 meeting to strike 18VAC60-20-195(A) (iii) and it went into effect on May 11, 2011.

Registration of Sedation/Anesthesia Permits. Ms. Yeatts stated that the bill was passed by both houses of the 2011 General Assembly. Staff will have the regs prepared for consideration at the September business meeting.

Fast Track Regulation on Radiation Certification. Ms. Yeatts stated further work on the radiation certification regulation, 18VAC60-20-195, was needed following the Board's March 11, 2011 action. She presented a proposal to clarify in (i) that a radiation safety course and examination given by a CODA accredited program is not required to be recognized by CODA and in (iii) to name the DANB sponsored course and examination that is accepted.

Following discussion, (i) was further amended to read " *satisfactory completion of a radiation safety course and examination given by an institution that maintains a program in dental assisting, dental hygiene or dentistry accredited by the Commission on Dental Accreditation of the American Dental Association,…"*

Dr. Zimmet moved to accept the amended fast-track regulation. The motion was seconded and passed.

Guidance Doc on Radiation Certification. Ms. Yeatts asked the Board to adopt the proposed guidance document which clarifies (i) in 18VAC60-20-195 pending the changes in the regulation just adopted. She advised this guidance is needed to assure CODA accredited programs that they may offer the training.

Dr. Levin moved to adopt the Guidance Document as proposed. The motion was seconded and passed.

Adoption of Proposed Draft of Discipline Chapter. Ms. Yeatts reviewed the content of the chapter. Dr. Zimmet moved to adopt the proposed draft. The motion was seconded and passed.

Adoption of Proposed Draft of Dental Assistants II Chapter. Ms. Yeatts noted that the radiation certification language in this draft will be replaced with the language the Board adopted earlier. Dr. Levin moved to adopt the proposed draft. The motion was seconded and passed.

Adoption of Proposed Draft of Dental Hygiene Chapter. After discussion, the Board made the following changes to the draft:
8VAC60-25-20.B – delete "**a current, active**" before "license"
18VAC60-25-80 - replace with the radiation certification language the Board adopted earlier
18VAC60-25-190.B(5) – replace with "*A provider accredited by the Accreditation Council for Continuing Medical Education for Category 1 credits.*"
Dr. Zimmet moved to adopt the proposed draft as amended. The motion was seconded and passed.

Adoption of Proposed Draft of Dental Practice Chapter. After discussion the Board made the following changes to the draft:
18VAC60-21-30.B - delete "**a current, active**" before "license"
18VAC60-21-170 - replace with the radiation certification language the Board adopted earlier
18VAC60-21-210.B(4) – written as "*Have been in continuous clinical practice in another jurisdiction of the United States or in United States federal civil or military service for five out of the six years immediately preceding application for licensure pursuant to this section. Active patient care in another jurisdiction of the United States as a volunteer in a public health clinic or as an intern or residency program may be accepted by the board to satisfy this requirement. One year of clinical practice shall consist of a minimum of 600 hours of practice in a calendar year as attested by the applicant*"
18VAC60-21-250.C(5) – replace with "*A provider accredited by the Accreditation Council for Continuing Medical Education for Category 1 credits;*"
8VAC60-21-280 .B – Make the last sentence in section B.3 the new section B to read "No sedating medication shall be

prescribed for or administered to a child age 12 and under prior to his arrival at the dentist office or treatment facility." 8VAC60-21-280 .C – Keep "pulse oximeter" as required equipment.

Dr. Zimmet moved to adopt the proposed draft with the recommended changes. The motion passed with seven members voting in favor – Dr. Cutright, Dr. Gokli, Dr. Hall, Dr. Levin, Ms. Mesimer, Ms. Pace and Dr. Zimmet and two members voting against – Dr. Boyd and Dr. Petticolas.

Minimum Sedation Reference. Ms. Reen stated that this was provided as a resource for discussion of 18VAC-60-21-280.

BOARD DISCUSSION/ACTION:

Public Comment Topics. Ms. Pace stated that discussion of the public comment received will be deferred until the proposed regs have completed the public comment period and are back before the Board for discussion.

Letter from Raymond F. Gist, ADA President. Ms. Reen stated that the Board does accept continuing medical education courses. She noted that there is another letter from Dr. Gist which presents the ADA's adopted policy opposing the examination of dental and allied dental licensure candidates together. Ms. Reen added that a letter from Dr. Brian Kennedy, ADA Chair of the Council on Dental Education and Licensure, urges implementation of specialty licensure.

Paperless Licensing. Mr. Heaberlin stated that he is participating on an agency committee to make recommendations for a paperless licensing process. He added that Dr. Cane and Ms. Pace encouraged Dentistry's participation with the Board of Nursing in the development of a pilot project for DHP. He added that the recommendations include issuing a license one time, without a listed expiration date, and eliminating the wallet certificate. He noted that it was decided to address the paper license and the wall certificate separately since Dentistry and other boards require licenses to be displayed.

2012 Legislative Proposals. Dr. Petticolas asked the Board to consider adoption of legislation to amend section 54.1-2709 of the Code to allow a licensee the option of obtaining a restricted volunteer license in lieu of renewing an unrestricted dental license. Ms. Yeatts offered a substitute proposal to amend sections 54.1-2712.1 and 54.1-2726.1 to permit someone with a current, unrestricted license to apply

for a restricted volunteer license. Following discussion, Ms. Reen recommended that further work was needed and Ms. Pace assigned the topic to the Regulatory/Legislative Committee.

Definition of Dental Hygiene. Ms. Pace stated that the current definition of dental hygiene is out of date and should be amended to describe all the duties that a hygienist is trained and qualified to perform. Following discussion, Ms. Pace assigned this topic to the Regulatory/Legislative Committee to develop a proposal.

Virginia Dental Law Exam. Mr. Heaberlin stated that staff reviewed the dental law exam and is working with PSI on edits to bring the exam into compliance with the regulations promulgated on March 2, 2011.

Petitions for Rulemaking to Amend 18VAC60-20-195. Ms. Reen stated that she will use the Guidance Document on Radiation Certification the Board adopted to respond to the three petitions.

Alternative Strategies for Licensing Exams. Dr. Levin asked the Board to work on identifying alternatives to requiring live patient exams for licensure. Following discussion, Ms. Pace assigned the subject to the Exam Committee.

REPORT ON CASE ACTIVITY:

Mr. Heaberlin reported that in the third quarter the Board received a total of 116 cases and closed a total of 112 for an overall 96.5% clearance rate. He added, however, that 96 patient care cases were received and only 62 were closed resulting in a 65% clearance rate which is well below the key performance measure of 100%. He added that the Board is still meeting the key performance measures by having only 9% of cases over 250 business days and by closing 90% of cases within 250 business days.

He added that the Board currently has 204 open cases of which 52 cases are in probable cause with 21 at Board member review. He reminded Board members who have cases for probable cause review to please complete them and return them back to staff as soon as possible.

EXECUTIVE DIRECTOR'S REPORT/BUSINESS: Ms. Reen reported the following:

- The proposed calendar for 2012 is offered for adoption. She noted that all Board members had an opportunity to note conflicts and no changes were requested. Dr. Gokli moved to adopt the 2012 calendar. The motion was seconded and passed.

- Dr. Zimmet's replacement will be Dr. Surya P. Dhakar and we are still waiting for a decision on Ms. Howard's seat.

- The Board's financial position is still healthy, but the current projection is the Board may need to consider a fee increase in fiscal year 2013-2014. She added that she is working on the 2013-2014 biennial budget and the Board is not in need of extra money at the present time.

BOARD COUNSEL REPORT: Mr. Casway said he has nothing to report.

ADJOURNMENT: With all business concluded, the meeting was adjourned at 1:10 p.m.

Jacqueline G. Pace, R.D.H., President

9/9/11
Date

Sandra K. Reen, Executive Director

September 9, 2011
Date