

VIRGINIA BOARD OF DENTISTRY

REVISED AGENDAS

September 6 and 7, 2012

Department of Health Professions

Perimeter Center - 9960 Mayland Drive, 2nd Floor Conference Center - Henrico, Virginia 23233

PAGE

September 6, 2012

9:00 a.m. New Member Orientation

1:00 p.m. Formal Hearing

September 7, 2012

Board Business

8:45 a.m. Nominating Committee

9:00 a.m. Call to Order – Dr. Boyd, Secretary-Treasurer

Evacuation Announcement – Ms. Reen

Public Comment

Election of Officers

Approval of Minutes

- June 8, 2012 Board Business Meeting
- June 14, 2012 Telephone Conference Call
- July 23, 2012 Telephone Conference Call
- August 22, 2012 Telephone Conference Call

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DHP Director's Report – Dr. Reynolds-Cane

Liaison/Committee Reports

- BHP – Dr. Levin
- AADB Annual Meeting – Dr. Levin
- SRTA Annual Meeting - Ms. Pace's report
Dr. Hall's report

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Legislation and Regulation – Ms. Yeatts

- Status Report on Regulatory Actions
- Adoption of Exempt Regulations on Temporary Resident's License and Faculty License
- Adoption of Exempt Regulations on Dental Hygiene Practice in Department of Health

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• Review of Public Comment Topics	
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SRTA Report Bob Hall

1. The 2013 Endodontic section SRTA administrators has to be the same in order to be consistent with other ADEX administered agencies. Tooth number #9 will be used for the anterior procedure and #14 for the posterior procedure. The Fixed Prosthodontics will use tooth #3 and #5 for the fixed bridge, replacing #4 and tooth #8 for the all porcelain procedure. A total of 7 hours will be allowed for these sections.
2. The DSE exam for 2013 is approximately 100 questions shorter and only 3 hours long.

Educators report to Board:

The committee makes the following recommendations for examiner training:

1. This Fall, have SRTA Chiefs and Captains attend and participate in as many NERB exams as possible. (December and February)
2. Send SRTA Chiefs and Captains to the training session at NERB's Annual Meeting in January. (At NERB's expense).
3. Examiner Swap: For 2013, three examiners from NERB will participate in each SRTA complete exam. Three examiners from SRTA will participate in NERB exams for the same duration.

As per the educators, and committee members, recommendations will be made to the ADEX Dental Exam committee meeting in November. Any changes will become effect for the 2014 exam year. The changes are as follows:

1. In the Restoration section, change from compensatory to conjunctive so a pass on anterior and a fail on the posterior would allow re-exam for only the one section.
2. Change the anterior tooth currently being used for the Endo section (clear root) to the opaque Real T from Accidental and require radiographs.
3. Currently, if there are two lesions on a tooth and one is restored prior to exam, new radiographs are required. The DEC would like to change that requirement to "new radiographs are not required unless there's a clinical reason."

BOARD OF DENTISTRY

Temporary or faculty licenses

Part II

Renewal and Fees

18VAC60-20-20. Renewal and reinstatement.

A. Renewal fees. Every person holding an active or inactive license or a dental assistant II registration or a ~~full-time~~ faculty license shall, on or before March 31, renew his license or registration. Every person holding a ~~teacher's license~~, temporary resident's license, a restricted volunteer license to practice dentistry or dental hygiene, or a temporary permit to practice dentistry or dental hygiene shall, on or before June 30, request renewal of his license.

1. The fee for renewal of an active license or permit to practice or teach dentistry shall be \$285, and the fee for renewal of an active license or permit to practice or teach dental hygiene shall be \$75. The fee for renewal of registration as a dental assistant II shall be \$50.
2. The fee for renewal of an inactive license shall be \$145 for dentists and \$40 for dental hygienists. The fee for renewal of an inactive registration as a dental assistant II shall be \$25.
3. The fee for renewal of a restricted volunteer license shall be \$15.
4. The application fee for temporary resident's license shall be \$60. The annual renewal fee shall be \$35 a year. An additional fee for late renewal of licensure shall be \$15.

B. Late fees. 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 of \$100 for dentists with an active license, \$25 for dental hygienists with an active license, and \$20 for a dental assistant II with active registration. The late fee shall be \$50 for dentists with an inactive license, \$15 for dental hygienists with an inactive license, and \$10 for a dental assistant II with an inactive registration. The board shall renew a license or dental assistant II registration if the renewal form, renewal fee, and late fee are received within one year of the deadline required in subsection A of this section.

C. Reinstatement fees and procedures. The license or registration 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 as a dentist, dental hygienist, or dental assistant II shall be illegal.

1. Any person whose license or dental assistant II registration has expired for more than one year and who wishes to reinstate such license or registration shall submit to the board a reinstatement application and the reinstatement fee of \$500 for dentists, \$200 for dental hygienists, or \$125 for dental assistants II.

2. With the exception of practice with a restricted volunteer license as provided in §§ 54.1-2712.1 and 54.1-2726.1 of the Code of Virginia, practicing in Virginia with an expired license or registration may subject the licensee to disciplinary action by the board.

3. The executive director may reinstate such expired license or registration provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18VAC60-20-170 to deny said reinstatement, and that the applicant has paid the unpaid reinstatement fee and any fines or assessments. Evidence of continuing competence shall include hours of continuing

education as required by subsection H of 18VAC60-20-50 and may also include evidence of active practice in another state or in federal service or current specialty board certification.

D. Reinstatement of a license or dental assistant II registration previously revoked or indefinitely suspended. Any person whose license or registration has been revoked shall submit to the board for its approval a reinstatement application and fee of \$1,000 for dentists, \$500 for dental hygienists, and \$300 for dental assistants II. Any person whose license or registration has been indefinitely suspended shall submit to the board for its approval a reinstatement application and fee of \$750 for dentists, \$400 for dental hygienists, and \$250 for dental assistants II.

18VAC60-20-30. Other fees.

A. Dental licensure application fees. The application fee for a dental license by examination, ~~a license to teach dentistry~~, a ~~full-time~~ faculty license, or a temporary permit as a dentist shall be \$400. The application fee for dental license by credentials shall be \$500.

B. Dental hygiene licensure application fees. The application fee for a dental hygiene license by examination, a faculty license to teach dental hygiene, or a temporary permit as a dental hygienist shall be \$175. The application fee for dental hygienist license by endorsement shall be \$275.

C. Dental assistant II registration application fee. The application fee for registration as a dental assistant II shall be \$100.

D. Wall certificate. Licensees desiring a duplicate wall certificate or a dental assistant II desiring a wall certificate shall submit a request in writing stating the necessity for a wall certificate, accompanied by a fee of \$60.

E. Duplicate license or registration. Licensees or registrants desiring a duplicate license or registration shall submit a request in writing stating the necessity for such duplicate, accompanied by a fee of \$20. If a licensee or registrant maintains more than one office, a notarized photocopy of a license or registration may be used.

F. Licensure or registration certification. Licensees or registrants requesting endorsement or certification by this board shall pay a fee of \$35 for each endorsement or certification.

G. Restricted license. Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of \$285.

H. Restricted volunteer license. The application fee for licensure as a restricted volunteer dentist or dental hygienist issued in accordance with § 54.1-2712.1 or § 54.1-2726.1 of the Code of Virginia shall be \$25.

I. Returned check. The fee for a returned check shall be \$35.

J. Inspection fee. The fee for an inspection of a dental office shall be \$350.

K. Mobile dental clinic or portable dental operation. The application fee for registration of a mobile dental clinic or portable dental operation shall be \$250. The annual renewal fee shall be \$150 and shall be due by December 31. A late fee of \$50 shall be charged for renewal received after that date.

18VAC60-20-70. Licensure examinations; registration certification.

A. Dental examinations.

1. All applicants shall have successfully completed ~~Part I and Part II~~ all parts of the examinations of the Joint Commission on National Dental Examinations prior to making application to this board.

2. All applicants to practice dentistry shall satisfactorily pass the complete board-approved examinations in dentistry. Applicants who successfully completed the board-approved examinations five or more years prior to the date of receipt of their applications for licensure by this board may be required to retake the examinations or take board-approved continuing education unless they demonstrate that they have maintained clinical, ethical and legal practice for 48 of the past 60 months immediately prior to submission of an application for licensure.

3. If the candidate has failed any section of a board-approved examination three times, the candidate shall complete a minimum of 14 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.

B. Dental hygiene examinations.

1. All applicants are required to successfully complete the dental hygiene examination of the Joint Commission on National Dental Examinations prior to making application to this board for licensure.

2. All applicants to practice dental hygiene shall successfully complete the board-approved examinations in dental hygiene, except those persons eligible for licensure pursuant to 18VAC60-20-80.

3. 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. Dental assistant II certification. All applicants for registration as a dental assistant II shall provide evidence of a current credential as a Certified Dental Assistant (CDA) conferred by the

Dental Assisting National Board or another certification from a credentialing organization recognized by the American Dental Association and acceptable to the board, which was granted following passage of an examination on general chairside assisting, radiation health and safety, and infection control.

D. All applicants who successfully complete the board-approved examinations five or more years prior to the date of receipt of their applications for licensure or registration by this board may be required to retake the board-approved examinations or take board-approved continuing education unless they demonstrate that they have maintained clinical, ethical, and legal practice for 48 of the past 60 months immediately prior to submission of an application for licensure or registration.

E. All applicants for licensure by examination or registration as a dental assistant II shall be required to attest that they have read and understand and will remain current with the applicable Virginia dental and dental hygiene laws and the regulations of this board.

18VAC60-20-90. Temporary permit, teacher's license, and full-time faculty license.

A. A temporary permit shall be issued only for the purpose of allowing dental and dental hygiene practice as limited by §§ 54.1-2715 and 54.1-2726 of the Code of Virginia.

B. A temporary permit will not be renewed unless the permittee shows that extraordinary circumstances prevented the permittee from taking the licensure examination during the term of the temporary permit.

C. A ~~full-time~~ faculty license shall be issued to any dentist who meets the entry requirements of § 54.1-2713 of the Code of Virginia or to any dental hygienist who meets the entry requirements of § 54.1-2725 of the Code of Virginia, who is certified by the dean of a dental school or the program director of a program accredited by the Commission on Dental Accreditation of the American Dental Association in the Commonwealth ~~and who is serving full~~

time to be on the faculty of a ~~the~~ dental school ~~or its affiliated clinics intramurally in the Commonwealth~~ or accredited program. The dean's or program director's certification shall include an assessment of the clinical competency and experience of the applicant.

1. A dentist or dental hygienist holding a faculty license may perform activities that are part of his faculty duties, including all patient care activities associated with teaching, research, and the delivery of patient care, which take place only within educational facilities owned or operated by or affiliated with the dental school or program.

1-2. A ~~full-time~~ faculty license shall remain valid only while the license holder is serving full-time on the faculty of a dental school or accredited program in the Commonwealth. When any such license holder ceases to continue serving ~~full-time~~ on the faculty of the dental school for which the license was issued, the licensee shall surrender the license, which shall be null and void upon termination of ~~full-time~~ employment. The dean of the dental school shall notify the board within five working days of such termination of ~~full-time~~ employment.

2-3. A ~~full-time~~ faculty licensee working in a ~~faculty intramural clinic~~ facility owned or operated by or affiliated with a dental school or accredited program may accept a fee for service.

D. A temporary permit, a teacher's license issued pursuant to § 54.1-2714 and a full-time faculty license may be revoked for any grounds for which the license of a regularly licensed dentist or dental hygienist may be revoked and for any act indicating the inability of the permittee or licensee to practice dentistry that is consistent with the protection of the public health and safety as determined by the generally accepted standards of dental practice in Virginia.

E. Applicants for a ~~full-time~~ faculty license or temporary permit shall be required to attest to having read and understand and to remaining current with the laws and the regulations governing the practice of dentistry in Virginia.

18VAC60-20-91. Temporary licenses to persons enrolled in advanced dental education programs.

A. A dental intern, resident or postdoctoral certificate or degree candidate applying for a temporary license to practice in Virginia shall:

~~1. Successfully complete a D.D.S. or D.M.D. dental degree program required for admission to board-approved examinations and submit a letter of confirmation from the registrar of the school or college conferring the professional degree, or official transcripts confirming the professional degree and date the degree was received.~~

~~2. Submit~~ submit a recommendation from the dean of the dental school or the director of the accredited graduate program accredited by the Commission on Dental Accreditation, specifying the applicant's acceptance as an intern, resident or post-doctoral certificate or degree candidate in an advanced dental education program. The beginning and ending dates of the internship, residency or post-doctoral program shall be specified.

B. The temporary license applies only to practice in the hospital or outpatient clinics of the hospital or dental school where the internship, residency or post-doctoral time is served. Outpatient clinics in a hospital or other facility must be ~~a recognized part of an advanced dental education program~~ owned or operated by, or affiliated with the dental school or program.

C. The temporary license may be renewed annually, for up to five times, upon the recommendation of the dean of the dental school or director of the accredited graduate program, certifying continued enrollment in the accredited advanced education program.

D. The temporary license holder shall be responsible and accountable at all times to a licensed dentist, who is a member of the staff where the internship, residency or postdoctoral candidacy is served. The temporary licensee is prohibited from employment outside of the advanced dental education program where a full license is required.

E. The temporary license holder shall abide by the accrediting requirements for an advanced dental education program as approved by the Commission on Dental Accreditation of the American Dental Association.

18VAC60-20-220. Dental hygienists.

Protocol for Virginia Department of Health (VDH) Dental Hygienists to Practice in an Expanded Capacity under Remote Supervision by Public Health Dentists

Definitions:

- “*Expanded capacity*” means that a VDH dental hygienist provides education, assessment, prevention and clinical services as authorized in this protocol under the remote supervision of a VDH dentist.
- “*Remote supervision*” means that a public health dentist has regular, periodic communications with a public health dental hygienist regarding patient treatment, but who has not done an initial examination of the patients who are to be seen and treated by the dental hygienist, and who is not necessarily onsite with the dental hygienist when dental hygiene services are delivered.

Management:

- Program guidance and quality assurance shall be provided by the Dental Program in the Division of Child and Family Health at VDH for the public health dentists providing supervision under this protocol. Guidance for all VDH dental hygienists providing services through remote supervision is outlined below:
 - VDH compliance includes a review of the remote supervision protocol with the dental hygienist. The hygienist will sign an agreement consenting to remote supervision according to the protocol. The hygienist will update the remote agreement annually attaching a copy of their current dental hygiene license, and maintain a copy of the agreement on-site while providing services under this protocol.
 - VDH training by the public health dentist will include didactic and on-site components utilizing evidence based protocols, procedures and standards from the American Dental Association, the American Dental Hygienists’ Association, the Centers for Disease Control and Prevention, Association of State and Territorial Dental Directors, as well as VDH OSHA, Hazard Communication and Blood Borne Pathogen Control Plan.
 - VDH monitoring during remote supervision activities by the public health dentist shall include tracking the locations of planned service delivery and review of daily reports of the services provided. Phone or personal communication between the public health dentist and the dental hygienist working under remote supervision will occur at a minimum of every 14 days.
 - VDH on-site review to include a sampling of the patients seen by the dental hygienist under remote supervision will be completed annually by the supervising public health dentist. During the on-site review, areas of program and clinical oversight will include appropriate patient documentation for preventive services (consent completed, assessment of conditions, forms completed accurately), clinical quality of preventive services (technique and sealant retention), patient management and referral, compliance with evidence-based program guidance, adherence to general emergency guidelines, and OSHA and Infection Control compliance.

18VAC60-20-220. Dental hygienists.

- No limit shall be placed on the number of full or part time VDH dental hygienists that may practice under the *remote supervision* of a public health dentist(s)
- The dental hygienist may use and supervise assistants under this protocol but shall not permit assistants to provide direct clinical services to patients.
- The patient or responsible adult should be advised that services provided under the remote supervision protocol do not replace a complete dental examination and that he/she should take his/her child to a dentist for regular dental appointments.

Remote Supervision Practice Requirements:

- The dental hygienist shall have graduated from an accredited dental hygiene school, be licensed in Virginia, and employed by VDH in a full or part time position and have a minimum of two years of dental hygiene practice experience.
- The dental hygienist shall annually consent in writing to providing services under remote supervision.
- The patient or a responsible adult shall be informed prior to the appointment that no dentist will be present, that no anesthesia can be administered, and that only limited described services will be provided.
- Written basic emergency procedures shall be established and in place, and the hygienist shall be capable of implementing those procedures.

Expanded Capacity Scope of Services:

Public health dental hygienists may perform the following duties under *remote supervision*:

- Performing an initial examination or assessment of teeth and surrounding tissues, including charting existing conditions including carious lesions, periodontal pockets or other abnormal conditions for further evaluation by a dentist, as required.
- Prophylaxis of natural and restored teeth.
- Scaling of natural and restored teeth using hand instruments, and ultrasonic devices.
- Assessing patients to determine the appropriateness of sealant placement according to VDH Dental Program guidelines and applying sealants as indicated. Providing dental sealant, assessment, maintenance and repair.
- Application of topical fluorides.
- Providing educational services, assessment, screening or data collection for the preparation of preliminary written records for evaluation by a licensed dentist.

Required Referrals:

- Public health dental hygienists will refer patients without a dental provider to a public or private dentist with the goal to establish a dental home.
- When the dental hygienist determines at a subsequent appointment that there are conditions present which require evaluation for treatment, and the patient has not seen a dentist as referred, the dental hygienist will make every practical or reasonable effort to schedule the patient with a VDH dentist or local private dentist volunteer for an examination, treatment plan and follow up care.

Disciplinary Board Report for September 7, 2012

Today's report addresses the Board's disciplinary case activities for the third quarter of fiscal year 2012 which includes the dates of April 1, 2012, to June 30, 2012.

The table below includes all cases that have received Board action since January 1, 2012 through August 31, 2012.

FY 2012	Cases Received	Cases Closed No/Violation	Cases Closed W/Violation	Total Cases Closed
Jan 2012	25	27	21	48
Feb 2012	28	26	10	36
March 2012	39	34	12	46
April 2012	31	9	5	14
May 2012	49	17	5	22
June 2012	36	32	10	42
July 2012	35	14	3	17
August 2012	33	17	6	23
Totals	276	176	72	248

For the fourth quarter the Board received a total of 93 patient care cases and closed a total of 60 for a 65% clearance rate. In the third quarter of the year, the board received 83 cases and closed 90. The current pending caseload older than 250 days is 18%. Of the 60 cases closed in the fourth quarter of 2012, 80% were within 250 days. The Board did not meet the goals for the agency's performance measures for the fourth quarter.

The Board currently has 275 open cases assigned a priority A-D. One hundred eleven (111) cases are in probable cause with 29 at Board member review. We have one (1) Consent Order that has been offered for signature. The Board has 24 cases with the Administrative Proceedings Division and 131 cases are in investigation, 7 cases are scheduled for informal conferences and 1 for a formal hearing.

The Probable Cause review sheet has also been revised and updated. These changes include staff verifying complete investigations and also noting possible allegations made by the source as well as allegations noted by staff. While staff is working to make Probable Cause reviewers' work more efficient, please do not substitute staff's pre-review and notes for your own judgment. Additionally, the staff will be requesting a second review by the Probable Cause reviewer on complex cases to ensure the accuracy of the dentistry in the documents prepared by the Administrative Proceedings Division.

*The Agency's Key Performance Measures.

- We will achieve a 100% clearance rate of allegations of misconduct by the end of FY 2009 and maintain 100% through the end of FY 2010.
- We will ensure that, by the end of FY 2010, no more than 25% of all open patient care cases are older than 250 business days.
- We will investigate and process 90% of patient care cases within 250 work days.