

**VIRGINIA BOARD OF DENTISTRY
MINUTES
MARCH 9, 2012**

TIME AND PLACE: The meeting of the Board of Dentistry was called to order at 9:05 a.m. on March 9, 2012 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

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

**BOARD MEMBERS
PRESENT:**

Augustus A. Petticolas, Jr., D.D.S., Vice President
Herbert R. Boyd, III, D.D.S., Secretary-Treasurer
Martha C. Cutright, D.D.S.
Surya P. Dhakar, D.D.S.
Meera A. Gokli, D.D.S.
Myra Howard, Citizen Member
Jeffrey Levin, D.D.S.
Jacqueline G. Pace

**BOARD MEMBERS
ABSENT:**

Misty Mesimer, R.D.H.

STAFF PRESENT:

Sandra K. Reen, Executive Director for the Board
Dianne L. Reynolds-Cane, M.D., DHP Director
Arne Owens, DHP Deputy Executive Director
Alan Heaberlin, Deputy Executive Director for the Board
Huong Vu, Operations Manager for the Board

**ESTABLISHMENT OF
A QUORUM:**

With nine members of the Board present, a quorum was established.

PUBLIC COMMENT:

Dr. Hall advised the audience that the public comment period on the Petition for Rulemaking for Emergency Preparedness has ended but the Board would hear brief remarks.

Michael Link, DDS, stated that he is sad for the two families who have lost loved ones. He then recommended that no action be taken on the petition because the current regulations do adequately address emergency preparedness. He added that 92% of dentists in Virginia do not use any kind of sedation.

Nicole Cunha, Executive Director of the Raven Maria Blanco Foundation, Inc., said the Foundation helps parents

know the questions to ask before consenting to dental treatment. She stated that dental offices need to be prepared to maintain a patient at least 30 minutes until emergency medical services arrive because the average response time is 11 to 15 minutes. She noted that the comments from the public supported the petition and only dentists opposed it. She asked the Board to agree to the petition.

Mario Blanco, father of Raven Maria Blanco, stated that he misses his daughter very much. He commented that the public should know the right questions to ask the dentist prior to a dental procedure being done. He said the petition asks that dentists be more prepared to prevent tragic events from happening.

APPROVAL OF MINUTES:

Dr. Hall asked if the Board members had reviewed the December 1, 2011 minutes. Dr. Petticolas moved to accept the minutes. The motion was seconded and carried.

Dr. Hall asked if the Board members had reviewed the December 2, 2011 minutes. Ms. Pace moved to accept the minutes. The motion was seconded and carried.

DHP DIRECTOR'S REPORT:

Dr. Cane reported the following agency bills passed this year:

- HB 265 on Board of Health Professions (BHP) to meet at least annually, rather than quarterly.
- HB 347 on Prescription Monitoring Programs' disclosures.
- HB 885 on Nurses' licensure exemption.

She added that DHP monitored 70 additional bills including:

- HB 266 on Surgery definition and who may perform.
- HB 346 on Nurse Practitioners practice as part of patient care teams.
- HB 937 on Spouses of Military Service Members; expediting issuance of business licenses, etc.
- HB 938 on Military training, etc; regulatory boards to accept as equivalent to requirements for licensure.
- HB 1106 on Behavior and Assistant Behavior Analysts; licensure by Board of Medicine.

Dr. Cane added that Dr. Elizabeth Carter, BHP Executive Director, attended the Credential Summit meeting in Washington, DC at the end of February 2012 to discuss standards for accepting military training and experience as

satisfying licensure requirements. She added that BHP is expected to conduct the study of this option.

**OSCE – OBJECTIVE
STRUCTURED CLINICAL
EXAMINATION –
DR. BURNS:**

Dr. Burns, DDS, MEd, PhD, Oral Pathology Chair of the VCU School of Dentistry, thanked the Board for the opportunity to be here then gave a brief history on OSCE, explained variations in use and noted the strengths of this format over patient based exams. He gave a PowerPoint presentation on examples of the OSCE exams given at the School for a D3 multidisciplinary case and a D4 removable prosthodontic case. He added that these exams test the ability of the students to identify what is wrong. A handout of April 6, 2011 D3 OSCE exam was also distributed for review.

Dr. Burns went on to present the Canadian National Dental Examination. He noted that the comprehensive exam includes 300 multiple choice questions plus 100 tangible/timed stations that have 15 multiple choice responses to choose from with positive and negative credit assigned to each response. He added that the template for OSCE questions is standardized and available online for review by the public and students.

Dr. Burns concluded that an OSCE can be developed in a variety of different forms testing a variety of skills for a variety of different purposes including obtaining a license as a competent entry level dentist in Virginia. He recommended four (4) options the Board might pursue for establishing a non-patient based licensure examination.

Dr. Burns then responded to questions. Dr. Hall asked how school evaluates crown/cavity preps (motor skills). Dr. Burns replied that students are evaluated on their competencies in mannequins/human in a clinic. Dr. Burns added that in regard to motor skill evaluation, Canada accepts four (4) years ADA approved programs or Canadian approved curriculum.

Ms. Reen noted that Dr. Burns is the second of a series of presentations that the Exam Committee planned to explore alternatives to live patient clinical examinations. She added that the third presentation on the California portfolio model is planned for the June meeting. She added after that the Exam Committee will review the information and come up with the recommendations for the Board to consider.

**LIAISON/COMMITTEE
REPORTS:**

Executive Committee. Dr. Hall reported that the Committee met on March 8, 2012 to hear a presentation on the budget development process from Mr. Giles, DHP Budget Manager, and to review the Bylaws. He noted that the Committee members were asked to identify any suggestions for the Bylaws at the June meeting.

Board of Health Professions (BHP). Dr. Levin reported that the BHP met on February 14, 2012 and reviewed proposed amendments to the Sanction Reference Points manual.

AADB. Dr. Levin reported that he and Ms. Reen will be attending AADB Mid-Year meeting in Chicago in April, 2012. They will report on the meeting in June.

**LEGISLATION AND
REGULATIONS:**

Ms. Reen noted that she is filling in for Ms. Yeatts who was unable to be at the meeting today.

Report of the 2012 General Assembly. Ms. Reen reported on the following bills which directly affect the work of the Board or the practice of dentistry:

- HB 267 on registration of dental laboratories was continued to the 2013 session. Ms. Reen added that she, Dr. Hall and Ms. Yeatts met with the Virginia Dental Association (VDA) President, Dr. Roger Wood on December 16, 2012 and discussed the VDA resolution and the Board's concerns about proceeding with legislation. She added that a workgroup of VDA and Board representatives is planning to meet on April 20, 2012 to address dental labs.
- HB 344 on dental and dental hygiene faculty licenses merges current faculty and teacher provisions into one faculty license. She added that regulatory action will be needed to revise regulations to be consistent with the new statute.
- SB146 expands the authority for dental hygienists employed by the Virginia Department of Health to work under remote supervision throughout Virginia. The Board is required to incorporate the Department of Health's practice protocol into our regulations.

Status Report on Regulatory Actions. Ms. Reen noted that not much has changed since the last report.

- The Periodic Review proposed regulations to establish four chapters have not been submitted for administrative review.

- The regulations on Recovery of Disciplinary Costs are at Governor's Office for approval to publish as final regulations.
- The regulations for sedation and anesthesia permits are at the Governor's Office for approval.
- The rule for training in pulp capping for dental assistants II is at the Governor's Office for approval; and
- The amendment of the radiation certification regulation is also at the Governor's office for approval.

Raven Blanco Foundation Petition for Rulemaking. Dr. Petticolas stated that death in the dental chair is a tragic occurrence and he would like to express his condolences to those who have suffered loss. He added that the Board is sensitive to this matter that it has intentionally and deliberately dealt with the issues raised by the petitioner through the regulatory review process. He commented that the Regulatory-Legislative Committee, led by Dr. Boyd, expended much time and effort to review safety requirements for dental practitioners and the resulting proposed regulations are more than sufficient to advance the Board's goal of protection the public. He then moved to deny the petition. The motion was seconded and passed.

BOARD

DISCUSSION/ACTION:

Review of Public Comment Topics. Dr. Hall noted that the comments received have already been addressed.

Board/VDA Discussion of Registration of Dental Labs. Dr. Hall noted that the matter was covered earlier by Ms. Reen in the report on 2012 legislation.

Draft Letter to North Carolina. Ms. Reen said the draft letter is presented for Board consideration and action. She noted that she has talked to her counterpart in NC and he is receptive to a friendly letter. Dr. Gokli moved to delete "***but which is not administered here***" in the first paragraph and to approve the letter as amended. The motion was seconded and passed.

ADEX. Dr. Hall noted that Virginia is now member of ADEX and that the membership agreement, highlights, and the report on the annual meeting were provided as information only.

CODA Letter to Centura College. Dr. Hall noted that this was provided as information only.

AADB Meeting. Dr. Boyd stated that he is happy to hear that Dr. Levin and Ms. Reen will attend the mid-year meeting and no further discussion is needed at this time.

**REPORT ON CASE
ACTIVITY:**

Mr. Heaberlin reported that in the second quarter of FY2012 the Board received a total of 68 patient care cases and closed a total of 85 for a 125% clearance rate. He added that:

- the current caseload older than 250 days is 7%,
- 92% of all cases were closed within 250 business days,
- 210 cases are open, and
- 68 cases are in probable cause with 26 at Board member review.

He said that staff will work with Special Conference Committee B on March 16 to revise the Probable Cause Review Form and plans to make recommendations at the next Board meeting. He asked Board members to forward him any comments or suggestions for improving the form.

Mr. Heaberlin noted that case management staff is now reviewing cases prior to sending them out for Board member review. Ms. Reen added that the preliminary staff work should provide upfront information about the case, making it easier for Board members to review.

**EXECUTIVE
DIRECTOR'S
REPORT/BUSINESS:**

Ms. Reen reported the following:

- The RFP for the Dental Law exam was issued and no agency submitted a proposal. She added the current provider stated that the cost of administering the exam is not covered by the number of exams taken. She noted that when the exam was adopted, the Board decided not to require passage but to offer it as a CE opportunity, thinking that licensees would voluntarily take the exam. Since that has not happened, Ms. Reen asked the Board for guidance of what to do. Dr. Gokli suggested mandating licensees to take it every five years. Dr. Levin suggested asking schools to administer the exam. Ms. Pace suggested that the Exam Committee address this and bring recommendations to the Board. Dr. Hall agreed and assigned the matter to the Exam Committee.
- The Dental Inspection Form has been revised by Board and Enforcement staff and is presented for

discussion and adoption. Dr. Petticolas moved to accept the amended form. The motion was seconded and passed.

- The prescribed Dental Laboratory Work Order Forms have created confusion for dental labs. She said she is explaining that the forms are required by §54.-12719 of the Code and were developed to be a part of the patient record. She adds that these forms can be integrated with their's so long as the required minimum content is addressed. After discussion, no action was taken.
- An amendment is proposed to GD 60-7 Delegation to Dental Assistants (DAs) for Board's discussion and action. She noted that "**Take bite and occusal registrations**" is proposed to be added to Restorative Services. Dr. Levin opposed this because it is an irreversible and critical procedure. Ms. Reen asked if it was included in one of the non-delegable duties in 18VAC60-20-190. Consensus was that it is not. Dr. Petticolas moved to adopt the amended GD. The motion was seconded and passed by voice vote with one member opposed.
- the first Dental Assistant II has been registered.

CASE

RECOMMENDATIONS: Case# 136275, Case# 140969, Case# 141284, Case# 142432 and Case# 142769

Closed Meeting:

Dr. Petticolas moved that the Board convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the *Code of Virginia* for the purpose of deliberation to reach decisions in the matters of case # 136275, # 140969, # 141284, # 142432, and # 142769. Additionally, Dr. Petticolas moved Board staff, Ms. Reen and Ms. Vu attend the closed meeting because their presence in the closed meeting is deemed necessary, and will aid the Board in its deliberations.

Reconvene:

Dr. Petticolas moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

Dr. Petticolas moved to accept the Consent Order for Case # 136275. The motion was seconded and passed.

Dr. Boyd moved to accept the recommended Order of the Credentials Committee for Case # 140969. The motion was seconded and passed.

Dr. Boyd moved to accept the recommended Order of the Credentials Committee for Case # 141284. The motion was seconded and passed.

Dr. Levin moved to accept the Consent Order for Case # 142432. The motion was seconded and passed.

Dr. Petticolas moved to accept the Consent Order for Case # 142769. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the meeting was adjourned at 12:00 p.m.



Robert B. Hall, Jr., D.D.S., President

8 JUN 2012

Date



Sandra K. Reen, Executive Director

June 8, 2012

Date