Approved

VIRGINIA BOARD OF DENTISTRY
DENTAL LABORATORY WORK GROUP
MINUTES
April 20, 2012

TIME AND PLACE: The meeting of the Dental Laboratory Work Group of the Board of Dentistry was called to order at 11:20 a.m. on April 20, 2012 in Training Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

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

MEMBERS PRESENT: Herbert R. Boyd, III, D.D.S.
Dag Zapatero, D.D.S.
Scott Miller, D.D.S., by conference call

MEMBER ABSENT: David C. Sarrett, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Elaine J. Yeatts, DHP Policy Analyst
Huong Vu, Operations Manager

REGISTRATION OF DENTAL LABORATORIES : Dr. Hall welcomed the members and asked Ms. Reen to begin by explaining the information she provided on the states identified as regulating labs. She stated that understanding what other states were doing may be helpful so she had collected statutes and regulations and some disciplinary orders. She noted that:

- TX and OK dental boards regulate dental labs;
- Departments of health regulate dental labs in FL and PA;
- TX, SC and KY register dental technicians and require out of state labs to employ registered technicians; and
- TX, SC and FL have criminal penalties for dentists who are doing business with unregistered labs and technicians.

Dr. Hall then asked what the work group wants to accomplish at this meeting. Dr. Miller stated that the Virginia Dental Association (VDA) wants labs to be required to disclose point of origin and material content. He added that dentists have no authority to require disclosure so requiring dental labs to register with the Board is needed. Dr. Zapatero agreed and added that the Board's current work order forms have created problems and the Board does not have any authority to address non-compliance. Dr. Miller said that the Board and the VDA need to improve communications with dentists because there is a lot of confusion about what dentists are required to do.

Extensive discussion followed about the business relationship between dentists and labs and the option of not doing business with labs that are unwilling to provide information. It was noted that the impact of one dentist switching labs would be minimal but the Board would be able to prevent a lab from doing business in Virginia. Ms. Yeatts noted that the Board only has authority in Virginia and would not be able to travel out-of-state or out of country to investigate complaints. Dr. Zapatero responded that the Board could do paper investigations and have material assayed. Dr. Boyd addressed patient interests and recourse with general agreement that patients are most likely to file complaints against the dentist and it would be up to the dentist to file a complaint in order for the Board to conduct an investigation. He added that the dentist can already direct his complaint to the lab and decide whether to keep doing business with a lab he does not trust.

Dr. Hall remarked that there appears to be agreement that dental labs need to disclose point of origin and materials used. He asked if the Board's current work order forms address this and meet the meaning of a work order as defined in VDA's proposed legislation, HB 267. Dr. Miller responded yes then added that the current forms require dentists and labs to spend additional time on where work will be performed and what materials to use. Ms. Reen asked for clarification of the VDA's objections to the requirements for advance notice of subcontracting and discussion followed about preventing defective material from being delivered to the patient and the responsibility that dentists have for protecting patients. Referring to the VDA's proposed bill, Ms. Reen asked what the difference is from the current work order forms with those required by the proposed language. Dr. Miller said that there is none and added that VDA members don't want to be the police of the dental labs.

Dr. Hall referred the work group to the Board's concerns about VDA's current proposed bill and said the Board's interest is to understand the problem being experienced in Virginia so a study would be helpful. Ms. Reen noted that the current bill is impossible to implement because the requirement for registration would be in effect before regulations are in place so no one could legally operate a lab. She added there are also the questions of:

- which state agency in Virginia should be responsible for registering labs,
- is it the VDA's intent to require registration by out of state labs,
- is requiring registration of dental technicians a better option, and
- are suppliers of components to be included in registration?

Dr. Zapatero said that there is no need for a study to be done and asked that the Board address what the VDA members voted for virtually unanimously. Dr. Hall said that he has talked to five or six dentists in his area who are members of VDA and who have stated that they do not understand the need for the bill.

Dr. Miller asked what the VDA can do to move this process ahead. Dr. Zapatero suggested that VDA and the Board can work on the language of the bill. Dr. Boyd suggested that the Board might want to consider regulating CDTs as it rewriting all the chapters. Ms. Reen noted that KY moved from registering dental labs to registering dental technicians so it might be helpful to know why. She added that the Board can modify the work order forms quickly to address concerns.

Dr. Miller agreed that the work group should meet again to discuss modification of the Board's work order forms and address editing the VDA's bill. All agreed. Dr. Miller said he would let Ms. Reen know if he is available either May 18 or June 1 so the next meeting could be scheduled.

ADJOURNMENT: Dr. Hall adjourned the meeting at 1:05 p.m.

Robert B. Hall, Jr., President

Sandra K. Reen, Executive Director

18 May 12
Date

May 18, 2012
Date