APPROVED

VIRGINIA BOARD OF DENTISTRY
BOARD MEETING MINUTES
December 15, 2017

TIME AND PLACE: The meeting of the Board of Dentistry was called to order at 9:15 a.m. on December 15, 2017, at the Department of Health Professions, 9960 Mayland Drive, Suite 201, Board Room 4, Henrico, Virginia 23233.

PRESIDING: John M. Alexander, D.D.S., President

BOARD MEMBERS PRESENT:
Tonya A. Parris-Wilkins, D.D.S.
Nathaniel C. Bryant, D.D.S.
Augustus A. Petticolas, Jr., D.D.S.
Tammy C. Ridout, R.D.H.
Patricia B. Bonwell, R.D.H., PhD
James D. Watkins, D.D.S.
Jamiah Dawson, D.D.S.
Carol R. Russek, JD

STAFF PRESENT:
Sandra K. Reen, Executive Director for the Board
Elaine J. Yeatts, DHP Senior Policy Analyst
Kelley Palmatier, Deputy Executive Director for the Board
Sheila Beard, Executive Assistant for the Board

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT:
Dr. David E. Brown, Director of DHP
Lisa Hahn, Chief Operating Officer of DHP

ESTABLISHMENT OF A QUORUM: With 9 members of the Board present, a quorum was established.

Dr. Alexander called the meeting to order then Ms. Reen read the emergency evacuation procedures.

PUBLIC COMMENT: Dr. Alexander explained the parameters for public comment and opened the public comment period.

Dr. Edward P. Snyder, submitted comments of concern about the practice of orthodontics by Smile Direct Club which provides appliances to straighten teeth using impressions made and mailed by patients. He stated the methods used by this company omits x-rays and lacks accountability for the irreversible changes that result from improper orthodontic treatment.

Jeffrey Solitizer, DDS said he is a Virginia dentist affiliated with Smiles Direct Club. He said he uses photographs, that radiographs are available and treatment is presented through teledentistry. He went on to explain the patient's status is checked every ninety days, more complex cases are sent for invisalign and patients are referred for treatment of possible periodontic and cavity issues.

Sean Murphy, Esq. spoke on behalf of the American Assoc. of Orthodontists. He reported the Association has filed complaints in over 36 states regarding the use of home impression kits provided by Smile Direct Club. He presented online comments and reviews from Smile Direct patients that complain about ads not identifying the dentist or the steps to follow to address issues that arise.

Sara Thomas, Smile Direct Club counsel, stated Smile Direct Club provides a platform to dentist to provide care to patients. Ms. Thomas stated there are many good reviews posted online surrounding the success of Smile Direct Club.

John Wittrock, requested that the Board endorse and adopt periodic assessment testing of clinical knowledge and skills for dentists.

APPROVAL OF MINUTES:

Dr. Alexander asked if there were any corrections to the 5 sets of minutes presented in the agenda package. Hearing none, a motion by Dr. Watkins to adopt these minutes was seconded and passed.

DHP DIRECTOR'S REPORT:

Dr. Brown, Director of DHP, reported that adding a link to a webpage for Suicide Prevention to board webpages is being considered to provide a resource for licensees. Dr. Brown asked for any thoughts on the appropriateness of adding such a link to the Board of Dentistry website and welcomed comments to be shared through Ms. Reen.

Dr. Brown said Secretary Hazel is not seeking reappointment so there will be a new Secretary of Health and Human Resources. He also noted that he is seeking reappointment to the position of Director of DHP. He noted that the top leadership positions in the agency are appointed by the Governor and his experience led him to establish the classified position of Chief Operating Officer (COO) to assure continuity of operations during changes in leadership. The COO will direct the administrative support services the agency provides to the boards. He introduced Ms. Hahn as the first COO for DHP.

Dr. Brown noted that work is underway on establishing curriculum for educating students pursuing health professions on prescribing practices, pain management and addiction.

Dr. Brown asked the Board to consider his concern that its policy on disciplinary cost recovery is unfair to dental hygienists because they earn about half as much as dentists. He noted that imposing the costs is discretionary and he would like the Board to consider the options of either not using the authority to assess costs since the Board has a large cash balance or changing its policy to charge dental hygienist 50% of the costs that a dentist is charged. He also requested consideration of reserving the steeper costs for the most severe cases.

SANCTIONING REFERENCE POINTS:

Neal Kauder of VisualResearch, Inc. discussed the Sanctioning Reference Points process and the purpose for establishing sanctioning guidelines as a reference tool to achieve consistency in sanctioning decisions including monetary penalties. The purpose is to have similar violations result in similar sanctions. He offered to analyze the Board's data to report on the fines that have been imposed by case type. Dr. Alexander requested that Mr. Kauder provide the report so inconsistencies in sanctioning can be addressed.

HEALTHCARE WORK-FORCE DATA:

Elizabeth Carter, PhD presented the 2017 Dentistry and Dental Hygiene Workforce Data Reports, noting 90% plus response rates for both dentists and dental hygienists. She reported a significant decline in Dentists Full-Time Equivalencies from 2013 to 2016. In contrast she reported that the Dental Hygienist Full-Time Equivalency increased from 2014 to 2016. She added that supervision will be added to future surveys.

Ms. Reen asked Dr. Carter to address the work needed to develop a law examination requirement for applicants. Dr. Carter explained that such an exam would be a condition of licensure and therefore it could be a barrier to employment. She said, in order for it to be defensible, the exam would need to be psychometrically validated to assure all applicants are treated fairly, questions are written properly, and the questions are not biased. Following discussion, Dr. Alexander asked the Exam Committee to address this guidance and report back to the Board.

LIAISON/COMMITTEE REPORTS:

AADB. Dr. Parris-Wilkins thanked the Board for allowing her to attend the annual AADB meeting, indicating that it is a valuable resource. She reviewed the agenda topics addressed in her report and said the meeting was well organized and informational. Dr. Alexander also commented the meeting was an excellent source of

information. He noted that the issues in Virginia are the same ones experienced by other boards.

SRTA. Dr. Watkins stated that SRTA has filed an application to rejoin ADEX.

BHP. Dr. Watkins said the December 7, 2017 meeting went very well. He reported the Board of Physical Therapy is granting continuing education credit for volunteer hours for attendance at board meetings. He suggested the Board consider adopting this policy as well.

Exam Committee. Dr. Watkins stated the committee will meet to discuss the information provided by Dr. Carter about developing exams.

CODA. Dr. Bonwell said she appreciated the opportunity to attend the Northern Virginia Community College site visit which gave her insights into the accreditation process.

Advisory Panel on Opioids. Dr. Alexander reported that the panel is still active pending enactment of the final regulations.

Regulatory-Legislative Committee. Dr. Petticolas stated there was nothing new to report at this time.

ADEX. Dr. Bryant said he had nothing to report at this time.

LEGISLATION AND REGULATIONS:

Status Report on Regulatory Actions. Ms. Yeatts reviewed the status of the regulatory actions currently in process then requested action on the following proposals:

- Issuing the proposed Notice of Intended Regulatory Action (NOIRA) to change the license renewal schedule from March of each year for all dentists and dental hygienists to birth months. This intended change is anticipated to go into effect in 2019. A motion was made by Ms. Ridout to adopt the NOIRA. The motion was seconded and passed.
- Adoption of a one-time license renewal fee reduction of 50% by exempt action. Dr. Petticolas moved to adopt this action. The motion was seconded and passed.

Ms. Yeatts explained that adding the proposed PGY1 Pathway for Licensure cannot be submitted until the 2019 Session of the General Assembly and proposed deferring action until the next meeting. Ms. Reen recommended consideration of the fact that the Board currently only issues general dental licenses and the implications of eliminating the clinical examination requirement when an applicant

only has advanced training in a CODA accredited program in general dentistry or in an advanced specialty. She asked if specialty licensure should be considered. Ms. Ridout moved to return this proposal to the Regulatory-Legislative Committee. The motion was seconded and passed.

BOARD COUNSEL REPORT:

Mr. Rutkowski reminded members to keep a professional demeanor while in the midst of proceedings. He advised that having side conversations does not show respect for the seriousness of the matter being debated, adding that the Board should never come across as being too casual.

REPORT ON CASE ACTIVITY:

Ms. Palmatier reviewed her report noting that from January 1, 2017 through December 1, 2017, 337 cases were received and 352 were closed. She also noted that in Q1 of 2018 66 patient care cases were received and 51 were closed for a 77% clearance rate.
Ms. Palmatier then proposed changes to update the inspection form, Guidance Document 76-24.3. Ms. Ridout moved to accept the proposed changes. The motion was seconded and passed.

REVIEW OF PUBLIC COMMENTS:

Practices of Smiles Direct Club.
In response to interest in having more information, Ms. Reen agreed to collect information from other states.

Periodic Assessment of Clinical Competency.
It was agreed by consensus to advance Dr. Wittrock's comments to the American Association of Dental Boards for consideration.

EXECUTIVE DIRECTOR'S REPORT/BUSINESS:

Cases. Ms. Reen stated that in light of recent formal hearings ending in findings of only minor violations it may be necessary to reassess a case being appealed following an informal conference to address options for moving the case to closure without a formal hearing. She intends to speak with the other board executives to see if they ever reassess a case based on an IFC decision.

NEW BUSINESS:

Continued Education. Dr. Alexander referred consideration of granting CE for attending Board meetings to the Regulatory-Legislative Committee for review.

Acknowledgements. Dr. Alexander acknowledged past president of the Board, Dr. Al Rizkalla and member, Dr. Bruce Wyman in attendance of the Board meeting. The Board thanked them for their service to the Virginia Board of Dentistry.

ADJOURNMENT:

With all business concluded, the meeting was adjourned at 12:28 p.m.

Virginia Board of Dentistry
Board Business Meeting
December 15, 2017

John M. Alexander, D.D.S., President

6/8/2018

Date

Sandra K. Reen, Executive Director

June 8, 2018

Date