



VIRGINIA BOARD OF DENTISTRY  
BRIEFS  
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**DENTAL HYGIENE AND DENTAL HYGIENIST REDEFINED**

As a result of legislation which went into effect on July 1, 2013, the Code of Virginia now defines "dental hygiene" as duties related to patient assessment and the rendering of educational, preventive, and therapeutic dental services specified in regulations of the Board and not otherwise restricted to the practice of dentistry. The definition of "dental hygienist" was changed to a person who is licensed by the Board of Dentistry to practice dental hygiene. The legislation also clarifies the dental hygienist licensure requirement of graduation from a dental hygiene program accredited by the Commission on Dental Accreditation and offered by an accredited institution of higher education.

**EXPLORING ALTERNATIVES FOR TESTING CLINICAL SKILLS**

The Board of Dentistry has narrowed its study of alternative pathways for verifying competency for licensure to evaluating the feasibility of establishing a portfolio exam in cooperation with the VCU School of Dentistry (the School). A portfolio exam consists of a series of tests in specified competency domains working with patients of record as part of a dental or dental hygiene program. Student performance is evaluated by objective examiners using standardized rating scales. To learn more about this initiative, review the minutes of the Board's Examination Committee meetings on February 1<sup>st</sup> and March 7<sup>th</sup>, 2013, at [http://www.dhp.virginia.gov/dentistry/dentistry\\_calendar.htm](http://www.dhp.virginia.gov/dentistry/dentistry_calendar.htm).

**STATUS OF REGULATIONS FOR ADMINISTERING CONSCIOUS/MODERATE SEDATION, DEEP SEDATION, AND GENERAL ANESTHESIA**

Emergency Regulations requiring dentists to meet education and equipment requirements, and to hold a permit to administer conscious/moderate sedation, deep sedation, or general anesthesia have been in effect since September 14, 2012. They are scheduled to expire on September 13, 2013, but can be extended for six months pending publication of the final regulations. The proposed final regulations currently are under administrative review. Following receipt of the Governor's approval, they will be published for public comment. The sixty day public comment period will include a public hearing. You might follow these regulations through the review process and submit comments by registering with the Virginia Regulatory Town Hall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov).

## **DISCIPLINARY CASES**

Addressing complaints and reports on licensees is the predominant work of the Board. In cases where a violation of the laws and regulations governing dentistry is suspected, the Board issues a notice that tells the licensee which allegations are being considered. These cases are processed through issuance of an order which states the violation(s) found, the legal basis for the finding(s), and any imposed sanctions. Notices and Orders are the only documents related to a case that are available to the public. These documents are available for review at [www.dhp.virginia.gov/dentistry](http://www.dhp.virginia.gov/dentistry). Using the **License Look-up** tab is the best way to search for information on a particular licensee. The **Case Decisions** tab is the one to use to see the notices and orders that were issued in the last 90 days. On this page, you might also select "**Search Case Decisions by Date**" to search/open more extensive listings for review.

## **FUTURE OF DENTAL LAW EXAM UNDER REVIEW**

In 2007, the Board began offering an online dental law exam through a testing agency. The exam was open book and available for anyone to take voluntarily. In addition, passage of the online exam was often required in disciplinary orders. The Board's expectation that licensees would voluntarily take the exam for CE credit was not realized. As a consequence, there were not enough candidates taking the exam to make it financially feasible for a testing agency to continue administration. The Board's Examination Committee met on March 8, 2013, and discussed: eliminating the exam; requiring it periodically for all licensees; and/or reinstating the exam for licensure applicants. The Committee decided to review other states' requirements for law exams before making a recommendation to the Board. Currently, Board staff is administering the exam in Richmond when it is required by a disciplinary order.

## **GUIDANCE DOCUMENTS**

The Board issues Guidance Documents to provide information on correctly applying or implementing statutes or regulations governing the practice of dentistry. Two recently adopted documents are:

- **Guidance Document 60-13, Policy on Recovery of Disciplinary Costs, effective 11/21/2012, revised 12/7/2012** specify the costs to be recovered from a licensee in each pre-hearing consent order offered and in each order entered following an administrative proceeding. Assessed costs shall be paid within 45 days of the effective date of the Order.
- **Guidance Document 60-22, Policy on Sanctioning for Failure to Comply with Insurance and Billing Practices, adopted 3/7/2013** This policy was developed as a Guidance Document through which the Board delegates to its executive director the authority to make decisions on cases with only billing issues.

Visit [www.dhp.virginia.us/dentistry](http://www.dhp.virginia.us/dentistry) and select the "Guidance Documents" tab to review the full list of available documents.

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Visit [www.dhp.virginia.gov/dentistry](http://www.dhp.virginia.gov/dentistry) to find meeting information, minutes and regulations.

E-mail [denbd@dhp.virginia.gov](mailto:denbd@dhp.virginia.gov) with questions or to get on the mailing list for Board activities.

Register with the Virginia Regulatory Town Hall at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) for e-mail notices on the status of the Board's regulatory activities.