

VIRGINIA BOARD OF DENTISTRY

BRIEFS

August 2020

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The Board of Dentistry granted an **AUTOMATIC EXTENSION OF CONTINUING EDUCATION REQUIREMENTS** for 2020 license renewals that were due by March 31, 2020. The extension expires on September 30, 2020. For more information, see the announcement on the [Board's webpage](#).

During an emergency meeting held on [May 8, 2020](#), the Virginia Board of Dentistry voted that **SCREENING DENTAL PATIENTS FOR COVID-19** is within the scope of the practice of dentistry. Read these [FAQs](#) on the requirements for screening and testing.

Effective July 1 2020, **ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES CONTAINING AN OPIOID** are required as provided in §54.1-3408.2 of the [Drug Control Act](#) unless the Board has granted a one-time waiver of this requirement. Dentists who have a waiver and have issues with pharmacies about filling non-electronic prescriptions, please refer to §54.1-3410(E) which specifically states a pharmacist "... who receives a non-electronic prescription containing an opioid is not required to verify that one of the exceptions set forth in §54.1-3408.02 applies and may dispense such controlled substance pursuant to such prescription and applicable law."

The regulation **CHANGING LICENSE RENEWAL TO BIRTH MONTHS** went into effect on August 19, 2020. The Board will implement the changes in the upcoming 2021 renewals. Renewal fees will be prorated based on the number of months it will take from March 31, 2021 to each licensee's birth month in 2022. For example, a licensee born in January will renew in March of 2021 and the license will come up for renewal in January of 2022 while a licensee born in October will also renew in March 2021 and the license will come up for renewal in October 2022. This regulation also includes tracking annual continuing education requirements by birth month.

The Board adopted motions at its [March 13, 2020](#) meeting to:

- Begin regulatory action to require **CERTIFICATION FOR DENTAL ASSISTANTS** in infection control;
- Request a legislative amendment to the **DEFINITION OF DENTISTRY** to include blood glucose or HbA1C screening which may be done prior to comprehensive, complex or long term treatment; and
- Develop regulatory proposals to require **HPV testing** prior to issuing THC or marijuana prescriptions and to consolidate the provisions for **pediatric sedation** into one section including setting an age range for requiring sedation and treatment of young children to be performed in a hospital setting.

2020 CLINICAL LICENSING EXAMINATION REQUIREMENTS WERE MODIFIED for dental and dental hygiene applicants in response to the COVID-19 pandemic. Computer simulated skills testing of dentist and dental hygienists will be accepted in examinations taken in 2020.

ONGOING REGULATORY ACTIONS

Advertising Dental Specialties - This action will modify section 18VAC60-21-80(G) of the Regulations Governing the Practice of Dentistry on false, deceptive and misleading advertising to remove the language addressing advertising a dental specialty and replace it with language which prohibits unsubstantiated claims of professional superiority and publishing an advertisement that is not in compliance with §54.1-2718 of the *Code of Virginia*.

Requirements For Administration Of Sedation And Anesthesia - This action amends Part VII of the Regulations Governing the Practice of Dentistry in response to advice given by a Regulatory Advisory Panel. The revised regulations amend numerous provisions to: allow exceptions to certain requirements for special needs patients; clarify delegation to certified registered nurse anesthetists; address monitoring requirements; address patient evaluation; expand equipment requirements; clarify the requirements for minimal sedation and require a three-person treatment team for moderate sedation.

Dental Assistant II (DAII) Education Requirements – This action modifies the DAII education provisions in response to public comment and recommendations made by a Regulatory Advisory Panel (RAP). The recommended revisions focus on evaluation of competency rather than relying on completion of a specified number of hours. A new section is added to establish requirements for the staffing and management of DAII educational programs.

Handling Fee/Returned Check Fee - In response to advice from the Office of the Comptroller the fee for dishonored checks and returned checks is being increased from \$35 to \$50.

Technical Corrections - As a result of overlapping regulatory actions the renewal fee for mobile clinic/portable dental operations was inadvertently left out of the current regulations and are being added.

Remote Supervision Practice Protocols - This action will replace the current Emergency Regulations without any changes to protocols of the Department of Behavioral Health and Developmental Services and the Department of Health which are adopted by reference as regulations.

DID YOU KNOW?

Did you know that a dentist is responsible for conducting his practice in a manner that safeguards the safety, health, and welfare of his patients and the public by consulting with or referring patients to other practitioners with specialized knowledge, skills, and experience when needed to safeguard and advance the health of the patient? 18VAC60-21-60.A (2) of the Regulations Governing the Practice of Dentistry.

Did you know that when prescribing for acute pain the patient record shall include a description of the pain, a presumptive diagnosis for the origin of the pain, an examination appropriate to the complaint, a treatment plan, and the medication prescribed, including date, type, dosage, strength, and quantity prescribed? 18VAC60-21-104 of the Regulations Governing the Practice of Dentistry.

Did you know that a patient evaluation is required regarding a decision to administer controlled drugs in sedation? The decision to administer controlled drugs for dental treatment must be based on a documented evaluation of the health history and current medical condition of the patient in accordance with the Class I through V risk category classifications of the American Society of Anesthesiologists (ASA) in effect at the time of treatment. The findings of the evaluation, the ASA risk assessment class assigned, and any special considerations must be recorded in the patient's record. 18VAC60-21-260.C (1) of the Regulations Governing the Practice of Dentistry.

COMPLAINTS, DISCIPLINE, AND OTHER BOARD ACTIONS

Overview of the Board's CASE Actions from July 1, 2019 through June 30, 2020

Month	Cases Received	Cases Closed -No Violation	Cases Closed W/Violation	Total Cases Closed
Jul	37	19	3	22
Aug	30	37	2	39
Sept	43	31	6	37
Oct	46	25	2	27
Nov	40	49	1	50
Dec	34	24	4	28
Jan	44	26	4	30
Feb	45	35	6	41
March	38	27	10	37
April	49	30	1	31
May	36	34	0	34
June	34	48	0	48
TOTALS	476	385	39	424

Suspensions

- 2 Mandatory Suspension for Felony Convictions
- 1 Indefinite Suspension for Inability to Safely Practice
- 1 Suspension for dismissal by the Health Practitioners Monitoring Program
- 1 Summary Suspension for Inability to Safely Practice

Patient Care Cases Closed with Violations Addressed

- Instances in which the diagnosis/treatment was improper, delayed, or unsatisfactory.
- Performing unwarranted services or the falsification/alteration of patient records.
- Dispensing in violation of DCA (to include dispensing for non-medicinal purposes, excessive prescribing, not in accordance with dosage, filling an invalid prescription, and dispensing without a relationship), prescription forgery, drug adulteration, patient deprivation, stealing drugs from patients, or personal use.
- Impairment due to use of alcohol, illegal substances, or prescription drugs or incapacitation due to mental, physical or medical conditions.
- Sexual assault, mistreatment of a patient, inappropriate termination of provider/patient relationship, leaving a patient unattended in a health-care environment, failure to do what a reasonable person would do in a similar situation.
- Practicing a profession or occupation without holding a valid license as required by statute or regulation to include: practicing on a revoked, suspended, lapsed, expired license, as well as aiding and abetting the practice of unlicensed activity.

Board Notices and Orders issued to licensees are posted online for public viewing. There are two portals for accessing these documents. To find out if there is public information on specific licensees, use this link to [License Lookup](#). Use this link to see all the [Case Decisions](#) issued in the last 90 days, a link on this page is also provided to search for older case documents in a specified date range. Please note that a licensee's public record may include the records of proceedings in which a finding of "no violation" was made. Always click on the "Yes" link to see if the licensee was exonerated or disciplined. "No" means no public documents are available.