



Virginia Board of Dentistry Bulletin

BOARD MEMBERS

Michael J. Link, DDS
PRESIDENT
2nd Term ends 6/30/05

Gary E. Taylor, DDS
VICE PRESIDENT
2nd Term ends 6/30/04

Richard D. Wilson, DDS
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1st Term ends 6/30/02

Nora M. French, D.M.D
2nd Term ends 6/30/04

Darryl Lefcoe, DDS
1st Term ends 6/30/04

Trudy Levitin, RDH
1st Term ends 6/30/04

Gopal S. Pal, DDS
1st Term ends 6/30/03

Deborah Southall, RDH
1st Term ends 6/30/04

Robert Winters, ESQ.
Citizen member
1st Term ends 6/30/04

James Watkins, DDS
1st Term ends 6/30/05

NEW RULES IN EFFECT FOR ORAL AND MAXILLOFACIAL SURGEONS

Registration, Certification and Practitioner Information Requirements

Emergency regulations addressing requirements for licensed dentists who practice as oral and maxillofacial surgeons went into effect on December 1, 2001. These regulations, adopted by the Virginia Board of Dentistry (Board), were required as a result of legislation enacted by the 2001 General Assembly. They set forth the policies and procedures the Board will follow to register oral and maxillofacial surgeons and collect information about their practice. The regulations also address the Board's rules for certifying oral and maxillofacial surgeons to perform cosmetic procedures.

The first step taken to implement the statute and regulations was to identify the licensed dentists who practice as oral and maxillofacial surgeons. The Board sent notice of these new requirements to all licensed dentists in late August 2001. In that notice licensees who practice oral and maxillofacial surgery were asked to send in contact information for future correspondence. The responses received were used to develop a mailing list. This mailing list was used to distribute the registration form and the emergency regulations.

Virginia licensees who practice outside of Virginia or practice in the military questioned the application of this requirement to them since their practice is not otherwise subject to

Board regulations. These licensees were advised that the intent of the law is to register practices in Virginia. Licensees in other states or in the military are not required to register but may do so voluntarily based on their credentials. Registration must be obtained prior to initiating practice as an oral and maxillofacial surgeon in Virginia.

Registrations were due to the Board no later than January 30, 2002 and are subject to annual renewal. **After January 30, 2002, an oral and maxillofacial surgeon who fails to register or to renew his registration and continues to practice oral and maxillofacial surgery may be subject to disciplinary action by the Board.** All licensees who registered with the Board need to also provide a profile of information about their practices. The information collected will be made available to the public. **The Board's request for the profile was mailed to all registered oral and maxillofacial surgeons on February 12, 2002 with a return deadline of April 15, 2002.** In order to assure full compliance with this requirement, the Board adopted a policy to address non-respondents at its January 18, 2002 meeting. The policy is that any licensee that has not responded by the April 15, 2002 deadline will receive one reminder letter that will be sent by certified mail. If the information is not received by May 15, 2002, the Board will

immediately initiate disciplinary action. The non-respondents will receive a Notice of Informal Conference and will simultaneously be offered a consent order which will impose censure and require the licensee to complete and return the questionnaire within 30 days or be subject to further disciplinary action.

Oral and maxillofacial surgeons may not perform cosmetic procedures after January 30, 2002 unless they have obtained certification from the Board. Eight cosmetic procedures are eligible for certification. They are rhinoplasty, blepharoplasty, rhytidectomy, submental liposuction, laser resurfacing or dermabrasion, browlift (either open or endoscopic technique), platysmal muscle plication, and otoplasty.

The emergency regulations can be accessed on the Internet at www.dhp.state.va.us, select the Boards tab and then select Dentistry. The process for replacing the emergency regulations with permanent regulations is underway. Comments or questions about these regulations are welcome and should be addressed to Cheri Emma-Leigh or Sandra Reen at the Board office.

BOARD STATISTICS

The Virginia Board of Dentistry reports the following statistics on licensees as of January 30, 2002.

| <u>PROFESSION (ACTIVE)</u> | <u>CURRENT NUMBER</u> |
|---|-----------------------|
| Dentists | 5492 |
| Dental Hygienists | 3544 |
| Dental Hygiene Teachers | 2 |
| Dental Teachers (Part time) | 6 |
| Dental Faculty | 13 |
| Dental Hygiene Restricted Volunteer Licensees | 0 |
| Dentist Restricted Volunteer Licensees | 0 |
| Oral/Maxillofacial Registration | 89 |

| <u>PROFESSION (INACTIVE)</u> | <u>CURRENT NUMBER</u> |
|------------------------------|-----------------------|
| Dentists | 413 |
| Dental Hygienists | 282 |



BOARD STAFF

- Sandra K. Reen
Executive Director
- Cheri Emma-Leigh
Operations Manager
- Senita Booker
Administrative Assistant
- Kathy Lackey
Licensing Specialist
- Sheila Lester-Mitchell
Records Manager

A Message from the President

The Board of Dentistry had a very productive and busy 2001. Last year started with the passage of Senate Bill 806 by the General Assembly, which modernized the definition of dentistry. This bill mandated that the Board set up emergency regulations dealing with cosmetic procedures for Oral Maxillofacial Surgeons. The emergency regulations that were promulgated became effective December 1, 2001.

In March, our executive director Marcia Miller moved to Massachusetts. Her replacement, Sandra Reen, is proving to be a very articulate and dynamic executive. Her leadership and wisdom have made for a smooth transition.

In August, Governor Gilmore replaced Dr. Monroe Harris by appointing Dr. James Watkins to the Board. Dr. Watkins comes to the Board with previous experience, having served as a member from 1989-1993. The Board would like to express its gratitude to Dr. Harris for his six

years of public service on the Board and for his leadership as President from September 2000 to August 2001.

In 2002, the Board will address a number of regulatory actions. Some of the items currently under review are licensing by credentials for specialists, general anesthesia, conscious sedation and analgesia requirements, and the registration of trade names.

The Board is required to adjust fees either up or down whenever there is a 10% or greater variance between revenues and expenditures. Accordingly, the Board has initiated the regulatory process to increase fees. The Board also needs to replace the emergency regulations for oral and maxillofacial surgeons with permanent regulations.

In addition, legislation has been introduced that will mandate that the Board promulgate additional regulations within 280 days on supervision of dental hygiene.

As you can observe from this brief review, your Board is very active. I would like to commend all of the Board members for their tireless efforts this year. I would especially like to thank the following Board members for their outstanding leadership service: Dr. Nora French for her service on the Southern Regional Testing Agency's Board of Directors; Dr. Gary Taylor for his newly elected position as the Chairman of the Examination Committee for the Southern Regional Testing Agency; and Dr. Richard Wilson who has chaired the Legislative and Regulatory committee for the Board.

All of our meetings are open to the public. Please feel free to express any concerns or opinions you may have to the Board by attending a meeting or in writing.

Michael J. Link, D.D.S.
President of the Virginia Board of Dentistry

ANNOUNCEMENT

Governor Warner has appointed **Robert A. Nebiker** as the Director of the Department of Health Professions. Mr. Nebiker has served as senior deputy director of the Department since 1986.

CONSENT ORDERS AND ORDERS FINALIZED

| Date Entered | Name | Location | Nature of Complaint | Sanctions |
|--------------|---------------------------|--------------|--------------------------------------|---------------------|
| 10/18/01 | Daniel Detwiler, Jr., DDS | Sterling | Standard of Care | Permanently Revoked |
| 10/26/01 | Daniel F. Babiec, DMD | Alexandria | Allowed Unlicensed Activity | Terms |
| 01/07/02 | Kenneth B. Boyd, DDS | Chesapeake | Standard of Care | Terms |
| 11/19/01 | Hugh Campbell, DDS | Arlington | Allowed Unlicensed Activity | Reprimand |
| 12/19/01 | Paul A. Goldstein, DDS | Burke | Allowed Unlicensed Activity | Reprimand |
| 11/19/01 | Stuart Martin, DDS | Chesterfield | Standard of Care | Terms |
| 12/05/01 | Michael Rotter, DDS | Fairfax | Standard of Care | Terms |
| 01/07/02 | Stephen Tupman, DDS | Fairfax | No CE's | Terms |
| 12/12/01 | Jae Yoon, DDS | Fairfax | Standard of Care | Terms |
| 10/29/01 | Orion W. Willis, DDS | Portsmouth | Failed to Comply with Terms of Order | Terms |

CORRECTION: Anh-Minh Phan's name was misspelled as Anh-Minh Pham in the Board of Dentistry's Fall 2001 Bulletin.

Speak Now on Proposed Regulatory Changes

The Board is considering a number of amendments to the regulations governing the practice of dentistry. The Board invites your recommendations regarding the proposals described below. Comments should be mailed to the attention of Sandra Reen or e-mailed to her at sandra.reen@dhp.state.va.us by April 12, 2002. When preparing comments please reference the sections of the regulations you are addressing as listed below.

Part I. GENERAL PROVISIONS

18 VAC 60-20-10. Definitions:

Add definitions for "combination inhalation-enteral conscious sedation", "deep sedation", "dental specialist", "enteral", "inhalation", and "surgery center".

18 VAC 60-20-16. Address of record: Allow dental hygienists to use a mailing address rather than a resident address. Allow post office boxes.

Part II. LICENSURE RENEWAL AND FEES

18 VAC 60-20-20.C.3. License renewal and reinstatement: Make reinstatement by the executive director permissive rather than mandatory and describe acceptable evidence for continuing competence.

Part III. ENTRY AND LICENSURE REQUIREMENTS

18 VAC 60-20-60.A. Education: Require applicants for a dental license to have completed either a pre-doctoral dental education program or a 24-month post-doctoral dental education program.

18 VAC 60-20-70.A.2. Licensure Examination: Exempt dental specialists eligible for licensure by credentials from taking the board approved examinations.

18 VAC 60-20-70.A.3. Licensure Examination: Require candidates who fail the dental examination three times to take one year of post-graduate study of general dentistry.

18 VAC 60-20-70.C. Licensure Examination: Allow the option of taking CE when exam scores are five or more years old and modify the provision for practice to require 48 of the past 60 months instead of continuous practice since taking the exam.

18 VAC 60-20-75 Licensure by credentials for dental specialists: Add provisions to allow a dentist who has completed a post-doctoral residency program and who has practiced 24 of the past 48 months in another state to obtain a Virginia license. Dentists licensed under these provisions would be required to limit their practice to the specialty or specialties documented in their applications. Require submission of a report from the Healthcare Integrity and Protection

Data Bank (HIPDB).

18 VAC 60-20-80. Licensure by endorsement for dental hygienists: Clarify that licensure by endorsement is limited to applicants currently licensed in another state by deleting the provision for service in the armed forces, a state or federal agency, volunteer practice in a public clinic, and intern or residency programs to substitute for required clinical practice. Such practice would still be considered as long as the applicant is licensed in another state. Require submission of a report from the Healthcare Integrity and Protection Data Bank (HIPDB).

18 VAC 60-20-90 Temporary permit, teacher's license and full-time faculty license: Remove provisions regarding temporary permits that conflict with the Code of Virginia. Add a provision that expressly states that a licensee with a full-time faculty license may accept fees for working in a faculty intramural clinic in a dental school. This addition is needed to clearly distinguish a faculty license from a teacher's license.

Part IV. GENERAL ANESTHESIA AND CONSCIOUS SEDATION

Proposed change to Part IV heading: ANESTHESIA, SEDATION AND ANALGESIA

18 VAC 60-20-106 Applicability: State that Part IV shall not apply to the administration of local anesthesia in dental offices or to administration in accredited hospitals and surgery centers.

18 VAC 60-20-110.A. Education and training requirements to administer general anesthesia or sedation: Require the same education to administer deep sedation as is currently required for general anesthesia. The requirement is one year advanced training in anesthesiology or a residency in a dental specialty.

18 VAC 60-20-110.B. Education and training requirements to administer general anesthesia or sedation: Add education requirements to administer conscious sedation or combination inhalation-enteral conscious sedation. The proposed requirement is training while enrolled in a pre-doctoral or post-doctoral or teaching hospital program. Allow dentists who only administer combination inhalation-enteral conscious sedation to obtain 12 hours of continuing education by March 1, 2004.

18 VAC 60-20-110.C. Education and training requirements to administer general anesthesia or sedation: Allow dentists qualified to administer general anesthesia to administer conscious sedation and combination inhalation-enteral conscious sedation.

18 VAC 60-20-110.D. Education and training requirements to administer general anesthesia or sedation: Require current certification in Basic Cardiac Life Support to administer conscious sedation or combination inhalation-enteral conscious sedation. Require current cer-

tification in Advanced Life Support, current Drug

Enforcement Administration registration, and training to the level consistent with Part I and Part II of the ADA guidelines.

18 VAC 60-20-110.E. Education and training requirements to administer general anesthesia or sedation: Require posting of education certificates or one of the nonrenewable certificates issued by the board in 1989.

18 VAC 60-20-120. Conscious sedation; intravenous and intramuscular. Proposed change to section heading: Inhalation analgesia: Develop training, equipment and monitoring requirements specific to inhalation analgesia.

18 VAC 60-20-130.A. Minimal equipment and monitoring requirements: Require pulse oximetry and blood pressure monitoring equipment for administration of general anesthesia and any form of sedation. Require EKG monitoring equipment for administration of general anesthesia or deep sedation.

18 VAC 60-20-130.B. Minimal equipment and monitoring requirements: Require the same staff team for deep sedation that is currently required for general anesthesia. The requirement is the operating dentist, a second person to monitor and observe the patient, and a third person to assist the operating dentist. Require continuous monitoring during the dental procedure when general anesthesia or deep sedation is administered. Require recording and reporting of blood pressure, pulse, respiration and other vital signs when general anesthesia or any form of sedation is administered. Require proper adjustment of nitrous oxide machines and observation of the patient's vital signs when inhalation analgesia is administered.

18 VAC 60-20-135. Ancillary personnel: Require dentists to maintain documentation that ancillary personnel who assist in the administration and monitoring of general anesthesia and any form of sedation hold current certification in Basic Cardiac Life Support and have completed a course on responding to clinical emergencies. Accept current certification as a certified anesthesia assistant (CAA) as meeting these requirements.

The current regulations can be accessed on the Internet at www.dhp.state.va.us, by selecting Dentistry under the Boards tab then selecting regulations. A draft of the proposed regulations will be circulated for public comment before the Board adopts final regulations. You may receive notice of the public comment opportunity by asking that you be included on the Board's Public Participation mailing list.

Virginia Board Of Dentistry
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Phone: 804-662-9906
 Fax: 804-662-7246
 Email: denbd@dhp.state.va.us

Mailing Address Line 1
 Mailing Address Line 2
 Mailing Address Line 3
 Mailing Address Line 4
 Mailing Address Line 5

SCHEDULE

| | | | |
|---------------------------|---------------------|----------------------------|-------------------------|
| FEB 21 Board Meeting | MAY 3 Board Meeting | JUN 28 Committee C | SEP 20 Board Meeting |
| FEB 22 SRTA Calibration | MAY 10 Committee B | JUL 19 Committee A | OCT 18 Committee A |
| MAR 8 Committee C | MAY 17 Committee C | AUG 2 Committee B | NOV 8 Committee B |
| MAR 22 Committee A | MAY 31 Committee A | AUG 16 Committee C | NOV 22 Committee C |
| MAY 2 Standing Committees | JUN 14 Committee B | SEP 19 Standing Committees | No Meetings in December |

GENERAL SUPERVISION OF DENTAL HYGIENE

By Trudy Levitin, RDH
 Member of the Virginia Board of Dentistry

Virginia is one of the five remaining states that do not have some form of "general supervision" of dental hygiene where dental hygienists may provide services without the presence of the dentist. In the year 2002, legislation in Virginia could be reducing that number to only four states. Yes, Virginia may be getting general supervision of dental hygiene.

The Joint Commission on Health Care (JCHC) requested that the Virginia Board of Dentistry support legislation that would implement general supervision. On December 19, 2001 the Board voted in favor of backing the legislation. In January the JCHC introduced legislation to the Virginia General Assembly as Senate Bill 503, which reads:

A licensed dental hygienist may, under the direction or general supervision of a licensed dentist and subject to the regulations of the Board, perform services, which are educational, diagnostic, therapeutic, or preventive. These services shall not include the establishment of a final diagnosis or treatment plan for a dental patient. For the purposes of this section, "general supervision" means that a

dentist has examined the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided.

Senate Bill 503 passed the Senate on February 5, 2002 and is presently (while this is being written) in the House of Delegates. If it is passed and signed by the governor, then the Board will have 280 days to promulgate emergency regulations. The Legislative/Regulatory Committee of the Board will have the task of developing these regulations on the "general supervision" of dental hygiene.

To assist the committee in drafting regulations, the Board would like to hear from dental hygienists and dentists from across the state. Please submit your views on this issue by April 15, or you may personally address the committee at our next meeting on May 2 & 3. (Contact the Board office for the specific time.) This is your profession! We value your opinion, and we want to hear from YOU.