

VIRGINIA BOARD OF DENTISTRY
BOARD BUSINESS MEETING AGENDA
MARCH 8, 2024

<u>TIME</u>		<u>PAGE</u>
9:00 a.m.	Call to Order – Margaret Lemaster F., RDH, President	--
	Public Comment – Ms. Lemaster	--
	Approval of Minutes	
	<ul style="list-style-type: none"> • December 8, 2023, Board Business Meeting 	1-5
	DHP Director’s Report – Arne W. Owens	--
	Board Counsel Report – Mr. Rutkowski	--
	Liaison & Committee Reports	--
	<ul style="list-style-type: none"> • CDCA-WREB-CITA Conference – Ms. Sacksteder • Southern Deans and Dental Examiners Annual Conference – Ms. Sacksteder / Dr. Bryant • Upcoming AADB Meeting – Ms. Sacksteder 	
	Healthcare Workforce Data Center – Dr. Yetty Shobo	--
	<ul style="list-style-type: none"> • Presentation on workforce data for dentist and dental hygienists 	
	Legislation and Regulation - Ms. Barrett	6-7
	<ul style="list-style-type: none"> • BOD Current Regulatory Actions • Legislative Report 	-- --
	Board Discussion Action	
	<ul style="list-style-type: none"> • Consideration of Public Comments 	
	Deputy Executive Director’s Report – Ms. Weaver	
	<ul style="list-style-type: none"> • Disciplinary Report 	8
	Executive Director’s Report – Ms. Sacksteder	
	<ul style="list-style-type: none"> • Current Number of Licenses 	9

**VIRGINIA BOARD OF DENTISTRY
BUSINESS MEETING MINUTES
December 8, 2023**

- TIME AND PLACE:** The meeting of the Virginia Board of Dentistry was called to order at 9:00 a.m., on December 8, 2023, at the Perimeter Center, 9960 Mayland Drive, in Board Room 4, Henrico, Virginia 23233.
- PRESIDING:** Nathaniel C. Bryant, D.D.S., President
- MEMBERS PRESENT:** Jamiah Dawson, D.D.S., Vice-President
J. Michael Martinez de Andino, J.D., Secretary-Treasurer
Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
William C. Bigelow, D.D.S.
Alf Hendricksen, D.D.S.
Margaret F. Lemaster, R.D.H.
Emelia H. McLennan, R.D.H.
Jennifer Szakaly, D.D.S.
- STAFF PRESENT:** Jamie C. Sacksteder, Executive Director
Erin Weaver, Deputy Executive Director
Sarah Moore, Executive Assistant
Arne Owens, Agency Director, Department of Health Professions
Erin Barrett, Director of Legislative and Regulatory Affairs
- COUNSEL PRESENT:** James E. Rutkowski, Assistant Attorney General
- ESTABLISHMENT OF A QUORUM:** With ten members of the Board present, a quorum was established. Dr. Bryant welcomed Dr. Jennifer Szakaly, the new Board Member.
- Ms. Sacksteder read the emergency evacuation procedures.
- PUBLIC COMMENT:** Dr. Bryant explained the parameters for public comment and opened the public comment period.
- Dr. Bryant advised that no one registered for public comments prior to the meeting and closed the public comment period.

APPROVAL OF MINUTES: Dr. Bryant asked for a motion to approve the minutes in a block. Dr. Dawson made the motion, it was seconded and passed unanimously.

Dr. Bryant asked if there were any edits or corrections to the June 16, 2023, Board Meeting Minutes; the June 30, 2023, Formal Hearing Minutes; the July 28, 2023, Formal Hearing Minutes; the September 15, 2023, Special Session – Telephone Conference Call Minutes, and the September 28, 2023, Formal Hearing Minutes. Hearing none, Dr. Hendricksen moved to approve the minutes as presented. The motion was seconded and passed unanimously.

**DHP DIRECTOR'S
REPORT**

Arne Owens, Agency Director, welcomed Dr. Szakaly to the Board and congratulated Mr. Martinez de Andino on his re-appointment to the Board. He updated the Board on the LED light project for the perimeter center and building. He noted that DHP is a non-general fund agency supported by their licensing fees. He advised that the legislative process with several agency bills and other bills that affect DHP will be considered during the upcoming General Assembly starting on January 10, 2024. The Healthcare Workforce and the Governor's Right Help, Right Now behavioral health initiative are the highest priorities. He also thanked the Board and Board staff for all their hard work.

**BOARD COUNSEL
REPORT:**

Mr. Rutkowski had no report for the Board as there are currently no pending appeals.

**LIAISON & COMMITTEE
REPORTS:**

Dr. Bryant read the Nominating Committee officer nominations:

Margaret F. Lemaster, RHD – President
Alf Hendricksen, D.D.S. – Vice-President
J. Michael Martinez de Andino, JD – Secretary-Treasurer

Dr. Butt made a motion to approve the nominations as read, it was seconded and passed unanimously.

Ms. Lemaster took over as chair of meeting as new Board President.

ADEX 2023 Meeting – Dr. Bryant reported on his attendance at the meeting in Aurora, CO, on July 22, 2023. Officers were re-elected for another 1-year term and a proposal for a mannequin-only exam rather than live patient exam by year 2024-2025 is being considered. He encouraged fellow Board members to sign up as examiners.

CODA Review – Dr. Bryant reported on his attendance in Fredericksburg, VA, on September 21, 2023. He stated that the schools were well prepared. He recommended fellow Board members who may participate to make a thorough review of the regulations prior to attending to ensure proper interpretation of state-specific regulations.

CLEAR Conference – Ms. Sacksteder reported on the meeting held in Salt Lake City, UT, on September 27-30, 2023. Content focused on Regulatory Administration and Governance, Compliance, Discipline and Enforcement, Entry to Practice Standards and Continuing Competence, Administration, Legislation and Policy. Good connections and collaborations were made with other states sharing best practices.

AADA & AADB Conferences: Ms. Sacksteder attended the consecutive conferences held in Los Angeles, CA, on October 17-21. She indicated these were great collaborative meetings with solutions for the highest standards for Dental Practitioners. The AADA meeting included an attorney roundtable regarding fair trade. Ms. Sacksteder advised she was elected Secretary for the AADA for the new term.

Board of Health Professions Meeting: Ms. Lemaster reported she attended the Board of Health Profession Meeting held on October 27th.

Upcoming Southern Dental Deans, Administrators, and Dental Examiners Annual Conference – Ms. Sacksteder remarked that she and Dr. Bryant would represent the Board at the upcoming Southern Dental Deans, Administrators, and Dental Examiners Annual Conference January 19 – 21, 2024, in Charleston, South Carolina. The SCDDE Conference was founded to discuss important issues and challenges shared by dental schools and members of the state boards of the Southern Region.

**LEGISLATION,
REGULATION, AND
GUIDANCE:**

Status Report on Regulatory Actions Chart - Ms. Barrett reviewed the updated Regulatory Actions chart of the seven ongoing regulatory actions as of November 9, 2023, which was included in the agenda packet. A synopsis of the progress of the bills was provided.

Regulatory Meeting for SB 1539 Dentistry: Botulinum toxin injections for cosmetic purposes: Ms. Barrett discussed the Emergency Provision Regulations established at the October 27, 2023, Regulatory Meeting. Dr. Hendricksen made a motion to approve the emergency regulations for dentists to provide Botulinum toxin injections for cosmetic purposes and establish the NOIRA. The motion was seconded and passed unanimously.

Proposed revised public participation guidelines 18VAC60-11-10 et seq. – Ms. Barrett discussed the public participation guidelines 18VAC60-11-10 et seq. and that the Board is required to conduct a periodic review every 4 years. Dr. Bigelow made a motion to initiate the periodic review and readopt the regulations as is. The motion was seconded and passed unanimously.

Proposed revised electronic participation revised policy – Virginia code §2.2.3709.3 – Ms. Barrett discussed the revised policy on meetings held with electronic participation. It was made clear that the policy depends on technology and staffing. Mr. Martinez de Andino made a motion to accept the policy. The motion was seconded and passed unanimously.

Guidance Document Updates 60-17 – Ms. Sacksteder, Ms. Barrett, and Mr. Rutkowski discussed Guidance Document 60-17 and advised that the recovery of disciplinary cost should not be included in a guidance document because the recovery is an internal process policy. Dr. Hendricksen made a motion to repeal Guidance Document 60-17. The motion was seconded and passed unanimously.

Ms. Sacksteder requested that the Board postpone the recovery of disciplinary costs for an additional one year due to the Board being in a healthy financial position. Ms. McLennan made a motion to postpone the collection of disciplinary costs for 1 year. The motion was seconded and passed unanimously.

Guidance Documents 60-25 and 60-26 – Ms. Barrett discussed the revisions of Guidance Documents 60-25 and 60-26. It was clarified that the revisions were made to reflect the Board’s current practices. Dr. Butt made a motion to accept the revisions of Guidance Documents 60-25 and 60-26 as shown in the agenda packet. It was seconded and passed unanimously.

**BOARD DISCUSSION
TOPICS:**

Consideration of Public Comment –Ms. Lemaster advised there were no public comments.

Licensure Compact Presentations – Mr. Matt Shafer, Deputy Policy Director for the National Center for Interstate Compacts, presented on the Council of State Governments Dental Licensure Compact. (Presentation may be available by request)

Dr. Arthur Jee, Vice-President for the American Association of Dental Boards (AADB) presented on the AADB Dental Licensure Compact. (Presentation may be available by request)

After questions and discussion by the Board, the presentations were concluded.

**DEPUTY EXECUTIVE
DIRECTOR’S REPORT:**

Ms. Weaver updated the Board on the Disciplinary Report for May 16, 2023 – November 13, 2023, of cases received and cases closed.

**EXECUTIVE DIRECTOR’S
REPORT:**

FY2023 Budget Report – Ms. Sacksteder reviewed the FY2023 Ending Budget.

HB 2251 Workgroup – Ms. Sacksteder advised that the Workgroup on Licensure by Endorsement was held on July 21, 2023. The Legislative Report was published, and it can be found on the LIS website.

ADJOURNMENT:

With all business concluded, the Board adjourned at 11:54 a.m.

Virginia Board of Dentistry
Board Business Meeting
December 8, 2023

Margaret Lemaster, RDH, President

Jamie C. Sacksteder, Executive Director

Date

Date

Board of Dentistry
Current Regulatory Actions
As of February 9, 2024

In the Governor's Office

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC60-21	Proposed	Elimination of restriction on advertising dental specialties	9/15/2019	1608 days (4.4 years)	Adopted on advice of Board counsel

In the Secretary's Office

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC60-21 18VAC60-25	NOIRA	Expansion and clarification of refresher course required for reinstatement	6/24/2022	595 days	In response to a petition for rulemaking, the Board will consider amendments to expand the types of refresher courses reinstatement applicants may take and clarify the number of course hours and type of training required for courses.
18VAC60-21 18VAC60-30	Final	Training in infection control	7/5/2022	584 days	Amendments require specific training in infection control for dental assistants. Promulgated in response to a petition for rulemaking.
18VAC60-21 18VAC60-25	NOIRA	Continuing education requirements for jurisprudence	7/12/2022	577 days	Board is considering amendments to Chapters 21 and 25 to require jurisprudence

					continuing education for dentists and dental hygienists.
18VAC60-21	Proposed	Digital Scan Technicians	Withdrawn : 5/19/2022 Re-Proposed: 8/18/2022	540 days	Regulations for the training of digital scan technicians to practice under a licensed dentist
18VAC60-30	Proposed	Elimination of direct pulp-capping as a delegable task	7/22/2022	533 days	Eliminates direct pulp-capping as a delegable task for a DAIL.
18VAC60-21	Emergency/NOIRA	Training requirements for botulinum toxin injections for cosmetic purposes	12/14/2023	37 days	As directed by statute, sets forth training requirements for dentists to administer botulinum toxin injections for cosmetic purposes and amends 18VAC60-21-350 as directed.

At DPB

None.

At OAG

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC60-21; 18VAC60-25; 18VAC60-30	Fast-Track	Implementation of amendments identified during 2022 periodic review of Chapters 21, 25, and 30	12/19/2023	417 days	The Board adopted amendments to delete outdated, redundant, or duplicative provisions and clarify others consistent with current practice.



Virginia Department of
Health Professions
Board of Dentistry

Disciplinary Board Report

Today's report reviews the November 14, 2023 through February 15, 2024 case activity

November 14, 2023 – February 15, 2024

The table below includes all cases that have received Board action since May 16, 2023 through November 13, 2023.

Year 2023	Cases Received	Cases Closed No Violation	Cases Closed W/Violation	Total Cases Closed
November	24	32	1	33
December	49	38	4	42
January	43	62	3	65
February	19	22	3	25
TOTALS	135	154	11	165

Closed Case with Violations consisted of the following:

Patient Care Related:

- **6 Standard of Care: Diagnosis/Treatment:** Instances in which the diagnosis/treatment was improper, delayed, or unsatisfactory. Also, include failure to diagnose/treat& other diagnosis/treatment issues.
- **3 Business Practice Issues:** Recordkeeping or continuing education.
- **1 Unlicensed Activity:** Practicing a profession or occupation without holding a valid license as required by statute or regulations.
- **1 Reinstatement:** An application or request for licensure.

CCA's

There were **1** CCA issued from November 14, 2023 through February 15, 2024. The CCA issued consisted of the following violations:

- **1 Business Practice Issues:** Recordkeeping

Suspensions/Revocations

There have been **no** Summary Suspensions issued from November 14, 2023 to February 15, 2024.



Virginia Department of
Health Professions
 Board of Dentistry

Current Number of Licenses, Registrations, and Permits

(as of February 15, 2024)

<u>Licenses</u>	<u>Current Total</u>
Dentist	7,749
Dental Hygienist	6,003
Dental Restricted Volunteer	9
Temporary Resident	67
Dental Faculty	17
<u>Registrations</u>	
Dental Assistant II	47
Oral Maxillofacial Surgeon	259
<u>Permits</u>	
Deep Sedation	65
Moderate Sedation	375
Cosmetic Procedure (OMS)	39

Number of New Licenses for Calendar Year 2023

<u>Licenses</u>	<u>Application Type</u>	<u># of Licenses Issued</u>
<u>Dentist</u>	Credentialing/Reciprocity/Endorsement	94
	Exam	369
	Reinstatement	20
	Total=	483
<u>Dental Hygienist</u>	Credentialing/Reciprocity/Endorsement	56
	Exam	221
	Reinstatement	10
	Total=	287