

Agency Response to Economic Impact Analysis

The Board of Dentistry does not concur with the result of the analysis by the Department of Planning and Budget for the proposed regulation, 18VAC60-21-10 et seq., Regulations Governing the Practice of Dentistry, relating to regulations for moderate sedation permits.

The EIA noted that the change will affect “future applicants” for such permits. In fact, staff reported to DPB that the revised ADA Guidelines have been enforced since they were changed in October of 2016. Regulations currently state that training must be consistent with ADA Guidelines, so applicants for moderate permits have already been required to complete the 60-hour training requirement for more than a year. Proposed amendments clarify the current requirement and are consistent with the current guidelines. Therefore, since the revised ADA standard is already in effect, it is incorrect to state that “this proposed regulation will affect all dentists who seek to obtain a moderate sedation permit in the future.”

Staff of the Board also reported to DPB that the number of hours of training required for an enteral permit has actually been 24 rather than 18 hours because that is the number that was specified by ADA Guidelines in 2007. Although the Board did not amend its regulations at that time, it has enforced the hourly requirement as stated in the Guidelines, and continuing education providers adopted the 24-hour standard. As stated above, the requirement for a moderate sedation permit is and always has been completion of training as specified in the Guidelines. The ADA Guidelines are the only national standard for sedation and anesthesia in the dental profession. Therefore, the EIA is incorrect in stating that an additional 42 hours of training is required; in fact, the revised ADA Guidelines require an additional 36 hours.