



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Dentistry, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC60-20-10 et seq.
Regulation title	Regulations Governing Dental Practice
Action title	Elimination of reference to board-approved courses and an examination for radiation certification
Final agency action date	3/11/2011
Document preparation date	3/11/2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

In January 2011, the State Council of Higher Education (SCHEV) sought clarification from the Board of Dentistry about courses offered in dental radiation that claim to be in compliance with regulatory requirements of the dental board. The Executive Director of the Board of Dentistry, after consultation with board counsel, informed SCHEV that, in fact, the Board has no statutory authority to approve radiation safety courses and that regulations incorrectly state that there are guidelines or criteria for such approval.

Given the dilemma created by the existence of a regulation for which statutory authority does not exist and the problems for students who want to be certified and for schools seeking to offer radiation safety courses, the Board has acted to eliminate option (iii) in Section 195 that references compliance with guidelines of the Board. Three options for radiation safety

certification remain: 1) completion of a course and examination recognized by the Commission on Dental Accreditation of the American Dental Association, (ii) certification by the American Registry of Radiologic Technologists, or (iii) satisfactorily completed a radiation course and passed an examination given by the Dental Assisting National Board.

Therefore, the counsel to the Board has advised that the change conforms regulations to the Code and are exempt in accordance with § 2.2-4006 A 4.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On March 11, 2011, the Board of Dentistry amended 18VAC60-20-10 et seq., Regulations Governing Dental Practice.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the family.