

**VIRGINIA BOARD OF DENTISTRY
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE
February 25, 2009**

TIME AND PLACE: The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 1:05 P.M. on February 25, 2009 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

PRESIDING: James D. Watkins, D.D.S., Chair

BOARD MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Jacqueline G. Pace, R.D.H.
Myra Howard
Meera A. Gokli, D.D.S.
Robert B. Hall, Jr., D.D.S.
Darryl J. Pirok, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

ESTABLISHMENT OF A QUORUM: All members of the Committee were present.

PUBLIC COMMENT: **Ron Hunt, DDS**, the dean of the VCU School of Dentistry, stated that he has an alternate education proposal for training dental assistants II to present to the Committee. Dr. Watkins advised that it would be received during the discussion of that agenda item.

Roger Wood, DDS of the Virginia Dental Association stated that the Board of Directors of the VDA voted last week to support the current provision of allowing a dentist to supervise no more than 2 dental hygienists at the same time.

Charles Cuttino, DDS asked that the Committee make sure that the wording in its proposed administration guidance document NOT eliminate the ability of a person (DA I or DA II or DH) designated by the dentist to be able to give a patient an oral medication in the office at the time of the patient's dental appointment (e.g., a prophylactic antibiotic).

Bonita Miller, DDS advised that the Richmond Dental Society polled its members about the number of dental hygienists and

dental assistants II a dentist might supervisor. She reported that the RDS recommends that the limit be set to allow up to a total of four auxiliary staff in any combination of dental hygienists and DAsII to allow dentists the flexibility to decide based on his practice.

MINUTES:

Dr. Watkins asked if the Committee had reviewed the minutes of the October 29, 2008 meeting. Ms. Pace moved to accept the December 3, 2008 minutes. The motion was seconded and passed.

DENTAL ASSISTANT REGULATIONS:

Education Requirements for DAII Registration – Ms. Reen advised that as requested by the Committee she had worked with the program directors of the two accredited dental assisting programs in Virginia to develop a training proposal for DAsII and for dental hygienists to perform the delegable restorative duties. She asked Ms. Daniel of J. Sargeant Reynolds Community College and Ms. Porter of Centura College to assist in discussion of the proposal and their respective program models. The proposed program structure of a prerequisite 8 day course in tooth morphology to include wax carvings, 10 weeks of training in restorative practice and 15 weeks of clinical experience was discussed. Then Dr. Hunt presented his proposal for a total of 160 hours of training with 40 hours of didactic instruction, 120 hours of laboratory and 19 days of on-site instruction. The Committee and members of the audience discussed requirements for admission, content, the length of the program, the amount of time to be devoted to each requirement, the amount of instruction dental students receive for the planned duties, enrollment, addressing permissible instruments, program accreditation, facilities and instructors. During this discussion, Dr. Hunt noted that he had not included taking impressions in his proposal and that adding impressions would expand the number of hours needed to 200. Following discussion, the Committee adopted motions by Dr. Levin to require completion of at least 200 hours in the content requirements and to require 300 hours of clinical experience. The committee agreed to propose:

- Acceptance of training completed through a dental, dental hygiene or dental assisting program accredited by the Commission on Dental Accreditation of the American Dental Association
- An admission requirement of DANB certification or current practice as a licensed dental hygienist
- Setting the minimum expectations for training as:
 - 50 hours of didactic training with no more than 10 hours or 20% of this training being completed online
 - 150 hours of laboratory training with no more than 30 hours or 20% of office homework and
 - 1 day of review and final examination

- Requiring passage of a comprehensive examination given by the program

Training from Other Jurisdictions – The Committee decided to propose acceptance of credentials/training from other jurisdictions when training was substantially equivalent or two years of current experience using the language recently adopted for administration by dental hygienists as the model for development.

Inactive Registration – The Committee decided to include provisions for DAsII to register in inactive status.

Permissible Duties Chart – Ms. Reen said the chart in the agenda package is a homework assignment she would like the Committee to agree to complete individually to help in the development of the guidance document the Committee wants to issue with the DAII regulations. Following discussion, Ms. Reen agreed to change the headings and e-mail the chart to each member, then to compile the results and bring items with inconsistent responses back to the Committee for discussion.

Direction and Supervision – Ms. Reen reported that staff was having difficulty incorporating the new definitions of direction and the three levels of supervision into draft regulations. Mr. Casway advised that more work on the intended meaning and intended use of the terms is needed. After discussing the need for the word “direction” and language to distinguish between the three levels, the Committee agreed to have Ms. Reen send out the adopted language for review and comment by the members. The responses will be used to develop proposed regulatory language for the next meeting.

Number of Dental Hygienists and Dental Assistants II - Dr. Watkins asked the Committee if, in light of the comments received earlier, it wanted to change its proposal to allow up to 4 dental hygienists and 4 DAsII to be supervised by a dentist at the same time. Dr. Levin moved to allow one dentist to supervise up to 4 dental hygienists and DAsII at one time in any combination. The motion was seconded and passed.

PERIODIC REVIEW OF REGULATIONS:

Review of Licensing Provisions – Ms. Reen asked each Committee member to read the draft with proposed changes in the licensing provisions one more time for clarity and to let her know where further editing or development may be helpful.

Sedation and Anesthesia – Ms. Reen reported that she has begun work on this section of the regulations and is working with the 2007 ADA Guidelines and the 2006 Academy of Pediatric

Dentistry Guidelines. She noted that it may be advisable for committee members to review these documents along with the chart being developed. Ms. Yeatts asked if the Committee wanted an ad hoc committee or an advisor to assist with review of this section of the regulations. Dr. Watkins responded that an advisor would be helpful and asked Dr. Pirok if he would assist the Committee. Dr. Pirok agreed.

**Guidance Document
On Administering
and Monitoring:**

Ms. Reen noted the comments received from the Virginia Association of Nurse Anesthetists regarding possible conflicts in the policy and the scope of practice of nurses. She advised the Committee to defer discussion and action on adoption of the document to the next meeting to allow the Board of Nursing to review it. She asked the Committee to adopt a motion to recommend that the Board approve exempt action to amend 18VAC60-20-190 of the regulations to reflect that dental hygienists may parenterally administer local anesthesia to conform to Virginia Code provision §54.1-3408(J). Ms. Pace made the motion which was seconded and passed. Dr. Hall asked about amending the document at the provision for "placing a face mask or other delivery device on the patient" because it was too open. Following discussion, Ms. Reen was instructed to delete "or other delivery device" on the draft for the next meeting.

NEXT MEETING:

Dr. Watkins asked about dates in April for scheduling the next meeting. It was agreed to meet at 1:00 pm on Wednesday, April 22, 2009.

ADJOURNMENT:

Dr. Watkins adjourned the meeting at 4:45 p.m.

James D. Watkins, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date