



Final Regulation Agency Background Document

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| Agency name | Board of Dentistry, Department of Health Professions |
| Virginia Administrative Code (VAC) citation | 18VAC60-20-10 et seq. |
| Regulation title | Regulations Governing the Practice of Dentistry and Dental Hygiene |
| Action title | Registration and practice of expanded practice dental assistants |
| Date this document prepared | March 23, 2010 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Board has amended its regulations to specify requirements for the registration and the scope of practice of a dental assistant II in accordance with Chapters 84 and 264 of the 2008 Acts of the Assembly. Regulations establish definitions for supervision, fees for registration and renewal, qualifications (including education, clinical training, examination and national certification), continuing competency requirements and duties that may be delegated to a dental assistant II.

There were no substantive changes to the regulations as proposed. Several definitions relating to direction and supervision were amended for clarification and inclusion of a dental assistant I.

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 12, 2010, the Board adopted final amendments to 18VAC60-20-10 et seq., Regulations Governing the Practice of Dentistry and Dental Hygiene.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Dentistry the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

The specific statutory authority for promulgation of regulations pertaining to dental assistants II is found in:

§ [54.1-2729.01](#). Practice of dental assistants.

A. A person who is employed to assist a licensed dentist or dental hygienist by performing duties not otherwise restricted to the practice of a dentist, dental hygienist, or dental assistant II, as prescribed in regulations promulgated by the Board may practice as a dental assistant I.

B. A person who (i) has met the educational and training requirements prescribed by the Board; (ii) holds a certification from a credentialing organization recognized by the American Dental Association; and (iii) has met any other qualifications for registration as prescribed in regulations promulgated by the Board may practice as a dental assistant II. A dental assistant II may perform duties not otherwise restricted to the practice of a dentist or dental hygienist under the direction of a licensed dentist that are reversible, intraoral procedures specified in regulations promulgated by the Board.

The Dental Practice Act (Chapter 27 of Title 54.1) permits the practice of dental assistants:

§ [54.1-2712](#). Permissible practices.

The following activities shall be permissible:

1. *Dental assistants or dental hygienists aiding or assisting licensed dentists in accordance with regulations promulgated pursuant to § 54.1-2729.01: ...*

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

In its proposed regulatory action, the Board has specified the qualifications for registration to practice as a dental assistant II as required by Chapters 84 and 264 of the 2008 Acts of the Assembly. Dental assistants will have expanded duties beyond chairside assisting and taking radiographs, which are the typical duties currently delegated to a dental assistant, to include some patient care duties currently performed by a dentist. In conformity with the legislation, a person will be required to hold certification from a national credentialing body, complete an educational program, receive training as prescribed by the Board and be registered with the Board in order to qualify as a dental assistant II or expanded duty dental assistant.

Dentists have expressed interest in expanded duties for assistants as a means of providing care to a greater number of patients. In some areas of the state, there is a reported shortage of hygienists available for employment in dental offices, so certain aspects of patient care could be delegated to “expanded duty dental assistants,” which would enable the dentist to focus on care that necessitates a higher level of knowledge and skill.

To ensure the services can be safely provided by a dental assistant II, the Board has set in the regulation the evidence of minimal competency that a dental assistant must demonstrate in order to be registered and authorized to perform expanded duties. Qualifications include specified hours of didactic education, clinical training and experience and examination in modules for the performance of specific duties delegated under direct supervision. While the applicant will have to demonstrate clinical knowledge and skills to be registered as a DAII, the dentist will have to be present in the facility, will have to examine the patient both before and after treatment by a DAII and will remain responsible for the care of the patient. Such requirements are necessary to ensure the health and safety of dental patients, while increasing the number of qualified dental personnel and access to care.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

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| 10 | Definitions are added for a “dental assistant II,” “direct supervision,” and “indirect supervision.” The definitions of “direction” and “general supervision” are amended. |
| 20 | The annual renewal fee for a DAII is \$50; the inactive registration is set at \$25. Late fees are |

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| | \$20 for an active registration and \$10 for inactive registration. The reinstatement fee for a lapsed registration is \$125; the fee for reinstatement of a revoked registration is \$300 and for a suspended registration is \$250. |
| 30 | The application fee for a DAI is \$100. Other miscellaneous fees, which are set at the actual cost to the Board, are identical for the DAI as for other regulated professions. |
| 50 | In section 50 on requirements for continuing education, DAI's are added to the practitioners required to maintain training in basic cardiopulmonary resuscitation. In subsection F, a requirement is added for a DAI to attest to current DANB certification (or other national accrediting body if approved by the ADA) in order to renew registration. |
| 61 | Educational requirements for dental assistants II. Subsection A specifies that a prerequisite for entry into an educational program is current certification as a CDA. Subsection B establishes the hours and subject areas of training and experience, #1 sets 50 hours of didactic coursework in dental anatomy and operative dentistry. #2 sets the hours of laboratory training required for each of the expanded duties. #3 sets the hours of clinical experience applying the techniques learned in the preclinical coursework and laboratory that may be completed at a dental office #4 establishes the competency examinations required for completion of an education program. Subsection C requires all treatment of patients by a student to be under the direct and immediate supervision of a dentist, who is responsible for performance of duties. The dentist is required to attest to successful completion and clinical competencies by the student. |
| 70 | The certification requirement for a DAI is added to this section in subsection C. As required by law, a DAI must have a national credential recognized by the ADA, which is currently a Certified Dental Assistant (CDA) conferred by DANB based on passage of an examination on chairside assisting, radiation health and safety and infection control. |
| 72 | Requirements for registration by endorsement, including current national certification, current authorization to perform expanded duties in another state, qualifications substantially equivalent to the education and training is specific duties required in Virginia or documented experience in the restorative and prosthetic expanded duties for at least 24 of the past 48 months preceding application. |
| 105 | The requirements for obtaining an inactive registration and for reactivating back to active status are added in subsection C, which provides that current national certification is required for reactivation. |
| 190 | The duties that may be delegated to a registered DAI are set out in subsection C of section 230. Since those duties are currently listed in section 190 as "non-delegable" and may only be performed by a licensed dentist, this section is amended to allow for delegation to a DAI. |
| 200 | The current ratio is no more than two hygienists per dentists at any one time. With the registration of DAI's, the ratio has been expanded to allow a total of four dental hygienists or DAI's in any combination. |
| 210 & 220 | Since the definition of "direction" has been amended to include the level of supervision that a dentist is required to exercise in delegating to a dental hygienist, the provisions of section 210, specifying the duties of a dental hygienist, are amended to differentiate between those that may be under indirect supervision and those that may be under general supervision. Subsection C in 210 is deleted because the amended definition of direction refers to a level of supervision required for the services provided, which is set out in section 220. |
| 230 | Subsection C is added to specify the duties that are delegable to a DAI who has qualified by education, training and examination must be under direction and direct supervision (as defined in section 10). Those duties are: |

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| | <ol style="list-style-type: none"> 1. Performing pulp capping procedures; 2. Packing and carving of amalgam restorations; 3. Placing and shaping composite resin restorations; 4. Taking final impressions; 5. Use of a non-epinephrine retraction cord; and 6. Final cementation of crowns and bridges after adjustment and fitting by the dentist. |
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Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

- 1) The primary advantage of this proposal to the public is more accessibility for dental care by persons who are qualified by education, training and examination to perform certain restorative and prosthetic dental functions. The ability of dental practices to provide services to populations of patients is enhanced with expanded duty dental assistants and with an increase in the ratio of dentists to dental hygienists and/or dental assistants II from two per dentist to four per dentist. To the extent dental assistants acquire the additional qualifications and credentials for expanded functions as a DAII, the regulation has the potential to improve accessibility and reduce costs. If the dental assistants II are appropriately trained and clinically competent, and if the dentist provides direct supervision as specified in regulation, there should be no disadvantages.
- 2) There are no disadvantages of these provisions to the agency or the Commonwealth; registration is required by law. More specificity about direction and the levels of supervision should allow Board staff to direct persons with questions about those issues to the regulations.
- 3) There are no other pertinent matters.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

| Section number | Requirement at proposed stage | What has changed | Rationale for change |
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| 10 | Sets out definitions for application and implementation of regulations | <p><i>Changes since the proposed:</i></p> <ul style="list-style-type: none"> • <i>The current definition of a dental assistant is amended to clarify that it refers to a DAI, rather than a DAII, who is regulated by the board. The word “supervision” was changed to “direction” since</i> | Clarification and consistency with practice necessitated several amendments. The current definition of and reference to a dental assistant were amended to clarify that they refer to a dental assistant I, rather |

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| | | <p><i>that is the term defined as the level of supervision to be exercised.</i></p> <ul style="list-style-type: none"> • <i>The definition of a dental assistant II is amended to include practice under “direct supervision” as the level of direction as required by law.</i> • <i>The definition of “direct supervision” was amended to eliminate the phrase “in the operator or an area immediately adjacent to the operator in order to be.” It was deemed sufficient to require the dentist to prepare the tooth and then be “immediately available to the DAI for guidance and assistance.</i> • <i>The definition of “direction” was amendment to add the dental assistant I.</i> <p><i>The definition of “general supervision” was amended to clarify that the order for general supervision may authorize the dental hygienist to supervise a dental assistant who is performing duties delegable to dental assistants I.</i></p> | <p>than the new category of expanded duty dental assistant or DAII.</p> |
| 190 | <p>Sets out the duties that may not be delegated by a dentist to a dental assistant or hygienist.</p> | <p><i>Number 7 was amended to change the exception to specify dental assistants II with advanced training can pack and carve amalgam and can place and shape composite resins.</i></p> | <p>Dental assistants I can currently <u>place</u> amalgam and the Board does not want to restrict this step in the process to a DAII.</p> |

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Proposed regulations were published in the Virginia Register of Regulations on December 21, 2009. Public comment was requested for a 60-day period ending February 19, 2010.

Written comment was received from Ellen Austin-Prillaman, RDH on behalf of the Virginia Dental Hygienists' Association. The comment is summarized as follows:

- The new category of personnel should not cause greater restriction upon dental hygiene practitioners in specifying the number of assistants who may be supervised at one time. Combining dental assistants and dental hygienists may appear to mean that dental assistants may practice under general supervision.

Board response: No change to 18VAC60-20-200 as proposed. The Board's proposed language will allow dentists discretion to employ up to 4 dental hygienists and dental assistants II in any combination, so a dentist will no longer be limited to having only 2 dental hygienists.

The Board amended the definition of "general supervision" to revise the last sentence rather than delete it. The language adopted reads "The order may authorize the dental hygienist to supervise a dental assistant performing duties delegable to dental assistants I." The Board did not amend the definition for "indirect supervision" deciding that consistency between the definition and the body of the regulations was beneficial.

- There are no provisions for the registered dental hygienist to achieve and/or fulfill the educational and training requirements for those interested in pursuing the practice of what has been described as a DA II. In looking at how Dentistry can improve access and needed care by many populations, any proposed regulation should keep the doors open for the already licensed dental workforce.

Board response: The Board decided that dental hygienists must meet all the requirements and register as a dental assistant II in order to qualify to perform the reversible intraoral duties in 18VAC60-20-230.C. Since the dental assistant II is a separate profession, a dental hygienist wishing to expand his or her practice should obtain the education and training to register as a DAII.

- In regard to DAII registration, the Certified Dental Assistant credential should be the minimum for any credentialing agency being recognized by the Board. Granting registration from "another certification credentialing organization" does not ensure that the minimum standard of Certified Dental Assistant (CDA) status will be required.

Board response: The enabling statute for dental assistants II, §54.1-2729.01.B, requires a candidate for DAII registration to hold "a certification from a credentialing organization recognized by the American Dental Association." The language used in the regulations is consistent with the statutory language so no changes were made to the Board's proposed language.

- The profession of dental assisting should be written in a separate section of the regulations, just as dentistry and dental hygiene have been written separately. The education, regulation, supervision and scope of practice for the DA II, Dental Hygienist and Dentist are not comparable and should not be combined.

Board response: Separating regulatory provisions by profession is being addressed in regulatory review. No change was made to the Board's proposed language in the DAII regulations.

A public hearing on proposed regulations was conducted on January 22, 2010. There were two comments received:

Kelly Williams spoke on behalf of the Virginia Dental Hygienists' Association. She thanked the board members for their work in developing the regulations and stated concern that provisions were not made for dental hygienists to qualify to perform the duties that DAII's will be permitted to do. She asked that the certified dental assistant credential be addressed as the minimum standard and that provisions be added to allow dental hygienists with appropriate training to qualify to perform the same procedures.

Board response: See above.

Ms. Nancy Daniel with J. Sargeant Reynolds Community College asked if she understood the spreadsheet on delegation of duties correctly to permit delegation of etching and bonding to dental assistants I.

Board response: The spreadsheet on delegation of duties is not a part of this regulatory action and was not addressed.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

In addition to those listed below, sections of the regulation that are applicable to dental assistants II as well as dentists and dental hygienists have been amended accordingly.

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
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| 10 | n/a | Sets out definitions for words and terms used in the regulation | A definition of a dental assistant II is provided, consistent with the law, to distinguish that level of practitioner from a traditional dental assistant. The law requires that a dental assistant II work under the "direction" of a dentist; the law also requires a dental hygienist to work under "direction" (or general supervision under certain conditions), but the level of supervision necessary to ensure patient safety may be different. Therefore, the Board has adopted a |

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| | | | <p>definition of direction that refers to a level of supervision. The three levels of supervision are also defined and then used accordingly in the regulation of dental hygienists and dental assistants.</p> <p><i>Changes since the proposed:</i></p> <ul style="list-style-type: none"> • <i>The current definition of a dental assistant is amended to clarify that it refers to a DAI, rather than a DAI, who is regulated by the board. The word “supervision” was changed to “direction” since that is the term defined as the level of supervision to be exercised.</i> • <i>The definition of a dental assistant II is amended to include practice under “direct supervision” as the level of direction as required by law.</i> • <i>The definition of “direct supervision” was amended to eliminate the phrase “in the operatory or an area immediately adjacent to the operatory in order to be.” It was deemed sufficient to require the dentist to prepare the tooth and then be “immediately available to the DAI for guidance and assistance.</i> • <i>The definition of “direction” was amendment to add the dental assistant I.</i> • <i>The definition of “general supervision” was amended to clarify that the order for general supervision may authorize the dental hygienist to supervise a dental assistant who is performing duties delegable to dental assistants I.</i> |
| 15 | n/a | Sets requirements for patient records | <p>Adds the name of the dental assistant II to the requirement that the practitioner who provided the service be identified in the record. <i>Since the DAI is a regulant of the Board, he or she is accountable for their practice and should be so identified with the services provided to patients.</i></p> |
| 16 | n/a | Requires regulants to maintain current addresses. | <p>DAII’s are added to the requirement to maintain a current address of record with the Board. A new subsection B is added to require a copy of the DAI registration to be posted where it can be clearly visible and accessible for reading. <i>Since DAI’s will be qualified to perform only those duties for which they have been appropriately educated and trained, it is necessary for the patient to know which services may be provided by the DAI. That will be so indicated on the registration itself.</i></p> |

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| 20 | n/a | Sets fees for renewal and reinstatement | The annual renewal fee for a DAII is \$50; the inactive registration is set at \$25. Late fees are \$20 for an active registration and \$10 for inactive registration. The reinstatement fee for a lapsed registration is \$125; the fee for reinstatement of a revoked registration is \$300 and for a suspended registration is \$250. <i>Fees are set proportionally to those for dentists (\$285 for renewal) and dental hygienists (\$75 for renewal) since a DAII is a registered profession and is under direct supervision of a dentist.</i> |
| 30 | n/a | Sets application and other fees | The application fee for a DAII is \$100. Other miscellaneous fees, which are set at the actual cost to the Board, are identical for the DAII as for other regulated professions. <i>The application fee is proportional to other professions and is based on the renewal fee, plus the cost of reviewing and approving the application, issuance of a registration, etc.</i> |
| 50 | n/a | Sets out requirements for continuing education | In subsection A, DAII's are added to the practitioners required to maintain training in basic cardiopulmonary resuscitation. In subsection F, a requirement is added for a DAII to attest to current DANB certification (or other national accrediting body if approved by the ADA) in order to renew registration. <i>The law (§54.1-2729.01) requires a person who practices as a dental assistant II to "hold a certification from a credentialing organization recognized by the American Dental Association." Currently, the only such organization for dental assistants is DANB. Since DANB requires 12 hours of continuing education annually to maintain certification, the Board set current DANB certification as the only evidence of continuing competency to be required for renewal or reinstatement of registration. The Board felt that any additional requirement for continuing education would be excessive.</i> |
| 60 | n/a | Sets out educational requirements for dentists and dental hygienists | Title is amended, since there is a new section on education for DAII's. |
| n/a | 61 | n/a | A new section 61 sets out the educational requirements for dental assistants II. Subsection A specifies that a prerequisite for entry into an educational program is current certification as a CDA. <i>Certification is required for registration, so before a person incurs the time and costs for a</i> |

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| | | | <p><i>DAII educational program, it would be important to be assured that they could pass the DANB certifying examination required for the CDA credential. Additionally, DANB requires at least two years of practice as a dental assistant or graduation from an accredited dental assisting program, so there is some assurance that the student has the basic background knowledge and skills necessary to learn the expanded duties in a DAII program.</i></p> <p>Subsection B establishes the hours and subject areas of training and experience, beginning with 50 hours of didactic coursework in dental anatomy and operative dentistry.</p> <p><i>All the educators agreed that foundational knowledge of a dental assistant was inadequate to perform the expanded duties that could be delegated to a DAII. The minimal number of hours in tooth morphology, dental anatomy and operative dentistry was set at 50, though the optimal number would be much higher. To make the didactic portion of the educational program more accessible and less burdensome to obtain, the Board agreed that all of the 50 hours could be completed on-line.</i></p> <p>Laboratory training required for each of the expanded duties is set forth in #2 of subsection B. <i>Again, the Board set the minimal hours considered necessary for safe practice and allowed 20% of those hours to be completed in the office of a supervising dentist. For consistency in training and observation of the clinical skills of the student, the Board has required that the remaining laboratory training must be completed at the site of the educational program.</i></p> <p>Clinical experience applying the techniques learned in the preclinical coursework and laboratory may be completed at a dental office, as set out in #3 of subsection B. <i>The supervising dentist in each office would be required to sign off on the clinical skill of the assistant to safely and competently perform the restorative or prosthetic tasks in one or more of the modules.</i></p> <p>In #4 of subsection B, the rules establish the competency examinations required for completion of an education program. Those requirements include: 1) a written examination on the material covered in the didactic</p> |
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| | | | <p>coursework; 2) a practical examination at the conclusion of each module of laboratory training; and 3) a comprehensive written examination at the conclusion of the educational program. <i>While the written examination will test the knowledge base gained through didactic courses and practical experience, the practical examination will be a test of skill and ability to perform tasks on a patient. Both types of examinations are necessary for safe practice.</i></p> <p>Subsection C requires all treatment of patients by a student to be under the direct and immediate supervision of a dentist, who is responsible for performance of duties. The dentist is required to attest to successful completion and clinical competencies by the student.</p> |
| 70 | n/a | Sets out the examination requirements for licensure | <p>The certification requirement for a DAII is added to this section in subsection C. As required by law, a DAII must have a national credential recognized by the ADA, which is currently a Certified Dental Assistant (CDA) conferred by DANB based on passage of an examination on chairside assisting, radiation health and safety and infection control. <i>The CDA is the basic credential necessary for practice as a DAII; specific education and training in expanded duties are required to be qualified to perform the duties of a DAII.</i></p> |
| n/a | 72 | n/a | <p>Section 62 sets out the requirements for registration by endorsement, including current national certification, current authorization to perform expanded duties in another state, qualifications substantially equivalent to the education and training is specific duties required in Virginia <u>or</u> documented experience in the restorative and prosthetic expanded duties for at least 24 of the past 48 months preceding application. <i>Since there is wide disparity in the expanded functions dental assistants are allowed to perform in other states, some equivalency in training and/or practice is necessary to ensure competency to perform duties allowed by regulation in Virginia.</i></p> |
| 105 | n/a | Sets out the requirement for an inactive license | <p>The requirements for obtaining an inactive registration and for reactivating back to active status are added in subsection C, which provides that current national certification is required for reactivation.</p> |

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| 190 | n/a | Sets out the duties that may not be delegated by the dentist | <p>The duties that may be delegated to a registered DAII are set out in subsection C of section 230. Since those duties are currently listed in section 190 as “non-delegable” and may only be performed by a licensed dentist, this section is amended to allow for delegation to a DAII.</p> <p><i>Change since the proposed:</i> <i>Number 7 was amended to change the exception to specify dental assistants II with advanced training can pack and carve amalgam and can place and shape composite resins.</i> <i>Dental assistants I can currently <u>place</u> amalgam and the Board does not want to restrict this step in the process to a DAII.</i></p> |
| 200 | n/a | Sets out the number of dental hygienists that a dentist may utilize at one and the same time. | <p>The current ratio is no more than two hygienists per dentists at any one time. With the registration of DAII’s, the ratio has been expanded to allow a total of four dental hygienists <u>or</u> DAII’s in any combination. <i>The change in the ratio will provide for more flexibility and expand the use of auxiliary personnel in the dental office. It will allow the dentist to have hygienists or DAII’s working under his direct or indirect supervision in one office and dental hygienists seeing patients under general supervision in another office – provided the total of hygienists and DAII’s does not exceed four.</i></p> |
| 210 & 220 | n/a | <p>Sets out requirements for direction and general supervision by dentists</p> <p>Sets out the duties that may be delegated to a dental hygienist</p> | <p>Since the definition of “direction” has been amended to include the level of supervision that a dentist is required to exercise in delegating to a dental hygienist, the provisions of section 210, specifying the duties of a dental hygienist, are amended to differentiate between those that may be under indirect supervision and those that may be under general supervision. Subsection C in 210 is deleted because the amended definition of direction refers to a level of supervision required for the services provided, which is set out in section 220. <i>The amended regulations clarify that hygiene duties are performed under indirect supervision or general supervision. In accordance with the amended definition of general supervision, the regulations in section 210 and 220 are amended to specify that the dentist may or may not be present in the facility when services are provided under general supervision.</i></p> |
| 230 | n/a | Sets out the duties that | Subsection C is added to specify the duties that |

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| | | <p>may be delegated to a dental assistant</p> | <p>are delegable to a DAII who has qualified by education, training and examination must be under direction and direct supervision (as defined in section 10). Those duties are:</p> <ol style="list-style-type: none"> 1. Placing, packing, carving and polishing of amalgam restorations; 2. Placing and shaping composite resin restorations; 3. Taking final impressions and use of a non-epinephrine retraction cord; 4. Final cementation of crowns and bridges after adjustment and fitting by the dentist. <p><i>The duties prescribed in subsection C as delegable to a DAII are currently non-delegable and may only be performed by a dentist (Section 190). These conform to the requirement in Code that only those duties that are “intraoral and reversible” may be delegated to a DAII. Dental hygienists will not be able to perform such duties unless they meet the qualifications for such duties and for registration as a DAII.</i></p> |
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Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There were no alternative methods considered; adoption of regulations was required by statute.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no potential impact on the institution of the family.