

APPROVED

**VIRGINIA BOARD OF DENTISTRY
BUSINESS MEETING MINUTES
December 13, 2024**

TIME AND PLACE: The meeting of the Virginia Board of Dentistry was called to order at 9:00 a.m., on December 13, 2024, at the Perimeter Center, 9960 Mayland Drive, in Board Room 3, Henrico, Virginia 23233.

PRESIDING: Sultan E. Chaudhry, D.D.S., President

MEMBERS PRESENT: Alf Hendricksen, D.D.S., Vice-President
Sidra Butt, D.D.S., Secretary-Treasurer
William C. Bigelow, D.D.S.
Jamiah Dawson, D.D.S.
Surya Dhakar, D.D.S.
J. Michael Martinez de Andino, J.D.
Emelia H. McLennan, R.D.H.
Jennifer Szakaly, D.D.S.

MEMBERS ABSENT: Margaret F. Lemaster, R.D.H.

STAFF PRESENT: Jamie C. Sacksteder, Executive Director
Erin Weaver, Deputy Executive Director
Sarah Moore, Executive Assistant
Arne Owens, Agency Director, DHP
Matt Novak, Policy and Economic Analyst

COUNSEL PRESENT: N. Brent Saunders, Sr. Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With 9 members of the Board present, a quorum was established.
Ms. Sacksteder read the emergency evacuation procedures.

PUBLIC COMMENT: Dr. Chaudhry explained the parameters for public comment and opened the public comment period.

Ms. Tracey Martin, Regulatory and Advocacy Chair for the ADHA, read letter on behalf of Ms. Ryan Christine Maphis, President of the Virginia Dental Hygienists' Association, stating their disapproval of the ADA resolutions.

Dr. Chaudhry closed the public comment period.

APPROVAL OF MINUTES:

Dr. Chaudhry asked if there were any edits or corrections to the September 13, 2024, Board Business Meeting Minutes, the October 2, 2024, Telephone Conference Call Special Session Minutes, the November 1, 2024, Formal Hearing Minutes, the November 1, 2024, Special Session Minutes, or the November 19, 2024, Telephone Conference Call Special Session 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 the Board and discussed the upcoming General Assembly session. He advised DHP had several agency bills that would be brought forth during this session. He discussed the DHP Agency's Administrative staff and their support of the 13 Agency Boards. He also advised the Bi-Annual Budget was now approved and in place.

BOARD COUNSEL REPORT:

Mr. Saunders advised the lawsuit against the Board of Dentistry regarding the recently passed Dentist and Dental Hygienist Compact had been dismissed on December 5, 2024.

LIAISON & COMMITTEE REPORTS:

CDCA-WREB-CITA/ AADB, AADA Conferences, September 25-29, 2024, Louisville KY: Ms. Sacksteder discussed the AADA and AADB portions of the conferences is comprised of executive directors from several states, resulting in sharing of best practices and good contacts for further discussions. Dr. Chaudhry discussed the CWC (CDCA-WREB-CITA) meetings. He advised these meetings went well, ensuing shared highlights of the various national boards. He stated his pride in the Virginia Board of Dentistry.

ADEX Conference, September 25-29, 2024, Louisville KY: Dr. Hendricksen highlighted this meeting, which he advised should support better communication with candidates and examiners.

CODA Site Visit, October 17, 2024: Dr. Hendricksen advised that his site visit went well. **CODA requires confidentiality therefore; further detail could not be discussed.**

CDCA Examiner Participation, October 18, 2024, New York, NY: Dr. Chaudhry shared that he had participated in the examinations, because of confidentiality, details could not be discussed but he stated the test administrators run the exam well.

DANB Meeting: Ms. Sacksteder discussed that the details of this meeting are confidential at this time, but it is a group of approximately 20 professionals (educators, DAs, Dentists, Dental Hygienists, and regulators) from across the country working toward a national workgroup model for Dental Assistants. She remarked that the meetings have been very rewarding and enlightening. She stated that she has come away with ideas that would be beneficial to Virginia.

LEGISLATION, REGULATION, AND GUIDANCE:

Status Report on Regulatory Actions Chart – Mr. Novak reviewed the updated Regulatory Actions Chart listing of the ongoing regulatory actions as of November 18, 2024, which was included in the agenda packet. A synopsis of the progress of the bills was provided.

Mr. Novak explained that several guidance documents were being repealed because a purpose of a guidance document is the Board's interpretation of the law or regulations. Several of the proposed guidance documents for repeal were just repeats of code/regulation or they were not actually based on code/regulation. Also, several of the guidance documents are being amended because new regulations went into effect for dentist, dental hygienists, and dental assistants on October 24, 2024. The changes to the regulations resulted in the changing of regulations numbers. Several guidance documents (60-1, 60-5, 60-9, 60-10, 60-11, and 60-22) were moved last week to policy documents after approval from the AG's office and the Board Chair.

Adoption of Guidance Document 60-3: Mr. Novak explained Guidance Document 60-3. This guidance document was necessary because the Board removed the listing of approved CE providers within the regulations (this went into effect October 2024) and this guidance document will allow for the Board to adopt or remove CE providers more easily. This was discussed by the Board. Mr. Martinez made a motion to adopt the Guidance Document 60-3. The motion was seconded and passed unanimously.

Repeal of Guidance Document 60-4: Mr. Novak explained that this document does not interpret statute or code, which is the definition of a guidance document and therefore should be repealed. This was discussed by the Board. Dr. Martinez made a motion to repeal Guidance Document 60-4. The motion was seconded and passed unanimously.

Repeal of Guidance Document 60-8: Mr. Novak explained that this document does not interpret statute or code, which is the definition of a guidance document and therefore should be repealed. This information is a reiteration of regulation. This was discussed by the Board. Ms. McLennan made a motion to repeal Guidance Document 60-8. The motion was seconded and passed unanimously.

Repeal of Guidance Document 60-23: Mr. Novak explained that this document was originally created when teledentistry was not addressed in code and is an almost identical copy of a Board of Medicine guidance document that has since been repealed. Teledentistry is now addressed in code and a guidance document is no longer necessary. This was discussed by the Board. Dr. Hendricksen made a motion to repeal Guidance Document 60-23. The motion was seconded and passed unanimously.

Revision of Guidance Document 60-6: Mr. Novak explained the changes to Guidance Document 60-6 with regard to changes in regulations effective 10/24/24 and updates to links. These were discussed by the Board. Dr. Martinez made a motion to adopt the changes in Guidance Document 60-6. The motion was seconded and passed unanimously.

Revision of Guidance Document 60-12: Mr. Novak explained the changes to Guidance Document 60-12 because there were changes in the regulations that went into effect on 10/24/24, which were discussed by the Board. An edit to add the word 'with' to the wording of the first page section 1B, first bullet, last line, as follows: 'decided on a case by case basis, in accordance *with* the regulation'. Dr. Hendricksen made a motion to adopt the changes to Guidance Document 60-12 with the edit. The motion was seconded and passed unanimously.

Revision of Guidance Document 60-13: Mr. Novak explained the changes to Guidance Document 60-13 for updated the guidance document to the current Virginia Code and some stylistic edits. This was discussed by the Board. Ms. McLennan made a motion to adopt the changes. The motion was seconded and passed unanimously.

Revision of Guidance Document 60-27: Mr. Novak explained the changes to Guidance Document 60-27 updating regulation numbers to the current regulations that were adopted on 10/24/24, which were discussed by the Board. Dr. Dawson made a motion to adopt the changes. The motion was seconded and passed unanimously.

Petition for Rulemaking from American Medical Technologies: The Board considered the petition. Dr. Hendricksen made a motion to deny the petition and refer the review of the need of adding more radiological providers to the regulatory committee for further study and review. The Board does not know of any need to add more providers. The motion was seconded and passed unanimously.

BOARD DISCUSSION TOPICS:

Consideration of Public Comments: The Board discussed the public comment letter from Ms. Ryan Christine Maphis, President of the Virginia Dental Hygienists' Association.

The Board discussed the letter from Dr. Shereef Elnahal of the Department of Veterans Affairs, Federal Register Notice_VA National Standard of Practice. Ms. Sacksteder will respond on behalf of the Board. The Board was in agreement that there were not significant concerns regarding the National Standard of Practice within the Veteran's Affairs for dental hygienists.

The Board discussed the ADA's proposed resolutions to the dental hygiene shortage and the ADHA's response to the ADA's proposed resolutions. The majority of the Board was in favor of creating a pathway for foreign trained dentist to become dental hygienists. However, this would need to be a legislative change, and the Board could not change the current requirements. The Board discussed the increasing of the student ratio for CODA Dental Hygiene Programs, the Board would be in support of this. The Board also discussed dental students being able to work in Dental Hygiene, this was not seen by the Board to be a huge help, since we only have one dental school. Also, Virginia Code does allow some version of this, found in 54.1-2712 for dental and dental hygiene students.

The Board discussed the OPA EFDA Pilot Program in Missouri. There a few factors of concerned by the Board, including allowing dental assistants to scale that are not being taught by a standard curriculum and more of an on-the-job training. The Board could not consider this pilot program since it just begun the first week of December 2024. It would be more beneficial for the Board to review the findings of the pilot program after it has been in process for patient safety factors. Also, some factors would require a legislative change.

The Board discussed the Dental Hygienists Restorative Duties – State Chart regarding creating a pathway for Dental Hygienists to perform restorative functions. The Executive Director would like to create a pathway to allow Dental Hygienists to perform restorative functions without becoming a Dental Assistant II (DA II). Currently the Dental Assistant II regulations are meant for DAIIs and not for dental hygienists. A proposed pathway would be to create language in the dental hygiene

regulations that require a dental hygienist to take a course in restorative training, possible CODA, that the dentist will then review and decide if the dental hygienists can perform restorative functions approved by the dentist. This will eliminate the need for a dental hygienist to hold a separate registration as a DA II and would be more streamlined. This will also address an access to care issue for southwest part of Virginia. The majority of DA IIs are located in Southwest Virginia. There are only 5 DA II's that are licensed as dental hygienist and registered as a DA II. This is thought to only be beneficial for a small amount of dental hygienists. There are only 55 current DA II's that are registered and 4 are outside the state. The Board decided to refer this to the Regulatory Committee for further discussion and consideration.

**DEPUTY EXECUTIVE
DIRECTOR'S
REPORT:**

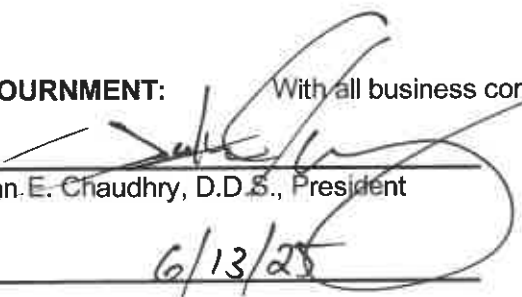
Disciplinary Report - Ms. Weaver updated the Board on the Disciplinary Report for August 17, 2024 – November 21, 2024, of the number of cases received and cases closed. She advised there were 3 Summary Suspensions, 1 Mandatory Suspension, and 1 Revocation of licenses during this period. She advised that Dr. Ashley Epperly, Dental Review Coordinator, began in September 2024 and is now reviewing cases. She thanked the Board for their case reviews contributing to a more efficient workflow.

**EXECUTIVE
DIRECTOR'S
REPORT:**

Disciplinary Cost Recovery: Ms. Sacksteder reviewed the Disciplinary Cost Recovery Policy and worksheet.

ADJOURNMENT:

With all business concluded, the Board adjourned at 11:09 a.m.


Sultan E. Chaudhry, D.D.S., President


Jamie C. Sacksteder, Executive Director

Date

6/13/25

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