

TIME AND PLACE: The meeting of the Regulatory – Legislative Committee was called to order at 9:08 a.m., on February 28, 2020, at the Department of Health Professions, 9960 Mayland Drive, Second Floor Conferencing Center, Board Room 4, Henrico, Virginia 23233.

PRESIDING: Tammy C. Ridout, RDH, Chair

MEMBERS PRESENT: Sandra J. Catchings, D.D.S., Vice-President
James D. Watkins, D.D.S.

OTHER MEMBERS PRESENT: Augustus A. Petticolas, Jr., D.D.S., President
Perry E. Jones, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Jamie C. Sacksteder, Deputy Executive Director
Elaine Yeatts, DHP Senior Policy Analyst
Kathryn Brooks, Executive Assistant

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With three members of the Committee present, a quorum was established.

Ms. Reen read the emergency evacuation procedures.

PUBLIC COMMENT: Ms. Ridout explained the parameters for public comment and opened the public comment period.

Tracey Martin (VDHA) shared support for A1c testing on behalf of the Virginia Dental Hygienist’s Association, recommending that the second sentence regarding the standard of care be changed because it does not define the type of screening.

Lauren Bates-Rowe (MSV) requested, on behalf of the Medical Society of Virginia, that provisions for A1c screening include a process for referring patients to physicians or other clinicians.

**APPROVAL OF
MINUTES**

Ms. Ridout asked if there were corrections to the posted draft minutes. Hearing none, Dr. Catchings moved to accept the minutes for November 15, 2019 as presented. The motion was seconded and passed.

**LEGISLATION AND
REGULATORY
ACTIONS**

Ms. Yeatts reviewed her report on legislation passed in the 2020 General Assembly affecting the Department of Health Professions and the health professions boards. The legislation noted for the Board’s attention included:

- HB165/SB 122 addresses teledentistry and includes requirements for digital scan technicians which the Board will need to address in regulations.
- HB115 expands civil immunity for medical health care professionals who address or have issues related to career fatigue and wellness.
- HB 299 replaces the term “medical assistant” to “authorized agent” in the provisions for delegation of the administration of topical fluorides.
- HB 347 requires a work group to review the Commonwealth’s medical cannabis program.
- HB1328 addresses exchange of medical and mental health information records of offenders committed to a local or regional correctional facility.

Ms. Yeatts reported that the majority of the Board’s regulatory actions are awaiting approval by the Secretary of Health and Human Resources or the Governor.

Petition for Rulemaking: Ms. Yeatts asked the Committee to make a recommendation on the petition to require infection control and radiology certification in order to practice as a Dental Assistant I in Virginia. After a lengthy discussion about the need for this action, the Committee asked staff to bring information on disciplinary cases that address unsanitary conditions and lax infection control practices to the March 13, 2020 Board meeting for review and further discussion. Dr. Catchings moved to defer discussion to the March 13 Board meeting. The motion was seconded and passed.

SEDATION:

Dr. Catchings provided an overview of the recommendations made by the Sedation Inspections Regulatory Advisory Panel. The following recommendations were discussed:

- requiring the intended level of sedation be documented.
- not requiring a laryngoscope.
- allowing some announced inspections.

It was agreed by consensus to take all the recommendations to the March 13 Board meeting for discussion. Ms. Yeatts said that minor changes could be made in the pending regulatory action addressing sedation but major changes would need to go through the standard regulatory process. She also questioned whether the Board has the authority to register office locations.

Dr. Catchings expressed concerns about allowing administration of general anesthesia to pediatric patients in dental offices, specifically to children younger than 8 years old, and said consideration should be given to introducing regulations stipulating that certain aged children need to be treated in a hospital setting for dental procedures requiring general anesthesia.

**A1C TESTING/
DEFINITION
OF DENTISTRY**

Dr. Catchings presented the sub-committee’s proposed change to the definition of “dentistry” for discussion. Following discussion, Dr. Catchings moved to recommend adding these sentences to the definition: “Dentistry” includes the monitoring of patient blood glucose levels through HbA1c screening prior to comprehensive, complex, or long term treatment. HbA1c screening is discretionary.”

The motion was seconded and passed.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 10:25 a.m.

Tammy C. Ridout, RDH, Chair

Sandra K. Reen, Executive Director

Date

Date