

VIRGINIA BOARD OF DENTISTRY
BOARD BUSINESS MEETING

PERIMETER CENTER, 9960 MAYLAND DRIVE, SECOND FLOOR CONFERENCE CENTER, HENRICO, VA 23233

<u>TIME</u>		<u>PAGE</u>
9:00 a.m.	Call to Order – Dr. Nathaniel C. Bryant, President	
	Introductions of New Board Members	
	Public Comment – Dr. Bryant	
	• Dental Scores-CRDTS	1-5
	• Petitions for Rulemaking-SRTA	6-7
	Approval of Minutes	
	• May 27, 2022 Formal Hearing	8-9
	• June 10, 2022 Business Meeting	10-17
	DHP Director’s Report – David E. Brown, DC	–
	Liaison & Committee Reports	
	• Dr. Bryant-ADEX Meeting	18
	• Ms. Lemaster-CITA	-
	• Dr. Hendricksen-Nominating Committee	19
	Legislation, Regulation and Guidance – Erin L. Barrett, JD	
	• Status Report on Regulatory Actions Chart	20-21
	• Consideration of Guidance Document 60-1	22-25
	• Consideration of Guidance Document 60-14	26-38
	Board Discussion Topics	
	• Discussion of Public Comment	-
	• CE Audit Procurement Process	
	Executive Director’s Report – Jamie C. Sacksteder	
	• Disciplinary Report	39-40



Sacksteder, Jamie <jamie.sacksteder@dhp.virginia.gov>

CRDTS Dental Scores

Richael Cobler <richael@crdts.org>

Wed, Aug 3, 2022 at 6:05 PM

To: "Sacksteder, Jamie" <jamie.sacksteder@dhp.virginia.gov>, "tracey.arrington-edmonds@dhp.virginia.gov" <tracey.arrington-edmonds@dhp.virginia.gov>

Dear Ms. Sacksteder and Ms. Arrington-Edmonds:

I have been made aware of the numerous candidates seeking licensure in Virginia who have successfully completed the CRDTS exam and who have been denied licensure in Virginia based on an interpretation of the scoring criteria of the CRDTS examination from prior year's manuals.

We understand the justification given these candidates is "due the compensatory scoring statement listed in the exam overview." As explained in various email communications from March and April, the term compensatory used in the exam overview, does not, in and of itself, define the examination as compensatory and we believe the issue may be a misunderstanding. **Please provide the board the attached Psychometric Analysis by Brett Foley, Ph.D. for further clarification on the matter.**

With the same general mission to protect the safety and welfare of the public, CRDTS and the Virginia Board of Dentistry's goals are the same. It seems counter-productive to deny a qualified professional a license to practice in the state of Virginia when they have met all the criteria set forth by the state board for a clinical examination to test minimal competency. These candidates are turning to CRDTS for answers, and we would like to work with the Virginia Board of Dentistry to help them.

On behalf of CRDTS, I request that we be added to the agenda for the next board meeting so that we may clarify the scoring criteria of the CRDTS exams and clear up the matter for all involved.

Thank you in advance.

Richael "Sheli" Cobler

Executive Director

Central Regional Dental Testing Service, Inc.

1725 SW Gage Blvd. | Topeka, KS | 66604

785.273.0380 | richael@crdts.org

www.crdts.org

 **Compensatory and Conjunctive Decision Making Brief 20220610.pdf**
106K

Utilizing Compensatory and Conjunctive Decision Making in the CRDTS Dental Licensure Exams, with Implications for Retake Policies

Brett P. Foley, Ph.D.

Psychometric Service & Industry Practice Lead and Senior Psychometrician, Alpine Testing Solutions

State licensure boards are tasked with identifying criteria for dental licensure within their jurisdictions. The Central Regional Dental Testing Service (CRDTS) supports these decisions through the development and administrations of its Dental Licensure Exams. This brief paper describes how CRDTS utilizes both compensatory and conjunctive decision making in its pass/fail recommendations and how these decision-making processes inform retake policies for failing candidates.

Introduction

When credentialing exams contain multiple areas of content, exam developers make overall pass/fail determinations using two primary modes of decision-making: compensatory and conjunctive. Descriptions and distinguishing features of each of these modes are shown below.

Compensatory

Description:

A single passing decision is made for the entire exam. Poor performance in one area can be compensated for by doing well in other areas.

Most appropriate for:

- *Unidimensional content, where areas of the exam are highly correlated because they are measuring related components of an overarching construct.*
- *Situations where candidates could be considered qualified even with weak performance in one area.*

Pros:

- *Higher reliability (i.e., more candidate data points per decision)*
- *Reduced risk of false-negative credentialing decisions*

Cons:

- *Increased risk of false-positive credentialing decisions*

Conjunctive

Description:

A candidate must receive passing scores in each individual content area to receive an overall passing decision. Poor performance in one area will result in an overall failing decision.

Most appropriate for:

- *Multidimensional content, where areas of the exam are only weakly correlated because they are measuring distinct constructs.*
- *Situations where candidates would be considered unqualified if they did not demonstrate good performance in all areas.*

Pros:

- *Reduced risk of false-positive credentialing decisions*

Cons:

- *Lower reliability (i.e., fewer candidate data points per decision)*
- *Increased risk of false-negative credentialing decisions*

CRDTS Methods

Overall Decision

When determining the overall pass/fail status for a candidate, CRDTS uses conjunctive decision making. That is, to receive an overall passing decision, candidates must obtain minimum passing scores on each of five exam parts:

1. Endodontic
2. Prosthodontic
3. Periodontal
4. Restorative
5. Diagnosis and Comprehensive Treatment Planning Written Exam

Conjunctive decision making is appropriate in this case because each exam covers a distinct area of practice, with each being essential for demonstrating the necessary level of competence. Additionally, each of these exams contains enough measurement opportunities (i.e., exam elements on which candidates are scored) to ensure reliable decisions at the exam level. The presence of four distinct passing criteria helps to guard against false positive decisions (i.e., unqualified candidates passing).

Exam-specific Decisions

When determining the pass/fail status for each of the individual exams mentioned above, CRDTS uses compensatory decision making with additional safeguarding elements. Candidates receive a pass/fail score based on their total score on each exam. Compensatory decision making is appropriate here because content within each of the exams is more homogeneous. Using all available candidate data for each exam (rather than subdividing the content into subareas) results in higher reliability when making pass/fail decisions. This, in turn, helps guard against false negative decisions (i.e., qualified candidates failing).

With compensatory decision making, weaker performance in one area can be compensated for with stronger performance in other areas. However, CRDTS understands that there are errors and deficiencies that are so severe (e.g., ones that would risk harm to a patient) that they warrant failure on the exam. Therefore, CRDTS has identified critical deficiencies for each of the exam parts; if present, these deficiencies result in the candidate failing that part of the exam. The inclusion of critical deficiencies in the scoring process serves as an additional safeguard against false positive decisions. Strictly speaking, the including of critical deficiencies results in exam-specific decisions having elements of both compensatory (passing value based on overall total score) and conjunctive (must obtain a passing score while not demonstrating a critical deficiency) elements.

Implications for Retake Policies

Sound retake policies are an important consideration for any credentialing program. Allowing failing candidates to retake exams is an important tool in minimizing the risk of false negative decisions. CRDTS has aligned its retake policies with its decision-making strategies (i.e., compensatory vs conjunctive). If a candidate passes their first three exams and fails the fourth, they must only retake the failed exam. This aligns with the conjunctive nature of the overall pass/fail decision determination: each exam serves as a distinct element that must be passed on its own.

Within each of the exam parts, a failing candidate must retake the full exam (as opposed to just retaking a sub-area on which they did poorly). This aligns with the compensatory nature of the separate exam parts; the pass/fail decision is based on overall performance rather than making separate decisions on each sub-area.

Conclusion

A primary goal of all credentialing programs is making accurate credentialing decisions. CRDTS helps to support its affiliated state boards in accurate credentialing through strategically applying both conjunctive and compensatory decision-making methods in making pass/fail decisions. These decision-making policies, combined with well-aligned retake policies, help to minimize the likelihood of both false positive and false negative decisions.



COMMONWEALTH OF VIRGINIA

Board of Dentistry

9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

(804) 367-4538 (Tel)
(804) 527-4428 (Fax)
denbd@dhp.virginia.gov

Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.

Please provide the information requested below. (Print or Type)		
Petitioner's full name (Last, First, Middle Initial, Suffix)		
Bui, Jessica L.		
Street Address		Area Code and Telephone Number
4698 Honeygrove Road, Suite 2		757-318-9082
City	State	Zip Code
Virginia Beach	VA	23455
Email Address (optional)		Fax (optional)
jbui@sрта.org		

Respond to the following questions:

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

18VAC60-21-210. Qualifications for an unrestricted license.

A. Dental licensure by examination.

1. All applicants for licensure by examination shall have:

a. Successfully completed all parts of the National Board Dental Examination given by the Joint Commission on National Dental Examinations; and

b. Passed a dental clinical competency examination that is accepted by the board.

Guidance Document: 60-25:
Effective January 1, 2023, the Board will only accept from applicants who apply for licensure by examination, the ADEX Exam, for dental applicants. This policy applies to all examinations completed in calendar year 2023 and thereafter, regardless of the dates portions of the examination were taken.

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

Requesting for continued acceptance of the SRTA examination results for licensure and licensure by credentials as SRTA administers/offers all the required components for Virginia applicants as listed in the Guidance Document: 60-25.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

The VA Dental Board has the authority to amend the policy to continue accepting SRTA as an acceptable licensure examination for licensure.

Signature:	Date: August 8, 2022
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COMMONWEALTH OF VIRGINIA

Board of Dentistry

9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

(804) 367-4538 (Tel)
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Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.

Please provide the information requested below. (Print or Type)

Petitioner's full name (Last, First, Middle Initial, Suffix)

Bui, Jessica L.

Street Address

4698 Honeygrove Road, Suite 2

Area Code and Telephone Number

757-318-9082

City

Virginia Beach

State

VA

Zip Code

23455

Email Address (optional)

jbul@sрта.org

Fax (optional)

Respond to the following questions:

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.

18VAC60-25-140. Licensure by examination. A. An applicant for licensure by examination shall have:
3. Successfully completed a board-approved clinical competency examination in dental hygiene.

Guidance Document: 60-26: Effective January 1, 2023, the Board will only accept from applicants who apply for licensure by examination, the ADEX Exam, for dental hygiene applicants.

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.

Requesting for continued acceptance of the SRTA examination results for licensure and licensure by credentials as SRTA administers/offers all the required components for Virginia applicants as listed in the Guidance Document: 60-26.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.

The VA Dental Board has the authority to amend the policy to continue accepting SRTA as an acceptable licensure examination for licensure.

Signature:

Date:

August 8, 2022

**VIRGINIA BOARD OF DENTISTRY
FORMAL HEARING MINUTES
May 27, 2022**

CALL TO ORDER: The meeting of the Virginia Board of Dentistry was called to order at 9:03 a.m., on May 27, 2022, at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, Board Room 4, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Nathaniel C. Bryant, D.D.S., President

MEMBERS PRESENT: Sldra Butt, D.D.S.
Sutan E. Chaudhry, D.D.S.
Jamiah Dawson, D.D.S.
J. Michael Martinez de Andino, J.D.
Dagoberto Zapatero, D.D.S.

MEMBERS ABSENT: Joshua Anderson, D.D.S.
Patricia B. Bonwell, RDH, PhD.
Alf Hendricksen, D.D.S.
Margaret F. Lemaster, R.D.H.

STAFF PRESENT: Jamie C. Sacksteder, Acting Executive Director
Donna M. Lee, Discipline Case Manager
Sally Ragsdale, Executive Assistant

COUNSEL PRESENT: James E. Rutkowski, Assistant Attorney General

OTHERS PRESENT: Victoria L. Hinton, Esquire, Adjudication Specialist
Rebecca Smith, Senior Adjudication Specialist
Shell Riddle, Court Reporter (virtual attendance)
Helen D. Neighbors, Esquire, Respondent's Counsel
Jon M. Babineau, Esquire, Respondent's Counsel

ESTABLISHMENT OF A QUORUM: With six members present, a quorum was established.

**Amr Sheta, D.D.S.
Case No.: 212573** Dr. Sheta was present with legal counsel in accordance with the Notice of the Board dated March 23, 2022.

Dr. Bryant swore in the witnesses.

Following Ms. Smith's opening statement, Dr. Bryant admitted into evidence Commonwealth's Exhibits 1-6.

Following Ms. Neighbor's opening statement, Dr. Bryant admitted into evidence Respondent's Exhibits A-Q, minus exhibits B and F.

The following witnesses testified on behalf of the Commonwealth:

- Daniel Love, Detective, Norfolk Police Department, DEA Task Force Officer
- Michelle Schmitz, Enforcement Director, DHP
- Meghan Wingate, Senior Investigator, DHP

The following witnesses testified on behalf of the Respondent:

- Dr. Mohamed Arafa
- Dr. Amr Sheta

Ms. Vinton and Mr. Babineau provided closing statements.

Closed Meeting:

Dr. Dawson moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) and § 2.2-3712(F) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Amr Sheta, D.D.S. Additionally, she moved that Board staff, Ms. Sacksteder, Ms. Lee, Ms. Ragsdale, and Board counsel, Mr. Rutkowski, attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Dawson moved to certify that the Board heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:

Mr. Rutkowski reported that Dr. Sheta's license to practice dentistry in the Commonwealth of Virginia is indefinitely suspended for a period of not less than 10 months from the date of entry of the Order, and that he shall pay a \$5,000.00 monetary penalty.

Dr. Dawson moved to accept the Board's decision as read by Mr. Rutkowski. Following a second, a roll call vote was taken. The motion passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 3:40 p.m.

Nathaniel C. Bryant, D.D.S., President

Jamie C. Sacksteder, Acting Executive Director

Date

Date

**VIRGINIA BOARD OF DENTISTRY
BUSINESS MEETING MINUTES
June 10, 2022**

- TIME AND PLACE:** The meeting of the Virginia Board of Dentistry was called to order at 9:03 a.m., on June 10, 2022 at the Perimeter Center, 9960 Mayland Drive, in Board Room 4, Henrico, Virginia 23233.
- PRESIDING:** Nathaniel C. Bryant, D.D.S., President
- MEMBERS PRESENT:** Jamlah Dawson, D.D.S., Secretary
Sidra Butt, D.D.S.
Sultan E. Chaudhry, D.D.S.
Alf Hendricksen, D.D.S.
Margaret F. Lemaster, R.D.H.
J. Michael Martinez de Andino, J.D.
Dagoberto Zapatero, D.D.S.
- MEMBERS ABSENT:** Joshua Anderson, D.D.S.
Patricia B. Bonwell, R.D.H., PhD.
- STAFF PRESENT:** Jamie C. Sacksteder, Acting Executive Director
Donna Lee, Discipline Case Manager
Sally Ragsdale, Executive Assistant
David C. Brown, D.C., Agency Director, Department of Health Professions
Erin Barrett, Senior Policy Analyst, Department of Health Professions
- COUNSEL PRESENT:** Jim E. Rutkowski, Assistant Attorney General
- ESTABLISHMENT OF A QUORUM:** With eight members of the Board present, a quorum was established.

Ms. Sacksteder read the emergency evacuation procedures.
- PUBLIC COMMENT:** Dr. Bryant explained the parameters for public comment and opened the public comment period. Dr. Bryant notified the Board of a letter submitted for public comment by Barry Dorans on behalf of Southern Regional Testing Agency "SRTA" on pages 1-8 of the agenda packet. SRTA was asking the Board to reconsider its earlier decision of only accepting the ADEX beginning January 1, 2023 for dental hygiene applicants to continuing to accept SRTA's examination.
Tracey Martin, BSDH, RDH, President of Virginia Dental Hygienists' Association (VDHA)- Ms. Martin stated that VDHA supports the mandatory training in CDC recommended infection control procedures for all Virginia dental assistants; and to provide further public protection, the removal of the 60-day grace period for dentists/employers to provide such training.

Ms. Martin also stated that the VDHA supports Guidance Document 60-7 and the notifying all Virginia dental licensees via the email draft in today's agenda packet, with clearly defines 18VAC60-21-140 and 18VAC60-21-160,

that have been in effect for decades

Dr. Bryant reminded the audience that the Board would not accept public comment for any regulations in which the public comment period had closed.

Dr. Scott Berman, D.D.S., President of the Virginia Dental Association (VDA)- stated that he is an orthodontists and wanted to address the delegation of cutting instruments for a Dental Assistant II and wanted to comment on Guidance Document 60-7.

Dr. Bryant reminded Dr. Berman that the comment period is now closed, therefore the Board could not accept comments in accordance to the statute of the Virginia Administrative Process Act.

Dr. Berman stated that staff do numerous tasks and are performed in a safe manner. He further stated that he could not find a single complaint or problem regarding assistants using scalers. Dr. Berman objected to not being allowed to comment on the Guidance Document, stating that in accordance to Parliamentary Procedure, the Board President had discretion.

Dr. Brown reiterated that public comment could not be accepted after the public comment period had ended, and that this applied to all boards within the Department of Health Professions; not a decision that was at the discretion of the President of the Board.

Ms. Jessica Bul, Executive Director of SRTA -Ms. Bui stated that SRTA has worked diligently to make changes to their testing. The SRTA exam for dental hygiene is equivalent in the exam components and scoring as all other testing agencies. SRTA has developed and will offer a computerized diagnostic skills examination, and made the periodontal section of the exam a mandatory section. She requested the Board to reconsider its earlier decision of only accepting the ADEX beginning January 1, 2023 for dental hygiene applicants to continuing to accept SRTA's examination.

Ms. Nousheen Manzoor, a dental applicant- asked to address the Board regarding her application. Dr. Bryant reminded her that the Board does not address individual applications at Board meetings and questions regarding applications must be directed to Board staff.

APPROVAL OF MINUTES:

Dr. Bryant asked if there were any edits or corrections to the March 11, 2022 Business Meeting minutes and the March 11, 2022, April 7, 2022 and April 14, 2022 Special Session minutes.

Ms. Barrett stated that on page 12 of the agenda, which are the March 11, 2022 Board Business Meeting minutes, under the title 2022 General Assembly, where it shows the word "Regulation" it should be changed to "Legislation" Dr. Hendricksen moved to approve all the minutes, with the corrections to the March 11, 2022 Board Business Meeting minutes. The

motion was seconded and passed.

DIRECTOR'S REPORT:

Dr. Brown informed the Board that the Governor is still in the process of making appointments, which include Dr. Brown's position. In the last few weeks they appointed two deputy secretaries and he is hopeful to hear something soon.

Dr. Brown provided additional updates on the security team and the audio-visual system. They are pleased with the new security team, anticipating additional security measures to be implemented by the end of the year. The estimate time frame initially was Spring 2022 for the upgrades to the conference center, but it has been delayed because the vendor is waiting to receive the necessary equipment. It is anticipated that those improvements will be done by the end of the summer.

Dr. Brown informed the Board that there are ongoing discussions about the allowance of virtual meetings by state agencies. He believes the General Assembly will address this in the 2023 legislative session.

LIAISON & COMMITTEE REPORTS:

Regulatory-Legislative Committee - In the absence of Dr. Bonwell, Ms. Sacksteder referred the Board to page 23 of the agenda, which contained Dr. Bonwell's written report. Ms. Sacksteder clarified that the draft of the Dental Scan Technicians Regulations were withdrawn and a NOIRA was not submitted, but the regulations were re-proposed. She continued by saying that the recommendations from the May 20, 2022 meeting will be addressed by Ms. Barrett to the Board later in the meeting.

Exam Committee - Dr. Chaudhry reviewed his report regarding the two C.E. reporting companies, CE Broker and CE Zoom, which made a presentation to the Exam Committee and answered questions from the Committee regarding the different features of the two companies. This included a breakdown of the differences in the two continuing education reporting companies (CE Broker and CE Zoom) the Board is considering utilizing in the future.

Ms. Sacksteder confirmed that there would be no cost for the Board or licensees with either company. She also reported that the DHP IT Department, has not identified any preliminary issues with the platforms. She asked for Ms. Barrett and Mr. Rutkowski to comment if they are aware of any regulatory restraints that would block the Board from going forward. She also stated that the Board would want to choose one company because for auditing purposes it is not advantageous to use both companies. Jim Rutkowski also stated that Board Staff would need to do more research to ensure there were no procurement issues.

One decision that the Board will need to decide is if they want to have a "hard-stop" or "soft-stop" imposed when licensees renew. A hard-stop will deny the renewal of a license in the required continuing education has not

been submitted. A soft-stop will allow a renewal to proceed, but a warning will be given reminding the licensee to submit their certificates of completion. Jim Rutkowski stated he did not see any legislation or regulation that would prevent the Board from utilizing a hard-stop, if it was decided.

Discussion was had on whether the reporting to the continuing education reporting company could send reminders to licensees to renew their license. It was confirmed that both companies (CE Broker and CE Zoom) can send reminders.

Discussion was also had about if reporting to the chosen continuing education reporting company would be voluntary or mandatory. Dr. Brown stated that the Governor has asked all agencies to reduce up to 25% of regulations that are not mandated by statute.

After discussion, Dr. Zapatero moved that the Board recommend that licensees voluntarily use a C.E. reporting agency to track continuing education. The motion was seconded and passed.

Dr. Dawson moved that Board staff, Ms. Barrett, and Mr. Rutkowski review the memorandum of understanding of both CE companies and review the procurement process, then present it to the Board at its September meeting. The motion was seconded and passed.

Dr. Chaudhry reviewed the recommendation from the Exam Committee that there be a requirement of 2 hours of continuing education in Jurisprudence every 2 years for all licensees; and 2 hours of continuing education in sedation Jurisprudence every 2 years for all sedation permit holders.

After discussion, Dr. Zapatero moved that a NOIRA be initiated that every 2 years, 2 hours of the required 15 hours of continuing education for license renewal must be in the subject of jurisprudence for all licensees. The motion was seconded and passed.

Dr. Zapatero also moved that a NOIRA be initiated that every 2 years, sedation permit holders must complete 2 hours of continuing education in the subject of sedation jurisprudence in addition to the 4 hours in administration and monitoring. The motion was seconded and passed.

Ms. Barrett stated that one NOIRA would be submitted to cover both motions.

AADB Mid-year Conference- Mr. Martinez reviewed his report from the online AADB mid-year conference that he and Ms. Sacksteder attended on April 8-9, 2022. He stated it was an informative conference. He informed the Board, that the conference dealt with the different factors that impact oral health, such as racial and income disparities; talked about the effect the COVID pandemic has had on the dental industry; and the use of teledentistry since it reduces travel time and costs. Ms. Sacksteder concurred it was an informative conference.

**LEGISLATION,
REGULATION, AND
GUIDANCE:**

Status Report on Regulatory Actions Chart -Ms. Barrett reviewed the updated Regulatory Actions chart included in the agenda packet. The following proposed regulations are currently at the Governor's Office and have been there for a significant period of time.

- amendment to restriction on advertising dental specialties; and
- technical correction to fees

Ms. Barrett stated that the NOIRA for removal of direct pulp-capping as a delegable task to a Dental Assistant II and the proposed regulation for training in infection control for Dental Assistants will be discussed by the Board today.

Dr. Brown informed the Board that he did not have an explanation for the regulations that have been at the Governor's office for more than two years under the previous administration, but he expects there will be movement under the new administration.

Digital Scan Technician Regulations – Ms. Barrett explained that she and Ms. Sacksteder, while working on the comments of the final regulations, realized that the incorrect draft regulations were posted on Town Hall, submitted to the Secretary's office and the Governor's office, so the process has to start again. Therefore, the previous NOIRA was withdrawn on May 19, 2022 and another NOIRA with the correct draft was re-proposed on May 19, 2022.

Re-adopt Guidance Document 60-9- Ms. Barrett clarified this is not a new guidance document, but a new guidance document number. She explained this guidance document regarding sanctions for practicing on an expired license was previously Guidance Document 60-6. Ms. Sacksteder clarified that she believes the original intention of the Board was to revise the document not to remove it in a previous meeting. Mr. Martinez moved that Guidance Document 60-9 be adopted by the Board. The motion was seconded and passed.

Initiation of Periodic Review for Chapter 15 - Ms. Barrett stated It is time to do a periodic review for 18VAC60-15-10 and 18VAC60-15-20 of the Regulations Governing the Disciplinary Process. Mr. Martinez moved to initiate periodic review for Chapter 15, Regulations Governing the Disciplinary Process. The motion was seconded and passed.

Consideration of Action on Periodic Review of Chapters 21, 25, and 30 – Ms. Barrett explained periodic review is done routinely to determine whether new regulations should be adopted and old regulations amended or repealed.

Motion was made by Dr. Dawson to retain Chapters 21, 25, and 30 but amend the chapters. It was seconded and passed. A separate motion was

made and passed to refer Chapters 21, 25 and 30 to the Regulatory-Legislative committee to determine amendments.

Ms. Lemaster moved that the Board retain Chapters 21, 25, and 30, but amend the chapters. The motion was seconded and passed.

Consideration of Petition for rulemaking— Ms. Barrett explained that the a petition for rule-making is regarding allowing refresher courses provided by the ADA and AADH for dental hygienists applying for reinstatement.

The Legislative-Regulatory Committee recommended initiating rulemaking and issue a NOIRA to revise 18VAC60-25-210 and 18VAC60-21-240.

Ms. Sacksteder informed the Board that the regulations are not clearly defined on what is considered a “refresher” course. The petition for rulemaking would also apply to reinstatement applicants for dentists, in order to be consistent.

Ms. Lemaster moved to initiate rulemaking and issue a NOIRA to revise 18VAC60-25-210 of the Regulations Governing the Practice of Dental Hygiene and 18VAC60-21-240 of the Regulations Governing the Practice of Dentistry. The motion was seconded and passed.

Ms. Barrett recommended that the Board request staff prepare a guidance document to outline the length of the refresher course and other criteria to present to the Legislative-Regulatory Committee and back before the full Board for approval. The motion was seconded and passed.

Ms. Lemaster moved to request Board staff to present a guidance document to the Legislative-Regulatory Committee that outlines the length of the refresher course and other criteria, which then can be presented to the Board for approval. The motion as seconded and passed.

Adoption of Proposed Regulations Regarding Pulp-Capping – Ms. Barrett stated. that the Legislative-Regulatory Committee recommended the following:

Proposed regulatory changes to 18VAC60-30-120(3)(a) of the Regulations Governing the Practice of Dental Assistants:

- after the word “cord”, remove the word “and” and add the word “indirect”

Proposed regulatory changes to 18VAC60-30-120(3)(b) of the Regulations Governing the Practice of Dental Assistants:

- after the word “cord”, remove the word “and” and add the word “indirect”.

Ms. Barrett also reviewed the proposed Guidance Document 60-11 that was recommended by the Legislative-Regulatory Committee.

Dr. Zapatero moved that the Board adopt proposed regulations removing direct pulp-capping from tasks delegable to a Dental Assistant II. The motion was seconded and passed.

Dr. Zapatero moved that the Board adopt Guidance Document 60-11. The motion was seconded and passed.

Repeal Guidance Document 60-21, Failure to report to PMP –Ms. Barrett explained that guidance documents are up for review every four years and the Acting Executive Director has requested this guidance document be repealed.

Dr. Zapatero moved that the Board repeal Guidance Document 60-21. The motion was seconded and passed.

Adoption of final regulations: “training in infection control”– Ms. Barrett stated the Board would need to make a motion to adopt the final regulations regarding training in infection control.

After discussion the Board amended the document clarifying that the “newly employed dental assistants shall complete training as soon as possible but no later than 60 days from employment, unless the dental assistant has evidence of completion of training within the last 12 months.” A motion was made to adopt with amendments, seconded and passed.

Mr. Martinez moved that the Board adopt the final regulations with amendments regarding training in infection control for dental assistants.

Public Comment from SRTA: Mr. Rutkowski informed the Board that he reviewed the letter submitted for public comment from SRTA and stated there is an assertion about anti-trust issues. He recommended that the Board go into closed session if they would like to discuss anti-trust law.

**BOARD DISCUSSION
TOPICS:**

Dr. Bryant asked if the Board wanted to consider SRTA's request (from the public comment) and if the Board wanted to go into close session to discuss SRTA's request. The Board unanimously did not want to go into closed session or consider SRTA's request.

Dental Assistant Use of Scalers- Ms. Sacksteder referred the Board to page 122 of the agenda packet, which is a page from the December 10, 2021 Board Meeting minutes where the topic of dental assistants using scalers was discussed; and the Board recommended that a message be disseminated to various entities pertaining to the Board's policy regarding dental assistants using scalers.. Ms. Sacksteder explained that Ms. Reen asked for guidance on how to inform the dental community of the changes. She requested Board approval of the email on page 121 of the agenda, as drafted by Board Members.

Dr. Hendricksen moved that the Board approve the draft email for dissemination. The motion was seconded and passed.

Proposed Board 2023 Calendar- Ms. Sacksteder explained that a copy of the proposed 2023 Board Calendar is included in the agenda packet. No changes were proposed. A motion to adopt was made by Dr. Dawson, seconded and passed.

**BOARD COUNSEL
REPORT:**

Mr. Rutowski stated he had no report.

**DEPUTY EXECUTIVE
DIRECTOR'S REPORT:**

Ms. Sacksteder reviewed the disciplinary Board report on case activity from January 1, 2022 through May 2022, giving an overview of the actions taken and a breakdown of the cases closed with violations.

ADJOURNMENT:

With all business concluded, the Board adjourned at 11:57 a.m.

Nathaniel C. Bryant, D.D.S., President

Jamie C. Sacksteder, Acting Executive Director

Date

Date

Report from the 2022 ADEX Annual Conference

The ADEX Annual Conference was held on August 5-6, 2022 in Chicago, IL. ADEX is the testing development organization that is administered by three testing agencies in the United States and Jamaica. ADEX is the dental and dental hygiene licensure exam that is accepted by 48 states, in addition to Puerto Rico, the Virgin Islands, and Jamaica. There was no recommendation from any of the various committees for major changes to the present exam.

There were two items of importance and they were the elections of new officers, and the announcement of the final merger of the three testing agencies. As of August 1, 2022 the official name of the testing agency that will be administering the ADEX exam is CDCA/WREB/CITA. This change will affect the State of Virginia in regards to changing the name of the testing agency the Board of Dentistry affiliates with.

The next meeting date is August 4-5, 2023.

**VIRGINIA BOARD OF DENTISTRY
NOMINATING COMMITTEE MEETING MINUTES
August 12, 2022**

- TIME AND PLACE:** The meeting of the Nominating Committee was called to order at 10:00 a.m., on August 12, 2022
- PRESIDING:** Margaret F. Lemaster, R.D.H., Chair.
- COMMITTEE MEMBERS PRESENT:** Sidra Butt, D.D.S.
Alf Hendricksen, D.D.S.
- STAFF PRESENT:** Jamie C. Sacksteder, Executive Director, Board of Dentistry
Sally R. Ragsdale, Executive Assistant, Board of Dentistry
- QUORUM:** With all members present, a quorum was established.
- NOMINATIONS:** The Committee reviewed the roster of Board members. Dr. Bryant is completing his second term and is eligible for reappointment. Dr. Dawson is completing her second term and is eligible for reappointment. Dr. Bonwell has completed her second term and is not eligible for reappointment.
- Following discussion the nominations were addressed as follows:
- Ms. Lemaster moved to nominate Dr. Bryant for president. The motion passed unanimously.
- Dr. Hendricksen moved to nominate Dr. Dawson for vice-president. The motion passed unanimously.
- Ms. Lemaster moved to nominate Mr. Martinez for secretary. The motion passed unanimously.
- Dr. Hendricksen was nominated to present the report at the September Board meeting.
- APPROVAL OF MINUTES:** The minutes from the Nominating Committee Meeting on August 13, 2021 were approved.
- ADJOURNMENT:** With all business concluded, the Committee adjourned at 10:25 a.m.

Ms. Margaret F. Lemaster, R.D.H., Chair

Jamie C. Sacksteder, Executive Director

Date

Date

Board of Dentistry – UPDATE FOR SEPTEMBER
Current Regulatory Actions

VAC	Stage	Subject Matter	Date submitted*	Office; time in office**	Notes
18VAC60-21	Proposed	Elimination of restriction on advertising dental specialties	9/15/2019	Governor 1075 days (2.9 years)	Adopted on advice of Board counsel
18VAC60-21	Fast-Track	Technical corrections	11/18/2019	Governor 1012 days (2.7 years)	Correcting oversights in regulation and reducing cost of reactivation of an inactive license
18VAC60-21 18VAC60-25	NOIRA	Expansion and clarification of refresher courses required for reinstatement	6/24/2022	Secretary 62 days	In response to a petition for rulemaking, the Board will consider amendments to expand the types of refresher courses reinstatement applicants may take and clarify the number of course hours and type of training required for courses.
18VAC60-21 18VAC60-30	Final	Training in infection control	7/5/2022	Secretary 51 days	Amendments require specific training in infection control for dental assistants. Promulgated in response to a petition for rulemaking.
18VAC60-21 18VAC60-25	NOIRA	Continuing education requirements for jurisprudence	7/12/2022	Secretary 44 days	Board is considering amendments to Chapters 21 and 25 to require jurisprudence continuing education for dentists and

					dental hygienists.
18VAC60-21	Proposed	Digital Scan Technicians	Withdrawn: 5/19/2022 Re-Proposed: 8/18/2022	Secretary 7 days	Regulations for the training of digital scan technicians to practice under a licensed dentist
18VAC60-30	Proposed	Elimination of direct pulp-capping as a delegable task	7/22/2022	DPB 34 days	Eliminates direct pulp-capping as a delegable task for a DAI.

* Date submitted to current location

** As of August 25, 2022

Agenda Item: Consideration of Guidance Document 60-1

Included in your agenda package are:

- Guidance Document 60-1 with suggested amendments
- Redline of amendments to Guidance Document 60-1

Board Action:

- Motion to amend Guidance Document 60-1.

VIRGINIA BOARD OF DENTISTRY

CONFIDENTIAL CONSENT AGREEMENTS (“CCAs”)

CCAs may be only used in cases involving minor misconduct, where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. *See Va. Code § 54.1-2400(14).*

If a licensed practitioner has entered into two CCAs involving standard of care violations within the ten year period immediately preceding the Board’s receipt of the most recent report or complaint being considered, that licensed practitioner will be subject to public discipline unless the Board determines facts or circumstances exist to rebut the presumption for public discipline. *See Va. Code § 54.1-2400(14).*

Consideration of whether a CCA may or should be used is addressed in probable cause reviews. A probable cause reviewer may recommend use of a CCA to address one or more minor or technical violations. Those violations include:

- advertising violations;
- continuing education violations*;
- recordkeeping violations;
- inadequate communication with a patient or patients;
- standard of care findings when there was little or no injury;
- practicing with a lapsed license up to 90 days;
- failure to post a required license, credential or certificate;
- failure to file and maintain an OMS profile;
- OHSA standard violations;
- expired drug stock; and
- releasing records improperly or refusing to release records.

The offered CCA will include a finding that a violation occurred, will direct that the licensee institute or cease a certain practice, and may require continuing education.

A proposal from a respondent for a CCA will only be considered during probable cause review stage and shall not be considered once a notice is executed.

When staff receives a decision by a probable cause reviewer to offer a CCA for a matter in which standard of care violations are to be addressed, staff will review the licensee’s history to determine if two such CCAs have been entered. If a licensee has already entered two CCAs which address standard of care violations, staff will confer with the probable cause reviewer on the action to be taken.

* As addressed in Guidance Document: 60-5

VIRGINIA BOARD OF DENTISTRY
~~Policy on~~
CONFIDENTIAL CONSENT AGREEMENTS
("CCAs")

Excerpts of Applicable Law, Regulation and Guidance

CCAs may be entered into only used in cases involving minor misconduct, where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner., See Va. Code § 54.1-2400 (14).

~~If a licensed practitioner who has entered into two CCAs involving a standard of care violations, within the ten year period immediately preceding the Board's receipt of the most recent report or complaint being considered, that licensed practitioner will be subject to public discipline unless the Board determines facts or circumstances exist to rebut the presumption for public discipline, shall receive public discipline for any subsequent violation within the 10-year period unless... See Va. Code § 54.1-2400 (14).~~

Probable Cause Decisions

~~1. Consideration of whether a CCAs may or should be used shall be is addressed in probable cause reviews.~~

~~2. A probable cause Reviewers may use recommend use of a CCAs to address one or more minor or technical violations. Those violations to include:~~

- ~~• advertising violations;~~
- ~~• continuing education violations*;~~
- ~~• recordkeeping violations;~~
- ~~• inadequate communication with a patient or patients;~~
- ~~• standard of care findings when there was little or no injury;~~
- ~~• practicing with a lapsed license up to 90 days;~~
- ~~• failure to post a required license, credential or certificate;~~
- ~~• failure to file and maintain an OMS profile;~~
- ~~• OHSA standards violations; and~~
- ~~• expired drug stocks; and~~
- ~~• releasing records improperly or refusing to release records.~~

~~3. The offered CCA shall will include a finding that a violation occurred, shall will direct that the licensee institute or cease a certain practice, and may require continuing education.~~

~~4. A proposal from a respondent for a CCA will only be considered during probable cause review stage and shall not be considered once a notice is executed.~~

~~5. When staff receives Upon receipt of a decision by a probable cause reviewer to offer a CCA for a matter in which standard of care violations are to be addressed, staff shall will review the licensee's history to determine if two such CCAs have been entered. If a licensee has already has~~

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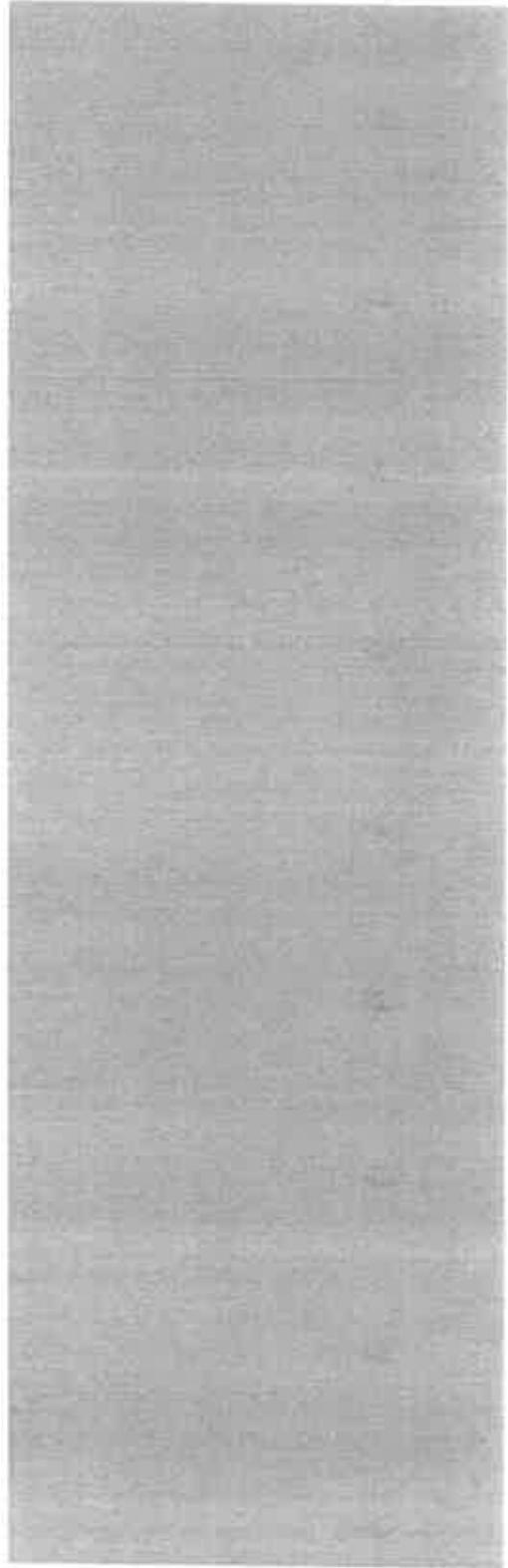
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Guidance Document: 60-1

~~Adopted Revised: July 11, 2003~~ September 9, 2022
~~Revised Effective: June 8, 2015~~ November 10, 2022

entered two CCAs addressing which address standard of care violations, staff will confer with the probable cause Reviewer on the action to be taken.

* As addressed in Guidance Document: 60-5



Agenda Item: Consideration of Guidance Document 60-14

Included in your agenda package are:

- Guidance Document 60-14 with suggested amendments
- Redline of amendments to Guidance Document 60-14

Board Action:

- Motion to amend Guidance Document 60-14.

VIRGINIA BOARD OF DENTISTRY**BYLAWS****Article I. Officers Election, Terms of Office, Vacancies****1. Officers**

The officers of the Virginia Board of Dentistry (Board) shall be President, Vice-President, and Secretary-Treasurer, in accordance with 54.1-2702

2. Election.

A nominating committee of an odd number (3 or more) of Board members shall form, who will not become candidates for any officer position. If a member of the nominating committee becomes a candidate, they shall resign from the nominating committee immediately. The nominating committee shall meet and submit a single slate of officers to be included in the Fall Board Business Meeting agenda package. The election of each officer shall be held during the Fall Board Business Meeting.

3. Terms of Office.

The terms of office of the President, Vice-President, and Secretary-Treasurer shall be for twelve months, until succeeded, or their successor(s) are elected. The term of each office shall begin at the conclusion of the Fall Board Business Meeting and end at the conclusion of the subsequent Fall Board Business Meeting. No officer shall be eligible to serve for more than two consecutive terms in the same office. Vacancies.

In the event of a vacancy in the office of President, the Vice-President shall assume the office of President for the remainder of the term. In the event of a vacancy in the office of Vice-President, the Secretary-Treasurer shall assume the office of Vice-President for the remainder of the term. In the event of a vacancy in the office of Secretary-Treasurer, the President shall appoint a board member to fill the vacancy for the remainder of the term.

In the event that all of the offices are vacated and succession is not possible, a nominating committee of an odd number (3 or more) of Board Members shall form, who will not become candidates for any officer position. If a member of the nominating committee becomes a candidate, they shall resign from the nominating committee immediately. The nominating committee will develop a single slate of candidates for the Board's consideration at its next meeting.

Article II. Duties of Officers**1. President.**

The President shall preside at all meetings and conduct all business according to parliamentary rules (Robert's Rules of Order), the Virginia Administrative Process Act, and the Virginia Freedom of Information Act. The President shall appoint all committees

and designate committee chairs and all representatives, except where specifically provided by law. The President shall sign certificates and documents authorized to be signed by the President, and may serve as an ex-officio member of all committees (at which times possessing all the rights, responsibilities, and duties as any other member of the committee; including the right to vote). The President also may serve as a substitute for an absent committee member and, in this role, he shall participate in voting.

2. Vice-President.

The Vice-President shall perform all duties of the President in either the absence of, or the inability of, the President to serve.

3. Secretary-Treasurer.

The Secretary-Treasurer shall authorize issuance of the draft unapproved minutes of meetings of the Board.

Article III. Duties of Members

1. Qualifications.

After appointment by the Governor, each member of the Board shall forthwith take the oath of office to qualify for service as provided by law.

2. Attendance at meetings.

Members of the Board shall attend all regular and special meetings of the full Board, meetings of committees to which they are assigned, and all hearings conducted by the Board at which their attendance is requested by the President or Board Executive Director, unless prevented by illness or other unavoidable cause. In the case of unavoidable absence of any member from any meeting, the President shall reassign the duties of such absent member when necessary to achieve a quorum for the conduct of business.

3. Examinations.

Each member of the Board who is currently licensed as a dentist or as a dental hygienist may participate in conducting clinical examinations for testing agencies in which the Board holds membership.

Article IV. Meeting

1. Number.

The Board shall hold at least three regular meetings in each year. The President shall call meetings at any time to conduct the business of the Board, and shall convene conference calls when needed to consider summary suspensions and settlements. Additional meetings shall be called by the President at the written request of any two members of the Board.

2. Quorum.

A majority of the members of the Board shall constitute a quorum at any meeting.

3. Voting.

All matters shall be determined by a majority vote of the members present.

Article V. Committees

Standing committees of the Board shall be the following:

Executive Committee
Regulatory Committee
Examination Committee
Special Conference
Committees

VI. Committee Duties and Members.

1. Executive Committee.

The Executive Committee shall consist of the current officers of the Board with the President serving as Chair. The Executive Committee shall:

- a) Be knowledgeable about the budget of the Board;
- b) Conduct all other matters delegated to it by the Board.
- c) Address urgent matters which adversely affect either the timely licensing of applicants or the continuity of board operations while a State of Emergency is in effect and documented efforts to convene a quorum of the Board have failed due to disruption of electronic communications and/or the ability to safely travel in the Commonwealth.

2. Regulatory Committee.

The Regulatory Committee shall consist of two or more members, appointed by the President. This Committee shall consider matters bearing upon state and federal regulations and legislation, and make recommendations to the Board regarding policy matters. The Board may direct the Committee to review the regulations and recommend for possible changes to the Board. The Committee shall submit proposed changes in regulations of the Board in writing to all Board members for approval at a Board Business Meeting. Proposed changes in state laws, or in the rules and regulations of the Board, shall be distributed to all Board members prior to scheduled meetings of the Board.

3. Examination Committee.

The Examination Committee shall develop and oversee the administration of all Board examinations. This shall include, but not be limited to, jurisprudence and licensure examinations.

4. Special Conference Committees.

Special Conference Committees shall:

- a. Review investigation reports to determine if a violation of law or regulation has occurred;

- b. Hold informal fact-finding conferences;
- c. Direct the disposition of disciplinary cases at the informal fact-finding stages. The committee chairs shall provide guidance to Board staff on implementation of their committee's decisions;
- d. Review and decide any action to be taken regarding applications for licensure when the application includes information about criminal activity, practice history, medical conditions, or other content issues;
- e. Consider applicant or licensee requests for approval of credit for programs when the content or the sponsorship of courses are in question; and
- f. Hold informal fact-finding conferences at the request of the applicant or licensee to determine if Board requirements have been met.

5. Committee Members.

Advisory Member. Specialized, non-voting member of a committee. Cannot make or second motions, but may participate fully in debate and discussions.

Ex-Officio Member. A member of a committee who serves by virtue of holding a specific office. Has all the rights, responsibilities, and duties as any other member of the committee, including the right to vote.

Article VII. Executive Director

1. Designation.

The Administrative Officer of the Board shall be designated the Executive Director of the Board.

2. Duties.

The Executive Director shall:

- a. Supervise the operation of the Board office and be responsible for both the conduct and performance of the staff, and the assignment of cases to Board members and agency subordinates;
- b. Execute the policies and services established by the Board;
- c. Provide and disburse all forms as required by law to include, but not be limited to, new and renewal application forms;
- d. Keep accurate record of all applications for licensure, maintain a file of all applications, and notify each applicant regarding the actions of the Board in response to their application. Prepare and deliver licenses to all successful applicants. Keep and maintain a current record of all licenses, permits, and registrations issued by the Board;
- e. Notify all members of the Board of regular and special meetings of the Board. Notify all Committee members of regular and special meetings of Committees. Keep a record of efforts to convene a meeting of the Board during a State of Emergency to include: methods of contact; a summary of the information

provided; a summary of the responses of each member; and an explanation of why efforts to contact a member were unsuccessful. Keep true and accurate minutes of all meetings and post approved draft minutes within ten days following such meetings;

- f. Issue all notices and orders, render all reports, keep all records, and notify all individuals as required by these Bylaws or applicable law. Affix and attach the seal of the Board to such documents, papers, records, certificates and other instruments as may be directed by law;
- g. Keep accurate records of all disciplinary proceedings. Receive and certify all exhibits presented. Certify a complete record of all documents whenever and wherever required by law; and
- h. Provide the Board's financial statements and biennial budget, along with any revisions, to the Board.
- i. Assign the determination of probable cause for disciplinary action to a board member or the staff dental review coordinator, who may offer a confidential consent agreement, offer a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case.

VIRGINIA BOARD OF DENTISTRY

BYLAWS

Article I. Officers Election, Terms of Office, Vacancies

1. Officers

The officers of the Virginia Board of Dentistry (Board) shall be President, Vice-President, and Secretary-Treasurer, in accordance with 54.1-2702.

2. Election.

~~The President shall appoint a~~ A nominating committee of an odd number (3 or more) of Board members shall form, who will not become candidates for any officer position. If a member of the nominating committee becomes a candidate, they shall resign from the nominating committee immediately. ~~to~~ The nominating committee shall meet and submit a single slate of officers to be included in the September/Fall Board Business Meeting agenda package. The election of each officer shall be held during the September/Fall Board Business Meeting. ~~Prior to the election of officers, nominations from the floor may be entered.~~

3. Terms of Office.

The terms of office of the President, Vice-President, and Secretary-Treasurer shall be for twelve months, until succeeded, or their successor(s) are elected. The term of each office shall begin at the conclusion of the Fall Board Business Meeting and end at the conclusion of the subsequent Fall Board Business Meeting. No officer shall be eligible to serve for more than two consecutive terms in the same office, unless serving an unexpired term.

5.4. Vacancies.

In the event of a vacancy in the office of pPresident, the vVice-pPresident shall assume the office of pPresident for the remainder of the term. In the event of a vacancy in the office of vVice-pPresident, the sSecretary-Treasurer shall assume the office of vVice-pPresident for the remainder of the term. In the event of a vacancy in the office of sSecretary-Treasurer, the pPresident shall appoint a board member to fill the vacancy for the remainder of the term.

In the event that all of the offices are vacated and succession is not possible, the Board shall be convened to appoint a Nominating Ccommittee of an odd number (3 or more) of Board Members shall form, who will not become candidates for any officer position. If a member of the nominating committee becomes a candidate, they shall resign from the nominating committee immediately, which The nominating committee will develop a single slate of candidates for the Board's consideration at its next meeting. Pending the election of new officers, the member of the Board with the longest length of continuous service shall serve as acting president.

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Commented [VP2]: This is prohibited in both American Institute of Parliamentarians Standard Code of Parliamentary Procedure and Robert's Rules of Order.

Commented [VP3]: Recommend removal because this would not give Board Members time to consider the nomination in a meaningful way.

Article II. Duties of Officers

1. President.

The President shall preside at all meetings and conduct all business according to the ~~parliamentary rules (Robert's Rules of Order), the Virginia Administrative Process Act, and the Virginia Freedom of Information Act, the American Institute of Parliamentarians Standard Code of Parliamentary Procedure.~~ The President shall appoint all committees and designate committee chairs and all representatives, except where specifically provided by law. The President shall sign certificates and documents authorized to be signed by the President, and may serve as an ex-officio member of all committees (at which times possessing all the rights, responsibilities, and duties as any other member of the committee; including the right to vote). The President also may serve as a substitute for an absent committee member and, in this role, he shall participate in voting.

2. Vice-President.

The Vice-President shall perform all duties of the President in either the absence of, or the inability of, the President to serve.

3. Secretary-Treasurer.

The ~~Secretary-Treasurer~~ shall authorize issuance of the draft unapproved minutes of meetings of the Board.

Article III. Duties of Members

1. Qualifications.

After appointment by the Governor, each member of the Board shall forthwith take the oath of office to qualify for service as provided by law.

2. Attendance at meetings.

Members of the Board shall attend all regular and special meetings of the full Board, meetings of committees to which they are assigned, and all hearings conducted by the Board at which their attendance is requested by the President or Board Executive Director, unless prevented by illness or other unavoidable cause. In the case of unavoidable absence of any member from any meeting, the President shall reassign the duties of such absent member when necessary to achieve a quorum for the conduct of business.

3. Examinations.

Each member of the Board who is currently licensed as a dentist or as a dental hygienist may participate in conducting clinical examinations for testing agencies in which the Board holds membership.

4. ~~Code of Conduct.~~

~~Via incorporation by reference, members of the Board shall abide by the adopted Virginia Board of Dentistry Code of Conduct for Members (Guidance Document 60-9, Adopted June 12, 2009).~~

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Article IV. Meeting

1. **Number.**

The Board shall hold at least three regular meetings in each year. The President shall call meetings at any time to conduct the business of the Board, and shall convene conference calls when needed to consider summary suspensions and settlements. —Additional meetings shall be called by the President at the written request of any two members of the Board.

2. **Quorum.**

A majority of the members of the Board shall constitute a quorum at any meeting.

3. **Voting.**

All matters shall be determined by a majority vote of the members present.

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Article V. Committees

Standing committees of the Board shall be the following:

Executive Committee
Regulatory-Legislative Committee
Examination Committee
Special Conference Committees

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Article VI. Committee Duties.

1. **Executive Committee.**

~~The Executive Committee shall consist of the current officers of the Board and the Past President of the Board, with the President serving as Chair. The Executive Committee shall:~~

~~a) Order a biennial review of these Bylaws for review by the Board at its December/Winter meeting in odd-numbered years;~~

~~b)a) Be knowledgeable about the budget of the Board;~~

~~e) Review financial reports and may make recommendations to the Board regarding financial matters;~~

~~d) Select current or former board members and knowledgeable professionals to be invited to serve as agency subordinates; and~~

~~e)b) Conduct all other matters delegated to it by the Board.~~

~~f)c) Address urgent matters which adversely affect either the timely licensing of applicants or the continuity of board operations while a State of Emergency is in effect and documented efforts to convene a quorum of the Board have failed due to disruption of electronic communications and/or the ability to safely travel in the Commonwealth.~~

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2. Regulatory-Legislative Committee.

The Regulatory-Legislative Committee shall consist of two or more members, appointed by the President. This Committee shall consider matters bearing upon state and federal regulations and legislation, and make recommendations to the Board regarding policy matters. The Board may direct the Committee to review the regulations law and recommend -for possible changes to the Board. The Committee shall submit proposed changes in regulations of the Board in writing to all Board members for approval at a Board Business Meeting. Proposed changes in state laws, or in the rules and regulations of the Board, shall be distributed to all Board members prior to scheduled meetings of the Board.

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3. Examination Committee.

The Examination Committee shall develop and oversee the administration of all Board examinations. This shall include, but not be limited to, jurisprudence and licensure examinations.

4. Special Conference Committees.

Special Conference Committees shall:

- a. Review investigation reports to determine if a violation of law or regulation has occurred;
- b. Hold informal fact-finding conferences;
- c. Direct the disposition of disciplinary cases at the informal fact-finding stages. The committee chairs shall provide guidance to Board staff on implementation of their committee's decisions;
- d. Review and decide any action to be taken regarding applications for licensure when the application includes information about criminal activity, practice history, medical conditions, or other content issues;
- e. Consider applicant or licensee requests for approval of credit for programs when the content or the sponsorship of courses are in question; and
- f. Hold informal fact-finding conferences at the request of the applicant or licensee to determine if Board requirements have been met.

5. Committee Members.

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Advisory Member. Specialized, non-voting member of a committee. Cannot make or second motions, but may participate fully in debate and discussions.

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f. Ex-Officio Member. A member of a committee who serves by virtue of holding a specific office. Has all the rights, responsibilities and duties as any other member of the committee, including the right to vote.

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Article VI. Executive Director

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1. Designation.

The Administrative Officer of the Board shall be designated the Executive Director of the Board.

2. Duties.

The Executive Director shall:

- a. Supervise the operation of the Board office and be responsible for both the conduct and performance of the staff, and the assignment of cases to Board members and agency subordinates;
- b. Execute the policies and services established by the Board;
- c. Provide and disburse all forms as required by law to include, but not be limited to, new and renewal application forms;
- d. Keep accurate record of all applications for licensure, maintain a file of all applications, and notify each applicant regarding the actions of the Board in response to their application. Prepare and deliver licenses to all successful applicants. Keep and maintain a current record of all dental and dental hygiene licenses, permits, and registrations issued by the Board;
- d-e. Notify all members of the Board of regular and special meetings of the Board. Notify all Committee members of regular and special meetings of Committees. Keep a record of efforts to convene a meeting of the Board during a State of Emergency to include: methods of contact; a summary of the information provided; a summary of the responses of each member; and an explanation of why efforts to contact a member were unsuccessful. Keep true and accurate minutes of all meetings and ~~post approved draft minutes distribute approved draft minutes to the Board members within ten days following such meetings;~~
- e-f. Issue all notices and orders, render all reports, keep all records, and notify all individuals as required by these Bylaws or applicable law. Affix and attach the seal of the Board to such documents, papers, records, certificates and other instruments as may be directed by law;
- f-g. Keep accurate records of all disciplinary proceedings. Receive and certify all exhibits presented. Certify a complete record of all documents whenever and wherever required by law; and
- g-h. Provide the Board's financial statements and biennial budget, along with any revisions, to the ~~Executive Committee for review~~ Board.
- h-i. Assign the determination of probable cause for disciplinary action to a board member or the staff dental review coordinator, who may offer a confidential consent agreement, offer a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case.

Commented [VPT]: Only because this hasn't been happening

~~DEFINITIONS OF TYPES OF COMMITTEE MEMBERS~~

~~Advisory Member — Specialized, non voting member of a committee. Cannot make or second motions, but may participate fully in debate and discussions.~~

Ex Officio Member— A member of a committee who serves by virtue of holding a specific office. Has all the rights, responsibilities and duties as any other member of the committee, including the right to vote.



Virginia Department of
Health Professions
 Board of Dentistry
 Disciplinary Board Report

Today's report reviews the January –August 2022 case activity

January –August 2022

The table below includes all cases that have received Board action since January 1, 2022 through August 25, 2022

Year 2022	Cases Received	Cases Closed No Violation	Cases Closed W/Violation	Total Cases Closed
Jan	27	34	6	40
Feb	27	14	13	27
March	51	26	6	34
April	42	20	15	35
May	30	38	4	42
June	42	57	8	65
July	34	28	8	36
August	30	24	7	31
TOTALS	283	243	67	310

Closed Case with Violations consisted of the following:

Patient Care Related:

- **40 Standard of Care: Diagnosis/Treatment:** Instances in which the diagnosis/treatment was improper, delayed, or unsatisfactory. Also, include failure to diagnose/treat & other diagnosis/treatment issues.
- **14 Business Practice Issues:** Advertising, default on guaranteed student loan, solicitation, records, inspections, audits, self-referral of patients, required to report not filed, prescription blanks, or disclosure.
- **4 Unlicensed Activity:** Practicing a profession or occupation without holding a valid license as required by statute or regulations.
- **3 Standard of Care-Surgery:** Improper/unnecessary performance of surgery, improper patient management, and other surgery-related issues
- **4 Inability to Safely Practice:** Impairment due to the use of alcohol, illegal substances, or prescription drugs or incapacitation due to mental, physical or medical conditions.
- **1 Compliance:** Violation of a board order term or probation violation

Non-Patient Care Related:

- **1 Drug Related-Non-Patient Care :** Theft or diversion of drugs when a patient is not involved

CCA's

There were **22** CCA's issued from January 1, 2022 to August 25, 2022. The CCA's issued consisted of the following violations:



Virginia Department of
Health Professions
Board of Dentistry

Disciplinary Board Report

- **18 Business Practice Issues:** Recordkeeping
- **1 Unlicensed Activity:** Practicing a profession or occupation without holding a valid license as required by statute or regulations. (didn't renew license)
- **1 Drug Related- Security:** Failure to maintain security of controlled substances.
- **1 Fraud- Non-Patient Care:** Improper patient billing, mishandling of pre-need funds, fee splitting, and falsification of licensing/renewal documents.
- **1 Standard of Care: Diagnosis/Treatment:** Instances in which the diagnosis/treatment was improper, delayed, or unsatisfactory. Also, include failure to diagnose/treat& other diagnosis/treatment issues.

Suspensions/Revocations

There have been **2** Summary Suspensions Issued from January 1, 2021 to August 25, 2022.

- **2** summary suspension for **Standard of Care-Medication/Prescription:** Prescribing, labeling, dispensing, and administration errors. Also, includes improper management of patient regimen and failure to provide counseling as well as other medication/prescription related issues.