

**VIRGINIA BOARD OF DENTISTRY
REGULATORY-LEGISLATIVE COMMITTEE MEETING MINUTES
May 20, 2022**

TIME AND PLACE: The meeting of the Regulatory-Legislative Committee was called to order at 1:02 a.m., on May 20, 2022 at the Perimeter Center, 9960 Mayland Drive, in Board Room 3, Henrico, Virginia 23233.

PRESIDING: Patricia B. Bonwell, R.D.H., PhD.

COMMITTEE MEMBERS PRESENT: Jamiah Dawson, D.D.S.
Alf Hendricksen, D.D.S.
J. Michael Martinez de Andino, J.D.

COMMITTEE MEMBERS ABSENT: Joshua Anderson, D.D.S.

OTHER PARTICIPATING BOARD MEMBERS: Nathaniel C. Bryant, D.D.S.

STAFF PRESENT: Jamie C. Sacksteder, Acting Executive Director
Donna M. Lee, Discipline Case Manager
Erin Barrett, Senior Policy Analyst, Department of Health Professions

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

PUBLIC COMMENT: Dr. Bonwell explained the parameters for public comment and opened the public comment period. There was no public comment.

APPROVAL OF MINUTES: Dr. Bonwell asked if there were any edits or corrections to the February 18, 2022 minutes. Dr. Dawson moved to approve the minutes as presented. The motion was seconded and passed.

COMMITTEE DISCUSSION TOPICS: **Removal of Pulp Capping as a Delegable Task for a Dental Assistant II** - Ms. Barrett explained that a previous NOIRA was submitted for removal of direct pulp capping from tasks delegable to a Dental Assistant II; however, the NOIRA should have been for indirect pulp capping. The Committee would make a recommendation that the Board at its June Board Business meeting for the approved regulatory language of adding the word "indirect" pulp capping procedures to be delegable to a Dental Assistant II.

Ms. Sacksteder stated that she spoke with Board Counsel and he recommended that Dental Assistant II's that have the delegable duty of pulp capping on their registration to be grandfathered in.

The Committee agreed by consensus to recommend to the Board that Dental Assistant II's, approximately 38 of them, that currently have the delegation of pulp capping be grandfathered in.

The Committee agreed by consensus to recommend to the Board to accept the regulatory language adding "indirect" pulp capping procedures to be a task delegable to a Dental Assistant II; and also recommend that a guidance document be created to explain the regulation change.

Petition for Rulemaking: Reinstatement Applications – Ms. Barrett informed the Committee that a Petition for Rulemaking was submitted to allow refresher courses provided by the ADA and AADH for dental hygienists applying for reinstatement in accordance with 18VAC60-25-210(B) of the Regulations Governing Dental Hygiene.


Ms. Sacksteder stated reinstatement applicants for dentists should also be considered regarding refresher courses, in order to be consistent.

The Committee agreed by consensus to recommend to the Board to initiate rulemaking and issue a NOIRA to revise 18VAC60-24-210 and 18VAC60-21-240 to allow refresher courses provided by the ADA and AADH for reinstatement applicants; and also recommend that a guidance document be created on defining what a refresher course is that is acceptable to the Board. It is recommended for both the dentist and dental hygiene reinstatement applicants to require 15 hours of CE per each calendar year that the applicant has no active practice or 1.25 hour per month. The refresher course to be at least 75% clinical hands-on and the rest can be didactic. The certificate of the approved refresher course must reflect the number of hours that are hands-on clinical.

Digital Scan Technician Regulations - Ms. Barrett stated that the Board at its June 11, 2021 meeting voted to adopt the proposed regulations for Digital Scan Technicians. 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 regulatory action had to be withdrawn and a new proposed stage has begun that reflected the accurate final draft that was approved by the Board in June 2021. This proposed stage will be submitted for public comment after Executive Branch review. There was no motion required by the committee since the Board already previously approved the final draft in June 2021.


NEXT MEETING: No date scheduled.

ADJOURNMENT: With all business concluded, the Committee adjourned at 1:27 p.m.



Patricia B. Bonwell, R.D.H., PhD, Chair
Jamiah Dawson, DDS Chair
10/14/22

Date



Jamie C. Sacksteder, Acting Executive Director
10/14/22

Date