

CALL TO ORDER: This meeting of the Virginia Board of Dentistry was called to order at 9:04 AM, on September 11, 2020 at the Perimeter Center, 9960 Mayland Drive, in Board Room 2, Henrico, Virginia 23233.

PRESIDING: Augustus A. Petticolas Jr., D.D.S., President

MEMBERS PRESENT: Sandra J. Catchings, D.D.S., Vice President
Nathaniel C. Bryant, D.D.S., Secretary
Patricia B. Bonwell, R.D.H., PhD
Sultan E. Chaudhry, D.D.S
Jamiah Dawson, D.D.S.
Perry E. Jones, D.D.S.
Margaret F. Lemaster, R.D.H.

MEMBER ABSENT: Mike Nguyen, D.D.S.

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

COUNSEL PRESENT: Erin Barrett, Assistant Attorney General

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

Ms. Reen read the emergency evacuation procedures.

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

Alexander T. Vaughan, DDS (Virginia Total Sleep) referred to his written comment and addressed the field of orofacial pain as a newly recognized dental specialty which treats chronic orofacial, head and neck pain. Dr. Vaughan also offered to provide guidance from Virginia members of the American Board of Orofacial Pain on matters such as BOTOX and dermal fillers.

**APPROVAL OF
MINUTES:**

Dr. Petticolas asked if there were any corrections to the draft minutes of the Board's March Business Meeting, Telephonic Board Business Meeting, Emergency Virtual Board Meeting, and the June and July Telephone Conference Calls. Hearing none, Dr. Jones moved to approve these minutes as presented; the motion was seconded and passed.

**LIAISON AND
COMMITTEE
REPORTS:**

Dr. Petticolas acknowledged the written reports submitted by Dr. James Watkins on the activities of the Southern Regional Testing Agency.

Dr. Bryant reported on the American Board of Dental Examiners, stating that test results for the dental typodont exams were almost exactly the same as the test results on live patients exams. He added that the typodont exam allows testing on multiple teeth rather than the one tooth addressed in live patient exams. He said ADEX is still working on a scaling typodont for Dental Hygiene exams.

**DIRECTORS
REPORTS:**

Dr. Brown welcomed the new board members and recognized the members who were re-appointed. He explained the role of the Board, emphasizing protection of the public. Dr. Brown gave updates on: workflow during the pandemic, noting that 75% of employees are teleworking; and on medical marijuana and his expectation for more legislation on this topic in the upcoming General Assembly session. Dr. Brown then explained that the Board's legislative proposal to add A1c testing in the definition of dentistry was not advanced by the Department of Health Professions because more critical issues were given priority. He added that it may be more appropriate for the Virginia Dental Association to address A1c testing with the General Assembly.

**LEGISLATION AND
REGULATION:**

Ms. Yeatts reviewed her Status Report on Regulatory Actions, stating that two Public Hearings are scheduled for October 9, 2020 on the remote supervision and sedation regulations. She reported that the regulation changing the renewal schedule to birth months went into effect on August 19, 2020 and will be implemented in the 2021 renewals. Dr. Chaudhry recommended issuing a Frequently Asked Questions (FAQs) reference sheet on the transition including information regarding the annual continuing education requirements during the transition period to birth months. This recommendation was agreed to by consensus.

Ms. Yeatts reviewed the proposed final regulation on E-Prescribing addressing the one time, up to one year waiver the Board is authorized to grant. She said this action is needed to replace the emergency regulation. Dr. Catchings moved to adopt the proposed amendments. The motion was seconded and passed.

Ms. Yeatts then addressed adoption of final regulations regarding the education and training requirements for Dental Assistants II (DAII). She explained that Ms. Kitner's Petition for Rulemaking beginning on page 1 of the agenda package was addressed as public comment on this action because the request was to amend the education requirements for DAIs to allow licensed dental hygienists to qualify without being a Certified Dental Assistant (CDA). Dr. Bonwell moved to accept the regulations as proposed with an amendment to include the pathway for licensed dental hygienists. The motion was seconded. During discussion, Dr. Bryant questioned the regulation which allows pulp capping by a DAII, stating that pulp capping should be removed from the scope of practice of DAIs. He then made a subsidiary motion to remove this procedure. Following further discussion, Dr. Bryant revised his motion to assigning this topic to the Regulatory-Legislative Committee for further review and for public comment. This motion was seconded, discussed and passed. Dr. Catchings moved to return to the main motion made by Dr. Bonwell. This motion was seconded and passed. Dr. Bonwell's motion was passed without further discussion.

Ms. Yeatts then addressed adoption of a Notice of Intended Regulatory Action (NOIRA) to obtain comment on developing the regulations for the training program digital scan technicians must complete in order to practice under the supervision of a dentist licensed in Virginia. She explained that this action is required by legislation passed by the 2020 General Assembly. Dr. Bryant moved to adopt a Notice of Intended Regulatory Action and to send the development of regulations regarding digital scan technicians to the Regulatory-Legislative Committee. The motion was seconded and passed.

**BOARD DISCUSSION/
ACTION:**

Dr. Dawson reported that the Nominating Committee nominates the current officers for second terms. Dr. Petticolas asked if there were any other nominations. Hearing none, the Board elected Dr. Petticolas as president, Dr. Catchings as Vice-President and Dr. Bryant as Secretary.

Ms. Reen presented the 2020 Virginia Dental Hygienist Workforce report prepared by the Healthcare Workforce Data Center and asked the Board to adopt the report for publication. Dr. Bonwell made a motion to adopt. The motion was seconded and passed.

Ms. Reen presented the draft 2021 Board Calendar for adoption. Dr. Catchings moved to adopt the calendar. The motion was seconded and passed.

**DEPUTY EXECUTIVE
DIRECTOR'S
REPORT:**

Ms. Sacksteder reviewed the Disciplinary Board Report on case activity from July 1, 2019 through June 30, 2020, giving an overview of the actions taken and a breakdown of the cases closed with violations. Draft guidance documents addressing sedation inspections and sedation permits were assigned to the Regulatory-Legislative Committee for review.

**EXECUTIVE
DIRECTOR'S
REPORT:**

Ms. Reen discussed an Agency Member - Membership Renewal billing statement she received from the American Association of Dental Boards (AADB). She said she was advised by AADB staff that she could not renew her individual membership until the Agency Membership was paid. She asked the Board for guidance on becoming an agency member, maintaining individual memberships, if possible, or attending meetings as non-members. Dr. Bryant made a motion to send up to two non-voting representatives, to include a Board member and either the Executive Director or the Deputy Executive Director, to the semi-annual conferences without paying membership dues to the AADB. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 11:24 AM.


Augustus A. Petticolos Jr., D.D.S., President

Dec. 11, 2020
Date


Sandra K. Reen, Executive Director

December 11, 2020
Date