

**Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement**

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ORIGINAL

Bill Number: SB178 ER

Patron: Locke

Bill Title: Dental assistants; supragingival scaling and coronal polishing; certification.

Bill Summary: Provides that any dental assistant I or dental assistant II with a minimum of 1,800 hours of clinical experience may obtain certification to provide additional treatments (including supragingival scaling with hand and ultrasonic scalers and coronal polishing) provided they meet certain educational and certification requirements. Under the bill, a dental assistant I or dental assistant II seeking such certification must undergo training and obtain certification from (i) a licensed dentist or licensed dental hygienist who is employed by a licensed dentist and implementing an education curriculum provided by certain statewide associations; (ii) a federal program approved by or associated with the Indian Health Service or while serving on active military duty; or (iii) an existing dental assistant education program. The bill also requires licensed dentists who provide, supervise, or confirm the training of expanded function dental assistants (i) to certify under oath that the preventative dental assistant has completed the required training and at least 20 supervised full-mouth supragingival scaling procedures and (ii) to produce such certification to the Board of Dentistry upon request. The bill finally sets forth supervision requirements for dental assistants performing supragingival scaling or coronal polishing.

Budget Amendment Necessary: Yes

Items Impacted: Item 288

Explanation: The Department of Health Professions is likely to require additional nongeneral fund appropriation and one position to comply with the requirements of this legislation, attributable to Item 288 (Regulation of Professions and Occupations).

Fiscal Summary: This legislation is likely to require nongeneral fund expenditures on the part of the Department of Health Professions (DHP) for which they are not currently appropriated. DHP's interpretation of the bill text assumes that all certification responsibilities will be borne by the Board of Dentistry based on Code language outlining the responsibilities of health regulatory boards. However, the bill text also appears to grant certification responsibilities to licensed dentists or other programs meeting certain requirements. Should the bill be understood to grant certification responsibilities to these individuals or programs, the impact to the Board of Dentistry may be reduced. See table and fiscal analysis below.

Nongeneral Fund Expenditure Impact:

| <u>Agency</u> | <u>FY2026</u> | <u>FY2027</u> | <u>FY2028</u> | <u>FY2029</u> | <u>FY2030</u> | <u>FY2031</u> |
|---------------|---------------|------------------|------------------|------------------|------------------|------------------|
| DHP (223) | - | \$100,000 | \$100,000 | \$100,000 | \$100,000 | \$100,000 |
| TOTAL | - | \$100,000 | \$100,000 | \$100,000 | \$100,000 | \$100,000 |

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Position Impact:

| <u>Agency</u> | <u>FY2026</u> | <u>FY2027</u> | <u>FY2028</u> | <u>FY2029</u> | <u>FY2030</u> | <u>FY2031</u> |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| DHP (223) | - | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| TOTAL | - | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |

Fiscal Analysis: This bill will allow a dental assistant I (DAI) or dental assistant II (DAII) to obtain certification to provide additional dental treatments as outlined in the bill. Pursuant to § 54.1-2400 of the Code of Virginia, the Department of Health Professions (DHP) believes that the Board of Dentistry, in its capacity as a health regulatory board, will be responsible for establishing the certification process for such expanded treatment capacities and administering such certification to qualifying applicants.

Under current regulations, only DAIs are required to register with the Board of Dentistry (the Board). This legislation would allow DAIs, who are currently unregulated by the Board, to engage with the Board when applying for the certification outlined in the bill. DHP reports that 58 DAIs are currently registered with the Board; however, 2024 data from the Bureau of Labor Statistics estimates that there may be as many as 11,040 dental assistants (both DAIs and DAIs) in Virginia. This significantly expands the applicant pool for this certification beyond providers currently known to the Board.

In order to manage an increase in certification applications that exceed the currently registered pool of DAIs, DHP estimates that they will require one new nongeneral fund position at pay band 3, for a total of \$100,000. This individual will be a licensing specialist responsible for handling all applications for the new practice certification. The cost estimate for this position is inclusive of salary, fringe benefits, and non-personnel costs related to operation, training, supplies, and travel. Given that operations of DHP’s health regulatory boards are wholly sustained by practitioner fee revenue, the increase in nongeneral fund appropriation required to sustain this position may need to be generated through a fee increase for the Board of Dentistry.

It is expected that any other costs associated with the provisions of this regulation, including the validation of certifications from supervising dentists upon request and the promulgation of regulations, are minimal and can be absorbed within existing resources.

This fiscal impact analysis assumes that the Board of Dentistry, in its capacity as a health regulatory board, will be responsible for establishing the application process for the new certification type and bestowing such certification to all eligible applicants. However, the provisions of this legislation also appear to allow for such certification to be granted by licensed dentists or certain licensed dental hygienists, through certain federal programs or military service, or through an existing dental assistant education program. The extent to which these provisions may conflict with statutory responsibilities of health regulatory boards is unclear. If the bill text can be understood to delegate certification authority to such persons and/or groups, then it is possible that some of the estimated workload for the Board of Dentistry may be reduced.

Other: SB178 may be a companion to HB970. The House of Delegates provided funding for this initiative in their amendments to the introduced budget that is consistent with the estimates in the table above (Item 288 #3h); however, the amendment does not include any positions.