

January 3, 2025

The Honorable Denis Richard McDonough
Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Ave NW
Washington, DC 20420

Dear Secretary McDonough,

On behalf of the more than 159,000 members of the American Dental Association (ADA), thank you for the opportunity to respond to your request for information, "Notice of Request for Information on the Department of Veterans Affairs Dental Hygienist Standard of Practice." The ADA advocates for access to the highest quality of dental care for veterans and all Americans. With these goals in mind, we have advocated for policies we believe would result in an improved distribution of dental professionals and for the portability of dental professional licenses, within the state level guardrails of patient safety and provider accountability. The American Dental Association supports the authority of each state government to adopt and enforce laws and rules that regulate the practice of dentistry and enhance the oral health of the public within its jurisdiction. We commend you for your attention to these priorities as you establish national standards of practice for Department of Veterans Affairs (VA) dental team, but we also would like some clarity on questions about your proposed standard of practice for VA dental hygienists.

1. Is VA's assessment of what your State permits and prohibits accurate?

As a national organization, ADA represents dentists in many states with diverse standards of practice for dental hygienists and other dental professionals. Given these diverse standards¹, we are seeking clarity on seemingly inconsistent statements about the need for national standards of practice, preemption of state requirements, and the results of VA's review of state laws and practice acts.

Throughout the notice of request for information (RFI), it is stated that, for instance, "Having a national standard of practice means that individuals from the same VA health care profession may perform the same type of tasks and duties regardless of the State where they are located or the State license, registration, certification, or other requirement they hold," "the national standard of practice will preempt any State laws, rules, regulations, or other requirements that are both listed and unlisted in the national standard as conflicting, but that do conflict with the tasks and duties as authorized in VA's national standard of practice," and "the increased need for mobility in VA's workforce, including through VA's Disaster Emergency Medical Personnel System, highlighted the importance of creating uniform national standards of practice to better support VA health care professionals who practice across State lines."

The ADA agrees with the VA's intent to increase the portability of licenses and recognizes the Department of Defense's work on the Dentist and Dental Hygienist (DDH) Compact² as being worthy of emulating. In addition to the intended purpose of easing licensure delays and restrictions across states, the DoD recognized the importance of individual state boards retaining authority so that those individuals using a compact privilege are subject to the practice act and disciplinary authority in whichever state they are physically practicing. However, given that the RFI proposes to establish a national standard for VA dental hygienists under which, "dental hygienists can practice all duties covered by their license and the credentialing standards," and given that states manifestly have diverse standards of practice, we are unsure what VA means when it says that, "VA reviewed State laws and practice acts for dental hygienists in March 2024 and did not identify any conflicts that impact practice of this profession in VA." **Does this statement imply that inconsistencies in**

¹ Oral Health Workforce Resource Center. [Variation in Dental Hygiene Scope of Practice By State](#). Accessed December 18, 2024.

² [Dentist and Dental Hygienist Compact](#).

standards of practice between states do not constitute “conflicts that impact practice of this profession in the VA”?

2. Are there any areas of variance between State licenses, certification, registration, or other requirement that VA should preempt that are not listed?

While the ADA would appreciate VA clarifying its statement that no conflicts that impact the practice of dental hygiene in the VA exist between state laws and practice acts for dental hygienists, when it is also simultaneously seeking to preempt differing state laws and practice acts, **we would also urge that VA use caution whenever it chooses to preempt state requirements with its national standards.** We have member dentists with experience in federal programs that do not fall under the jurisdiction of state dental boards and we have heard from them that there is often limited recourse when unfortunate cases of patient care occur. **VA should take note of difficulties encountered by other federal agencies employing licensed professionals and adopting national standards, such as barriers to civilian employment for military dental hygienists who have been practicing according to federal military standards of practice. Attention to supervision requirements, in addition to procedures, is an important consideration when applying a blanket standard that will not hold providers accountable to state regulatory oversight.**

Additionally, the ADA is currently leading the adoption and implementation of the DDH Compact, developed in conjunction with the Department of Defense, for the purpose of easing licensure delays and restrictions across states. One of the primary benefits of the DDH Compact is that individual state boards retain the authority to discipline any individual practicing under the compact in their state. Additionally, the Compact states clearly that those individuals using a compact privilege are subject to the practice act in whichever state they are physically practicing. **Rather than preempt state requirements, the ADA believes that states should remain the sole licensing and disciplinary authority for licensed individuals in their state.** The DDH Compact currently has 10 member states, and has reached activation status, with the first compact privileges anticipated to be issued in late 2025.

3. Is there anything else you would like to share with us about this VA national standard of practice?

The qualification standard for dental hygienists referenced in this RFI³ outlines federal general schedule grade levels for hygienists that dictate their pay rate. Each grade level specifies the assignments a hygienist of that grade may be given. Some of the grades specify assignments that are outside the scope for dental hygiene in some states, or require a higher level of supervision in some states than it would in the VA. **If VA hygienists must practice according to the requirements and limitations of the dental practice act in their state of licensure, how would this affect a VA dental hygienist practicing according to new national VA standards of practice?**

While we commend your attentiveness to issues of interoperability of medical data between VA and the Department of Defense (DOD), **we also ask that you further clarify how adoption of national standards of practice would advance interoperability.**

The ADA stands ready to assist the VA as it seeks to regularize the quality of dental care across all VA facilities and as it ensures that members of the dental team can meet the needs of veteran patients within their licensed scope of practice,

If you have any questions, please contact David Linn, ADA Director of Federal Affairs at linnd@ada.org.

³ Veterans Health Administration. [Dental Hygienist Qualification Standard](#). July 23, 2021.

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Sincerely,

/s/

Brett Kessler, D.D.S.
President

/s/

Raymond A. Cohlma, D.D.S.
Executive Director