



**STATE OF WASHINGTON
DEPARTMENT OF HEALTH**

**DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, April 18, 2014**

MEMBERS PRESENT

LouAnn Mercier, DDS, Chair
Robert Shaw, DMD, Vice Chair
Kara Baza, EFDA
Paul Bryan, DMD
John Carbery, DMD
Todd Cooper, DDS
Charles Hall, DDS
James Henderson, Public Member
Bree Kramer, EFDA
John Liu, DDS
Colleen Madden, Public Member
Hyun J. Song, DDS
Andrew Vorono, DDS
Benjamin Weege, DDS

MEMBERS ABSENT

Karim Alibhai, DMD
Willis Gabel, DDS

STAFF PRESENT

Trina Castle, Executive Director
Jennifer Santiago, Program Manager
Sandie Pearson, Program Representative
Heather Carter, Assistant Attorney General
Bill Kellington, Supervising Staff Attorney

OTHERS PRESENT

Melanie Knupp, Pacific Dental Services
Jennifer Bryant, Pacific Dental Services
John Bukovi, Gentle Dental
Mike Walsh, Washington State Dental
Association (WSDA)
Alan Wicks, WSDA
Emily Lovell, WSDA
Melissa Johnson, Washington State Dental
Hygienists' Association, Willamette
Dental
Kisha Eikner, Assistant Attorney General
Charles Meredith, WPHP
Jason Green, WPHP
Carolyn Logue, Washington Denturists
Association

OPEN SESSION

1. **CALL TO ORDER** – Dr. Mercier, Chair, called the meeting to order at 8:01 a.m.
 - 1.1. The commission, staff, and audience introduced themselves.
 - 1.2. The commission approved the business meeting agenda as presented.

- 1.3. The commission approved the March 7, 2014 business meeting minutes as presented.
- 1.4. The commission approved the March 7, 2014, panel A, B, and C minutes as presented.

2. RULES HEARING – 8:03 a.m. to 8:31 a.m.

A rules hearing to receive public comments was held regarding the three following proposed rules:

- WAC 246-817-305 Record Content. One person testified mildly opposed to the rule and expressed concerns regarding sections (3)(e) and (3)(j)(i). One additional written comment was received expressing concerns regarding sections (3), (3)(a), (3)(h)(i), (3)(j)(i) and (ii).
- WAC 246-817-310 Record retention and accessibility requirements. One person testified mildly opposed to the rule and expressed concerns regarding the deletion of existing rule language related to supplying documentation proving his or her ownership of the dental office and equipment.
- WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision. One written comment was received in support of the rule.

The rules hearing concluded at 8:18 a.m.

The commission discussed comments received and made the following decisions:

The Dental Quality Assurance Commission determined not to adopt the WAC 246-817-305 and 310. The Dental Treatment Rules Committee will consider changes in WAC 246-817-310 based on the testimony received.

The Dental Quality Assurance Commission voted unanimously to adopt the proposed rule; WAC 246-817-550 as filed on February 10, 2014 as WSR 13-19-084.

3. LEGISLATION

- 3.1. Dr. Shaw provided an update on the weekly meet-me-calls. He shared that the dental professions had been removed from the suicide prevention bill.
- 3.2. Senate Bill (SB) 6138 – Expanded function dental auxiliary continuing education. Ms. Baza reported that Senate Bill 6138 did not pass.
- 3.3. House Bill (HB) 2351 – Out of state health care professional volunteering in Washington passed. The department is working on developing a communication plan to notify practitioners of HB 2351.

- 3.4. Senate Bill (SB) 5964 – Training public officials and employees regarding public records, records management, and requirements of the Open Public Meetings Act (OPMA) passed. This will require Board, Commission, and Committee members to obtain training within 90 days of their appointment, and then once every four years. Heather Carter, AAG will provide updated information regarding training at a future meeting.
- 3.5. Ms. Santiago shared that the department has resubmitted the request to allow the commission to require EFDA continuing education for the 2015 legislative session.

4. RULES

- 4.1. The CR102 Proposed Rule Making establishes the rules hearing date for WAC 246-817-770 - General anesthesia and deep sedation. The CR102 is being reviewed by the assistant secretary and will be moving to the secretary's office. Ms. Santiago anticipates that the rules hearing will be on July 18, 2014.
- 4.2. The CR102 Proposed Rule Making establishes the rules hearing date for WAC 246-817-160 Graduates of non-accredited schools. The CR102 is being reviewed by the assistant secretary and will be moving to the secretary's office. Ms. Santiago anticipates that the rules hearing will be on July 18, 2014.
- 4.3. Ms. Santiago is working on the CR 101 for WAC 246-817-360 – Prescribing, dispensing, or distributing drugs. She expects to have it filed soon.
- 4.4. At the March 7, 2014 meeting, the commission reviewed and approved the draft rule language for WAC 246-817-701 through 790. Ms. Santiago sent the draft rule language out to stakeholders for their comments. The commission reviewed and discussed the comments received. The commission voted to approve the rule language as presented for WAC 246-817-701 through 790. Ms. Santiago will submit a CR102 to formalize the proposed rules and establish a rules hearing date.
- 4.5. The commission reviewed and discussed their priority list for rule modifications. Ms. Santiago asked the commission to consider rule making to implement 2011 SSB 5969 – Temporary permit for military spouses. The commission voted in favor of beginning the rule writing process to draft rule language for implementing 2011 SSB 5969 – Temporary permit for military status.

The commission also voted to begin the rule making process to create a “Retired Active Status” for licensure renewal.

5. OTHER

- 5.1. The commission received a letter from the WSDA, dated March 7, 2014 regarding modifying dentist renewal notices. WSDA is requesting the continuing education attestation be moved from the back of the paper renewal notice to the front. Ms. Santiago reported that the department is looking at modifications to the renewal notice.
- 5.2. Ms. Santiago reported the Dental Hygiene Examining Committee (DHEC) will be attending the June commission meeting to discuss future coordination and collaboration with the commission and DHEC. Dr. Mercier asked the commission for suggested discussion topics during the DHEC visit. One suggestion included discussing the possibility of meeting collaboratively with DHEC once per year. Western Regional Examining Board will also be presenting while DHEC is in attendance.
- 5.3. Heather Carter, AAG updated the commission on a case decision regarding the Public Records Act. A city council member was required by the court to provide their personal hard drive for review in a public disclosure case. The department is looking at options to minimize risks for boards and commission members. Ms. Carter suggests commission members include a DOH staff person on emails if they are conducting commission business on their personal or work computers. She also suggests commission members have a clearly labeled, separate folder on their computer for commission business only.
- 5.4. The commission discussed the Board of Denturists rules hearing being held during the April 25, 2014 Board of Denturist meeting. The rules hearing is for WAC 246-812-240 Non-orthodontic removable oral devices, and WAC 246-812-250 Teeth whitening services.
- 5.5. Dr. Liu and Bree Kramer provided a report on the Health Systems Quality Assurance Board/Commission/Committee New Member Orientation they attended on March 21, 2014. They both stated it was a good meeting and thought it was informative.
- 5.6. Ms. Santiago shared Dr. Gabel's comments, in his absence, about his February 13, 2014 presentation at the Northwest Study Club. Dr. Gabel noted that people are appreciative of the work the commission does. He also noted there is a lack of knowledge regarding record keeping.
- 5.7. Dr. Gabel did not provide any comments regarding his April 16, 2014 presentation at the Ellensburg Study Club.

6. PUBLIC DISCLOSURE

Ms. Carter, AAG provided the commission a brief background regarding lists and labels requests. RCW 42.55.070 (9) limits access to lists and labels. Lists of credential holders may be released to professional associations or educational organizations approved by the disciplining authority.

- 6.1. The commission reviewed and voted to approve Washington Association of Physicians of Indian Origin as an approved organization.
- 6.2. The commission reviewed and voted in to request more information from Concord Dental and Medical Seminars.
- 6.3. The commission reviewed and voted to approve Bicon, LLC as an approved organization.
- 6.4. The commission reviewed and voted to deny Verisys Corporation.
- 6.5. The commission previously reviewed and requested more information from MDX Medical regarding their request. Additional information has not been received. The commission voted to close the request.

7. POLICIES / GUIDELINES

- 7.1. The commission reviewed and discussed the General Anesthesia On-Site Inspections policy dated May 1, 2009. The commission agreed to have the Dental Anesthesia Committee review for changes.
- 7.2. The commission reviewed the Oral Maxillofacial Elective Cosmetic Surgery comment sheet dated November 30, 2000. There were no changes made.

8. EDUCATIONAL OUTREACH COMMITTEE

Ms. Madden reported the committee met on April 1, 2014. Committee members agreed to develop a new web page to replace the “What’s Happening” page. The title of the new page will be “Helpful Tips and Information”. The committee also discussed what topics should be on the new page. Dr. Bryan will be writing an article on informed consent for the next newsletter and the new web page.

Committee members discussed future commission trainings and agreed that one all day training is better than multiple, shorter in length trainings. The committee recommends the next commission member training be scheduled for October 23, 2014 in conjunction with the October 24, 2014 DQAC meeting.

Dr. Bryan presented information to the committee regarding dental prevention vs. surgery.

9. CORRESPONDENCE

The commission discussed the following correspondence:

- 9.1. A letter dated March 7, 2014 from Washington State Dental Association asking – Does ethics and jurisprudence education count as clinical courses for continuing education? The commission agreed ethics training is important although not considered clinical training. Ms. Santiago will draft a response for Dr. Mercier’s signature.
- 9.2. An email dated March 10, 2014 from Layne Hansen asking – Can a dental hygienist complete a buildup? The commission discussed areas of coding and billing for a buildup versus a restoration and the allowable scope of practice of a hygienist. The procedure of a buildup is not specifically listed in dental hygiene scope of practice. Ms. Santiago will draft a response for Dr. Mercier’s signature.
- 9.3. An email dated March 17, 2014 from Tamara Webb asking – can dental assistants use a hand piece in the patient’s mouth and make adjustments? The commission agreed the law does not address use of specific equipment to complete procedures. Ms. Santiago will draft a response for Dr. Mercier’s signature.
- 9.4. The commission received a copy of the letter to Dr. Dillon at University of Washington, Department of Oral and Maxillofacial Surgery.
- 9.5. The commission received a copy of the response to Dr. Marshall Titus.
- 9.6. The commission received a copy of the response to John Counts.
- 9.7. The commission received a copy of the response to Jennifer Sigman.

10. PROGRAM REPORT

- 10.1. Trina Castle, Executive Director presented the updated interim operating budget report. She shared that the budget looks good. Staff will continue to monitor the budget.
- 10.2. Ms. Santiago provided an update on commission member recruitment. The recruitment package was submitted; with 11 applications. Dr.’s Mercier, Carbery, and Gabel are all eligible for re-appointment; however, Dr. Gabel did not apply for re-appointment.
- 10.3. The commission received the list of active committees. Dr. Song joined the Education Outreach Committee. Dr. Liu joined the Dental Anesthesia Committee along with staff attorney Elyette Weinstein. Bree Kramer, Kara Baza, and Dr.’s

Shaw and Bryan joined the Dental Assistant Scope of Practice Committee. Ms. Santiago will provide an updated committee list at the next meeting.

11. REGIONAL BOARD UPDATES

- 11.1. Dr. Carbery will provide a full report to the commission regarding the American Association of Dental Boards (AADB) mid-year meeting he attended on April 6-7, 2014 at the next commission meeting.

12. FUTURE COMMISSION BUSINESS

The commission discussed adding the following as future agenda items:

- Collaboration with the Dental Hygiene Examining Committee
- Presentation by Western Regional Examining Board
- Election of commission officers
- Location of the October meeting/training
- Discussion on how the disciplinary panels obtain consistency regarding disciplinary decisions

The commission adjourned at 10:55 a.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on file
LouAnn Mercier, D.D.S., Chair