



**STATE OF WASHINGTON
DEPARTMENT OF HEALTH**

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

MEMBERS PRESENT

Robert Shaw, DMD, Chair
Charles Hall, DDS, Vice-Chair
Karim Alibhai, DMD
Kara Baza, EFDA
Paul Bryan, DMD
John Carbery, DMD
Todd Cooper, 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
Kunal Walia, DDS

MEMBERS ABSENT

Louann Mercier, DDS

STAFF PRESENT

Trina Castle, Executive Director
Jennifer Santiago, Program Manager
Sandie Pearson, Program Representative
Heather Carter, Assistant Attorney General
(AAG)
Andrea Vingo, Staff Attorney

OTHERS PRESENT

Karen Sheppard, Interdent
Jennifer Sigma, Wendel Family Dental
Center
Bracken Killpack, Washington State Dental
Association
Emily Lovell, WSDA
Robin Larmer, Pacific Dental Services
Melanie Knupp, Pacific Dental Services
Charles Meredith, Washington Physicians
Health Program
Carolyn Logue, Washington Denturist
Association
Judy Young, Staff Attorney

OPEN SESSION

1. **CALL TO ORDER** – Dr. Shaw, Chair, called the meeting to order at 8:00 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 June 6, 2014 business meeting minutes as presented.
 - 1.4. The commission approved the June 6, 2014 panel A, B, and C minutes as presented.

2. RULES HEARING – 8:06 a.m. to 8:12 a.m.

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

WAC 246-817-770 General anesthesia and deep sedation – One person testified in support of the rule.

WAC 246-817-160 Graduates of non-accredited schools – One person testified in support of the rule. The Department of Health recommended two non-substantive changes:

- Add "to the commission" at the end of paragraph 1, and
- Deleting obsolete word of "subsection" in paragraph 2.

The rules hearing concluded at 8:12 a.m.

The commission discussed comments received and voted unanimously to adopt WAC 246-817-770 General anesthesia and deep sedation, as presented.

The commission discussed comments received and voted unanimously to adopt WAC 246-817-160 Graduates of non-accredited schools, with two proposed non-substantive changes.

3. PRESENTATION

John Furman, Washington Health Professional Services (WHPS) Executive Director presented information on the Department of Health's chemically impaired professional services program. The program provides service to approximately 78 professions including dental assistants and expanded function dental assistants. Most participants are referred to the program because of a complaint. Others are referred when there is a "hit" on their criminal background check. The program is confidential and includes a diagnostic assessment, treatment, support/self-help groups, and drug screen testing. If participants are unable to attend in-person, peer support group meetings, the program has contracted with an on-line peer support group. Random drug testing (12 to 18 times per year) is a requirement of the program. Program participants enter an abstinence-based contract for one to five years. Participants are responsible to pay for their enrollment in the program, including the random drug tests, and peer support group. There are three case managers with an average caseload of 170.

Last year the program enrolled four dental assistants, discharged six dental assistants, and two dental assistants successfully graduated from the program. Two of the six discharged were self-discharged due to financial hardship. The average age of the dental assistants enrolled is 28 with a top age of 47. Six out of the seven enrolled dental assistants are currently employed and working.

The commission suggested that Mr. Furman work with the Washington State Dental Association to provide a presentation about the WHPS program at the annual Pacific Northwest Dental Conference.

4. DENTAL TREATMENT RECORDS RULE COMMITTEE

- 4.1. Dr. Vorono provided an update to the commission regarding the new draft section, WAC 246-817-315 Business records accessibility. Commission members reviewed and discussed the draft language. Ms. Carter shared the draft language reflects language in statute.
- 4.2. The commission approved the modified rule language as presented.
- WAC 246-817-310 Patient record retention and accessibility requirements
 - WAC 246-817-315 Business records
- Ms. Santiago will process the CR 102 Proposed Rule Making to schedule a rules hearing.

5. DENTAL ANESTHESIA COMMITTEE

- 5.1. Dr. Vorono updated the commission regarding the committee meeting held on July 10, 2014. The committee discussed:
- On-site inspections of dentists that hold all levels of sedation permits.
 - Washington State Society of Oral and Maxillofacial Surgeons (WSSOMS) conduct the on-site inspection.
 - Dentists that hold a sedation permit (all levels) use a form similar to the WSSOMS self-assessment form.
 - An estimated one third of permit holders are not inspected by WSSOMS.
 - Concerns of costs to implement an on-site inspection process.
 - WSSOMS and American Association of Oral and Maxillofacial Surgeons (AAOMS) have a good system in place. Dr. Cooper's has undergone two inspections; and he feels the inspection was good and very thorough for all staff.

Ms. Santiago and Heather Carter, AAG will review the rules regarding the on-site inspections. Dr. Shaw suggested information regarding inspections be included in the commission's newsletter and the Washington State Dental Association (WSDA) newsletter.

- 5.2. The commission will review the General Anesthesia On-Site Inspections policy and any modifications at a future commission meeting.

6. RULES

- 6.1. WAC 246-817-360 – Prescribing, dispensing or distributing drugs - The commission discussed draft rule language presented. Dr. Cooper shared he would like to see the WAC repealed since the statute, RCW 18.32.685, allows dentists licensed in WA to prescribe drugs necessary in the practice of dentistry. Dr. Cooper made a motion to repeal WAC 246-817-360. Ms. Madden shared she is concerned that it may cause confusion if the commission repeals the rule. Dr. Hall made a motion to table the commission's decision to allow Ms. Carter to review the rule and statute to determine whether there are any consequences of repealing. The

commission voted six in favor and six opposed to table the decision of repealing WAC 246-817-360. The motion to table repealing WAC 246-817-360 passed by Dr. Shaw's, Chairperson vote.

- 6.2. WAC 246-817-701 through 790 Administration of anesthetic agents for dental procedures. The commission reviewed, discussed, and approved the rule language modifications:

- WAC 246-817-740 Minimal sedation by inhalation
- WAC 246-817-745 Minimal sedation
- WAC 246-817-760 Moderate sedation with parenteral agents
- WAC 246-817-772 Training requirements for anesthesia monitor

Ms. Santiago will process the CR 102 Proposed Rule Making to schedule a rules hearing.

- 6.3. WAC 246-817-XXX – Dentist retired status – Ms. Santiago reported that the CR 101, to begin rule writing, was filed on July 1, 2014 as WSR 14-14-100. The commission approved Ms. Santiago to begin drafting rule language for members to review at the September meeting.
- 6.4. WAC 246-817-XXX – Temporary Permit – Military spouse – Ms. Santiago explained that the 2011 legislature passed Engrossed Substitute Senate Bill (ESSB) 5969 that requires the department to expedite licensing for spouses of military personnel who move to Washington. Professions regulated under the Secretary of Health have adopted rules regarding issuance of temporary permits for military spouses. Ms. Santiago shared that the CR 101, to begin rule writing, was filed on July 16, 2014 as WSR 14-15-079. The commission approved Ms. Santiago to begin drafting rule language for members to review at the September meeting.
- 6.5. The commission reviewed a list of priorities for rule modification. All top priority rules are currently in process. Dr. Vorono suggested that WAC 246-817-(700 series) regarding intramuscular injection sedation be re-prioritized from a priority three to a priority two. It was also suggested that WAC 246-817-510 through 545 be re-prioritized to a one, since the commission is currently reviewing the delegation of duties to persons not licensed as dentists

7. OTHER

- 7.1. The commission discussed dispensing and administration of drugs in a dental practice. Discussion included whether the law allows a dental assistant to pull medications from inventory prior to having the medication administered in a dental office. Dental assistants cannot dispense medication. Dispense is defined as including the retrieval of the medication. Currently the WSDA and Medical Association are looking at possible legislation regarding this issue. Dr. Vorono suggested the topic be referred to the Dental Assistant Committee.
- 7.2. The commission received the Nursing Care Quality Assurance Commission draft advisory opinion for review and comment. The draft advisory opinion is regarding standing orders and verbal orders for nurses. The commission had no comments.

- 7.3. The commission received The Board of Denture Technology adopted rules, WAC 246-812-240 and 250 Nonorthodontic removeable oral devices and Teeth whitening services. Rules became effective July 15, 2014.
- 7.4. Dr. Bryan provided an overview of the Health Systems Quality Assurance Boards and Commissions Leadership Forum he attended on June 13, 2014. The forum included presentations on telemedicine and medical and recreational marijuana regulation. Dr. Bryan shared he thinks the subject of telemedicine is something the commission may want to look into in the future.
- 7.5. The commission approved Dr. Bryan to present to the Burien Study Club on September 16, 2014.
- 7.6. Ms. Santiago provided an updated renewal notice for dentists. The Office of Customer Service modified the document to help eliminate confusion regarding the attestation requirement of continuing education for renewal.
- 7.7. The commission discussed the invitation to attend the Washington State Dental Association House of Delegates meeting in Vancouver, WA on September 18-20, 2014. Discussion included:
 - The effectiveness of attending the meeting;
 - The importance of attending the meetings as a way to keep lines of communication open;
 - Discussing commission business at the association meeting could be problematic.

The commission approved seven in favor, and four opposed to Dr. Shaw attending the WSDA House of Delegates meeting. Dr. Shaw will attend the meeting and report to the commission at a future meeting.

- The commission reviewed the annual report provided to WSDA for the House of Delegates meeting. The commission approved the report as presented.

8. **PUBLIC DISCLOSURE** - The commission reviewed the following organizations to for approval to receive lists and labels:
 - 8.1. The commission reviewed and voted to approve International Dental Seminars, Inc. as an approved educational organization.
 - 8.2. The commission reviewed and voted to approve Authentic Seminars as an approved educational organization.
 - 8.3. The commission reviewed and voted to deny Veeva Systems request for lists and labels.
 - 8.4. The commission reviewed and voted to approve University of Washington Continuing Dental Education as an approved educational organization.
 - 8.5. The commission reviewed and voted to deny MDX Medical's request for lists and labels.

9. **POLICIES / GUIDELINES**

The commission reviewed the following policy and interpretive statement comment sheets:

- 9.1. The commission reviewed the Connecting Suite or Office dated August 21, 1998. There were no changes made.
- 9.2. The commission reviewed the Dental Assistant – Eraser Prophy Jet dated July 16, 1999. There were no changes made.

10. EDUCATIONAL OUTREACH COMMITTEE

Colleen Madden provided an update to the commission. The July issue of the newsletter was published. Dr. Shaw complimented the committee's work on the newsletter. The committee continues to work on the commission training retreat, and communicating with the University of Washington to schedule a presentation. The commission agreed to hold the commission training retreat in January 2015.

11. DENTAL CORPORATE PRACTICE COMMITTEE

The commission reviewed and discussed information received from Pacific Dental Services (PDS) regarding dental corporate practice. Dr. Shaw shared that the commission is in the initial stages of reviewing the laws related to dental corporate practice. Ms. Carter shared that several changes would require legislative change to RCW's. Dr. Cooper recognizes that PDS made good observations in their evaluation of the RCW's. Dr. Shaw thanked PDS for providing the information. The commission will continue to evaluate the topic.

12. CORRESPONDENCE – The commission reviewed the following correspondence received:

- 12.1. An email dated June 5, 2014 from Willamette Dental Group asking – Can a registered dental assistant adjust direct restoration, such as amalgam or composite fillings? The commission agreed a registered dental assistant may not adjust direct restorations, such as amalgam or composite fillings. The commission also agreed that EFDA's may since they can place and adjust. Ms. Santiago will draft a response for Dr. Shaw's signature.
- 12.2. A letter dated June 23, 2014 from Mr. Kubin asking several questions regarding dental records. The commission discussed the questions about dental records and transferring them; and noted that the law regarding this is in chapter 70.02 RCW. Ms. Santiago will draft a response for Dr. Shaw's signature.
- 12.3. An email dated July 7, 2014 from Wendel Family Dental Centre asking for clarification on the definition of "place" under WAC 246-817-520 (16) Fabricate, place, and remove temporary crowns or temporary bridges. Does this mean placing without cement? The commission discussed and agreed that under WAC 246-817-520 (16) refers to placing temporary restorations only. Ms. Santiago will draft a response for Dr. Shaw's signature.
- 12.4. An email dated July 10, 2014 from Columbia Basin College asking – When patients are seen on their initial visit, is periodontal disease assessed? If it is found to exist, how is the treatment of periodontal disease included in the treatment plan? The commission discussed if there is a concern regarding the standard of care provided

by a dentist, a complaint should be filed. The commission agreed to consult with the Dental Hygiene Examining Committee. More information may be necessary to answer the question from Columbia Basin College.

13. PROGRAM REPORT

- 13.1. Trina Castle, Executive Director presented the May 2014 interim operating budget report. She shared that the budget looks good; revenue is exceeding expenditures. Staff will continue to monitor the budget.
- 13.2. Ms. Santiago reported that Dr. Mercier and Dr. Carbery were reappointed to serve on the commission. Dr. Kunal Walia, DDS was appointed by the governor.
- 13.3. Ms. Santiago presented the commission with proposed 2015 Commission Business Meeting dates. The commission adopted the following meeting dates for 2015.

DATE	LOCATION
January 23, 2015	Tumwater
March 6, 2015	Tumwater
April 24, 2015	Tumwater
June 5, 2015	Tumwater
July 17, 2015	Tumwater
September 11, 2015	Tumwater
October 23, 2015	Vancouver, WA
December 18, 2015	Tumwater

The commission will re-evaluate the December 18, 2015 meeting date at the September 2014 meeting. Updated meeting information is included on the commission's webpage as well as sent to listserv.

- 13.4. The commission received continuing education audit statistics. Currently 78% of the audits are approved and 18% of the audits have been issued a Notice of Correction (NOC). There are no concerns with the audit process.
- 13.5. The commission received licensure and renewal statistics. Dr. Cooper shared that the on-line renewal process seems to be "clunky", and is not user friendly. Diane Young, Credentialing Manager reported that they are working to smooth out the on line renewal process. Ms. Young also shared that dental assistants currently can apply online for their initial credential.
- 13.6. The commission received disciplinary statistics. There appears to be a large increase in closed cases prior to investigations. There may be several reasons for this trend.
- 13.7. The commission received performance measures. The case disposition measure is outside the target threshold. The legal office is currently working with programs and case management staff to evaluate how to move cases through case disposition more efficiently.
- 13.8. Health Systems Quality Assurance Board/Commission/Committee New Member Orientation is on July 28, 2014. The orientation is open to all commission members

to attend. At this time, no members are available to attend the July 28, 2014 New Member Orientation.

13.9. The commission received a list of the active committees.

14. REGIONAL BOARD UPDATES

Western Regional Examining Board (WREB) – The commission received a copy of the thank you letter sent to WREB.

15. FUTURE COMMISSION BUSINESS

The commission adjourned at 10:57 a.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on file
Robert Shaw, D.M.D., Chair