



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, October 24, 2014

MEMBERS PRESENT

Robert Shaw, DMD, Chair
Charles Hall, DDS, Vice-Chair
Karim Alibhai, DMD
Kara Baza, EFDA
Paul Bryan, DMD
John Carbery, DMD
James Henderson, Public Member
Bree Kramer, EFDA
John Liu, DDS
Colleen Madden, Public Member
Louann Mercier, DDS
Benjamin Weege, DDS
Kunal Walia, DDS
Todd Cooper, DDS

MEMBERS ABSENT

Andrew Vorono, DDS
Hyun J. Song, DDS

STAFF PRESENT

Trina Castle, Executive Director
Jennifer Santiago, Program Manager
Erika Montes, Program Representative
Heather Carter, Assistant Attorney General
(AAG)
Bill Kellington, Supervising Staff Attorney

OTHERS PRESENT

Mike Walsh, Washington State Dental
Association (WSDA)
Emily Lovell, WSDA
Jaqueline Perry, Dental Hygiene Examining
Committee (DHEC)
Cheryl Lewis, DHEC
Stephanie Brown, DHEC
Melissa Rice, DHEC
Jared Evans, DDS
Melissa Johnson, Washington State Dental
Hygienists' Association (WSDHA),
Willamette Dental
Melanie Knupp, Pacific Dental Services
Paula Williams, Operation Healthy Family
Bernie Nelson
Colleen Gay Lord, WSDHA
Nancy Alleman, WSDHA
Chris Herzog, Washington State Academy
of Pediatric Dentistry
Tomas Alkire, Dental Assistant Student
Faye Benway
Marlene Vogt, Dental Assistant Student
Pat Norman, Spokane Community College
Dan Toms, Apex Dental Anesthesia
Breanna Rosales, Dental Assistant Student
Laura Reed, Dental Assistant Student
Amy Altmeyer, Dental Assistant Student
Nicole Welsford, Dental Assistant Student
Kirk Fuhiman, DDS
Brittani Wagner, Dental Assistant Student
Becky Powell, Dental Assistant Student
Ada Martinez, Dental Assistant Student
Vicki Brown, Dental Hygiene Examining
Committee, Program Manager

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 agenda as amended adding item 7.8 New Member Orientation.
- 1.3. The commission approved the September 12, 2014 business meeting minutes as presented.
- 1.4. The commission approved the September 12, 2014 panel A, B, and C minutes as presented.

2. RULE HEARING

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

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

Dr. Herzog testified on behalf of the Washington State Academy of Pediatric Dentistry (WSAPD). Written comments were received in addition to verbal testimony. WSAPD asked that changes to WAC 246-817-740 not be adopted. In addition, an exemption for intranasal method of sedation is needed. WSAPD also opposes beginning and ending blood pressure monitoring requirement for pediatric patients.

Emily Lovell testified on behalf of the Washington State Dental Association (WSDA). Written comments were received in addition to the verbal testimony. WSDA supports blood pressure vitals on adult patients. WSDA concurs with the WSAPD concerns regarding pediatric patients. WSDA asked the commission to postpone rulemaking on the requirement of monitoring expired carbon dioxide until the American Dental Association has developed its guidelines.

Additional written comments were received expressing concerns regarding additional monitoring requirements overall.

The rules hearing concluded at 8:20 a.m.

The commission discussed comments received.

The Dental Quality Assurance Commission determined not to adopt WAC 246-817-740, 745, 760, and 772. The Dental Anesthesia Committee will consider changes based on testimony received.

3. DENTAL CORPORATE PRACTICE COMMITTEE

- 3.1. Dr. Shaw provided an update regarding the committee meeting held on September 12, 2014.
- 3.2. The commission reviewed and discussed the report provided by the committee about laws and rules regarding dental corporate practice. Discussion included when a treating dentist is responsible vs. when an owner dentist may be responsible for treatment of a patient or compliance of state laws. Melanie Knupp, Pacific Dental Services presented a written letter to the commission requesting changes to the report. The letter will be provided to the Dental Corporate Practice Committee at their next meeting.
- 3.3. The commission approved to adopt the matrix as a tool to be used when evaluating discipline cases.

4. PRESENTATION

- 4.1. Bill Kellington, Supervising Staff Attorney provided information regarding potential 2015 legislation on alternative to discipline. The potential legislation would allow the commission to require remediation prior to formal discipline. Dr. Cooper expressed concerns; if the practitioner violates the law then the commission should formally discipline the practitioner. Dr. Liu expressed concerns with the remediation piece. Mr. Kellington indicated the ability to require remediation early could prevent future patient harm.
- 4.2. The commission voted six support, six neutral, and two opposed of the potential legislation. Mr. Kellington will report the commission is neutral but has concerns.

5. RULES

- 5.1. WAC 246-817-360 Prescribing, dispensing or distributing drugs – The commission reviewed and discussed the need to keep or modify the rule. Dr. Cooper proposed repealing the rule. The commission voted seven support, six opposed, and one abstained to repealing WAC 246-817-360. Ms. Santiago will process the repeal.
- 5.2. WAC 246-817-230 Dentist retired status - The commission reviewed, discussed, and approved the draft rule language. The draft language removes the ninety-day restriction, adds section for emergent and intermittent circumstances. Ms. Santiago will prepare the CR102 to schedule a hearing.
- 5.3. WAC 246-817-187 Temporary permit- Military spouse -The commission reviewed, discussed, and approved the draft rule language presented. Ms. Santiago will prepare the CR102 to schedule a hearing.
- 5.4. WAC 246-817-770 General anesthesia and deep sedation - Rule becomes effective November 10, 2014.
- 5.5. WAC 246-817-160 Graduates of non-accredited schools - Rule becomes effective October 26, 2014.

- 5.6. WAC 246-817-305, 310 & 315 Record Content, Patient record retention and accessibility requirements, and Business records accessibility - The CR102 is in agency review. A rules hearing will be schedule for January or March 2015.
- 5.7. WAC 246-817-450 and 460-Sexual Misconduct – The CR101 is in agency review. Once filed, proposed rule changes will be presented at the commission’s December meeting.
- 5.8. Ms. Santiago provided the commission an updated list of priorities for rule modifications.

6. DENTAL COLLABORATION

- 6.1. Cheryl Lewis and Jacqueline Perry members of the Dental Hygiene Examining Committee (hygiene committee) requested the commission consider modifying the following delegation tasks for dental hygienists:
 - Local Anesthetics-move to general supervision.
 - Head and Neck exam and cancer screening –add to general supervision
 - Delivery of Oral Sedative –move to general supervision
 - Delivery of Pre-medications-add to general supervision

The commission discussed the request with the hygiene committee and stakeholders. The commission identified concerns with one or more of the items that may require legislative change. The commission agreed to create a Dental Professional Collaboration Committee. Drs. Mercier and Dr. Song will represent the commission. The hygiene committee will appoint two members. The commission asks this committee to evaluate the request to determine if legislative change is necessary. Dr. Mercier asked to reconsider the name of the committee. The committee will recommend a name to the commission after meeting.

- 6.2. The board of Denturist will attend the January meeting to begin discussions about collaborating with the commission on mutual interests.

7. OTHER

- 7.1. Dr. Liu attended Remote Area Medical (RAM) on October 23, 2014 and provided information regarding the free clinic held. This is their first event in this state. It was well organized. There are many triage requirements prior to patients receiving care.
- 7.2. Dr. Shaw reported on the Washington State Dental Association, House of Delegates meeting he attended on September 18-19, 2014. WSDA encouraged the commission to write rules to require ethics continuing education every three years. The WSDA will be making a formal request to the commission later. The commission discussed if there is a concern in discipline on ethics. Bill Kellington indicated he would check to see if data is available.
- 7.3. Trina Castle reported on the Board of Health, Oral Health Workgroup meeting she attended on July 23, 2014. The Board of Health has issued a Health Impact Review.

The review supports a mid-level provider practitioner. New Zealand reported on oral health status of children.

- 7.4. Dr. Bryan reported on the Burien Study Club presentation he provided on September 16, 2014. There were 17 attendees and discussion included case review examples.
- 7.5. Trina Castle reported on the meeting she attended with the Representative Cody regarding corporate practice of dentistry and dental support organizations on September 23, 2014.
 - Washington State Dental Association, Pacific Dental Services, Dental Service Organization, and Department of Health representatives attended the meeting.
 - Representative Cody was supportive of a change to RCW 18.32.020 regarding owning and maintaining an office for the practice of dentistry to clearly define ownership.
 - Oregon and Alaska definition of dentistry laws were mentioned.
 - Potential legislation to change the definition of dentistry.
 - The commission had a concern that the chairperson of the commission was not invited to the meeting.
 - Ms. Weinstein indicated Nevada recently updated their definition of dentistry in regards to dental office ownership.
 - The commission asked Ms. Santiago to provide copies of the Oregon and Alaska definitions of dentistry at the January commission meeting.
- 7.6. Ms. Santiago updated the commission regarding the University of Washington requested a student presentation on November 3, 2014. Dr. Carbery will be presenting to the students.
- 7.7. Ms. Santiago provided information regarding the Health Systems Quality Assurance association meeting held on September 26, 2014.
- 7.8. Dr. Walia reported he attended the New Member Orientation on October 17, 2014.

8. POLICIES/GUIDELINES

The Commission reviewed the Exception Application policy dated September 13, 2013. There was a recommendation to add definitions of criminal charges to the policy. The commission voted opposed to the changes.

9. EDUCATIONAL OUTREACH COMMITTEE

Ms. Madden provided an updated on committee activity. She welcomed Jaqueline Perry, RDH to the committee, Ms. Perry is a member of the Dental Hygiene Examining Committee.

10. DENTAL ANESTHESIA COMMITTEE

- 10.1. The Commission received a copy of the letter sent to Washington State Society of Oral and Maxillofacial Surgeons (WSSOMS). The committee will continue to meet to discuss the on-site office inspection topic.

- 10.2. The commission approved a request from Dr. Vorono to provide an overview of the issue to WSSOMS at their meeting on October 28, 2014.

11. DENTAL ASSISTANT SCOPE OF PRACTICE COMMITTEE

- 11.1. Dr. Hall announced the committee will meet at 2:00 p.m. to continue modification of the delegation rules for dental assistants and expanded function dental auxiliaries.

12. CORRESPONDENCE

- 12.1. The commission received a copy of the response letter to Tami Topper.
- 12.2. Email dated September 25, 2014 from Rebecca Stolberg regarding use of Oraverse by dental hygienists. The commission asked for the correspondence to be evaluated by the Dental Professional Collaboration Committee. The committee will review and present back to the commission after its meeting.
- 12.3. The commission received a letter dated September 22, 2014 from Louisiana State Board of Dentistry to the American Board of Dental Examiners regarding tracking failed examinations. No response is necessary.

13. PROGRAM REPORT

- 13.1. The commission received the August and September 2014 Interim Operating Budget Report. The report showed a positive balance.
- 13.2. Budget planning for 2015-2017 biennium will begin soon. The commission can identify areas where additional resources are needed.
- 13.3. Ms. Castle provided the commission information regarding the Department of Health and Health Systems Quality Assurance Strategic Plans for 2014-2016. The department has five goals:
 - Improve people's health
 - Enhance patient safety
 - Make every resource count
 - Have an exemplary workforce; and
 - Deliver exceptional service.
- 13.4. The commission identified areas of the business plan to modify.
- 13.5. The commission received an updated list of 2015 commission business meeting dates.
- 13.6. The commission received list of active committees.

14. REGIONAL BOARD UPDATES

- 14.1. Dr. Carbery provided a report on the American Association of Dental Boards (AADB) meeting he attended on October 7-8, 2014. AADB recommends practitioners perform monthly self-queries on their state prescription monitoring

program. This system will help keep you informed if there is inappropriate prescription writing.

- 14.2. Ms. Castle and Ms. Santiago provided a report on the American Association of Dental Administrators meeting they attended on October 5-6, 2014. The meeting is very beneficial in discussing topics that effect other states, as in dental corporate practice, sedation related discipline, and related legislation.

15. FUTURE COMMISSION BUSINESS

The commission requested the following on a future agenda:

- Consider sending a staff attorney to participate in the attorney round table at the American Association of Dental Boards meeting annually.
- Discussion regarding dental mid-level providers.

The commission adjourned at 11:30 a.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

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