



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, December 12, 2014

MEMBERS PRESENT

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

MEMBERS ABSENT

John Liu, DDS
Karim Alibhai, DMD

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)
Marilynn Rothen, Washington State Dental
Hygienists; Association
Tami Topper, Willamette Dental Group
Fred Quarnstrom, DDS
Carolyn Logue, Washington Denturist
Association
Andy Wagner, Department of Health, Office
of Customer Service

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 5.7 and 11.7.
 - 1.3. The commission approved the October 24, 2014 business meeting minutes as presented.
 - 1.4. The commission approved the October 24, 2014 panel A, B, and C minutes as presented.

2. **PRESENTATIONS**
 - 2.1 Karl Hoehn, Supervising Staff Attorney provided information about volunteering as a health care professional in Washington - 2014 Engrossed House Bill 2351. A

healthcare practitioners not licensed in Washington State must submit an attestation to the Department of Health 10 days prior to volunteering. Healthcare practitioners may only provide care within the scope of practice permitted under Washington State or the state they are licensed in, whichever is more restrictive.

- 2.2. Donn Moyer, News Media Manager, Office of Secretary, Communication provided information regarding media communication. Commission members are not required to talk to reporters. Mr. Moyer advised if you are comfortable to speak to reporters and it is your topic then do so. Personal opinion should not be shared when speaking on behalf of the commission.

3. DENTAL ANESTHESIA COMMITTEE

- 3.1. Dr. Vorono provided an update to the commission on the committee meeting held December 2, 2014. There are stakeholder concerns with monitoring pediatric patients and requiring blood pressure vitals when administering nitrous oxide. Dr. Cooper referenced several articles supporting taking vitals including blood pressure for all levels of sedation. Dr. Cooper also referenced three other state laws that require taking vitals when administering local anesthesia and nitrous oxide. Dr. Cooper identified that taking vitals is missing from Washington State's moderate sedation and general anesthesia current rules. Dr. Vorono recommends adding taking vitals for all levels of sedation. Dr. Quarnstrom expressed specific concerns with requirements of taking blood pressure when administering nitrous oxide. He indicates there have been no serious injuries of administering nitrous oxide except once when plumbing of gas lines were incorrect. Dr. Quarnstrom recommends offices should be inspected for properly installed gas lines and if vitals are required for administration of nitrous oxide, then all levels of sedation should have the same requirement. Dr. Quarnstrom does not support the rule modification of taking vitals when administering local anesthetics.
- 3.2. The commission approved the proposed rule modification exempting vital signs when patient cooperation is an issue.
- 3.3. The commission agreed that there would need to be a rule change before initiating on-site inspections for dentists that administer any level of sedation.

The committee will meet again to draft rule language changes regarding taking vitals.

4. RULES

- 4.1. WAC 246-817-305, 310 & 315 Record content, Patient record retention and accessibility requirement, and Business records accessibility. The CR102 is in agency review and a rule hearing will be scheduled for March 6, 2015.
- 4.2. WAC 246-817-360 Prescribing, dispensing or distributing drugs. The commission agreed to repeal this rule at on October 24, 2014. A new CR101 is in process.
- 4.3. WAC 246-817-230 Dentist retired status. The CR102 is in agency review. A rule hearing will be scheduled for April 23, 2015.

- 4.4. WAC 246-817-187 Temporary Permit - military spouse. The CR102 is in agency review. A rule hearing will be scheduled for March 6, 2015.
- 4.5. WAC 246-817-450 and 460-Sexual Misconduct. The commission reviewed and discussed proposed rule language that adds clarification that forcible or nonconsensual acts are within the definition of sexual misconduct by a dental provider. The commission approved proposed rule language. Ms. Santiago will send draft rule language to stakeholders for comment.
- 4.6. WAC 246-817-990 Dentist fees and renewal cycle. A rules hearing on will be held on December 16, 2014 to establish a retired active status fee.
- 4.7. Ms. Santiago provided the commission an updated list of priorities for rule modification, there are no changes.

5. OTHER

- 5.1. Bill Kellington discussed the use of the Notice of Required Evaluation in application cases. This is available to every profession. This is a tool when an applicant is suspected to have a substance abuse problem. The notice would require an applicant to obtain a substance abuse evaluation prior to authorizing issuance of a credential. Current process includes issuance of a Notice of Determination (NOD). The NOD issues the credential then may require a substance abuse evaluation. There are concerns that the NOD process allows the individual the ability to practice before an evaluation has been completed. The commission asked if the applicant would have the ability to choose where they receive their evaluation. Mr. Kellington explained that the approved monitoring programs would provide a list of approved evaluators to applicants.
- 5.2. The commission discussed standardization of a case review regarding dental assistants with an expired registration. The commission has an Initial Assessment Threshold policy that allows them to close any report of an expired credential if the expiration is less than 14 days. The commission discussed how discipline might be imposed if expired for more than 14 days. Ms. Santiago will provide a draft guideline for commission consideration at the January 23, 2015 meeting. The commission agreed the guideline should include all credential types under their jurisdiction. The commission also agreed they would like an annual review or calibration of discipline.
- 5.3. The commission agreed to participate with the Commission on Dental Accreditation site reviews and they agreed to participate in the following:
 - Northwest Dental Residency program - April 29-30, 2015
 - Lake Washington Institute of Technology – October 20-21, 2015
 - Seattle Vocational Institute - November 17-18, 2015Commission members will email Ms. Santiago if volunteering to participate.
- 5.4. Dr. Carbery presented to dental students at the University of Washington on November 3, 2014. The commission approved a request for an additional presentation with case scenarios. Dr. Carbery suggested meeting with 4th year students again closer to graduation.

- 5.5. The commission approved a request for Dr. Cooper to present to Benton- Franklin Dental Society at their February 2015 meeting.
- 5.6. Dr. Bryan attended the Department of Health Improvement Plan meeting on November 5, 2014.
- 5.7. The commission approved a request for Dr. Shaw to present to a Spokane Study Club in 2015.

6. DENTAL ASSISTANT SCOPE OF PRACTICE COMMITTEE

Dr. Hall updated the commission on the committee's October 24, 2014 meeting. The committee will postpone creating a definition of polishing. Dr. Hall indicated the committee discussed possible changes that may require legislative changes, general supervision for dental assistants. The committee completed the American Dental Association 2014 Delegation of Duties survey. The committee meets today at 2:00 p.m.

7. EDUCATIONAL OUTREACH COMMITTEE

- 7.1. Collen Madden updated the commission on the committee's November 7, 2015 meeting. The committee met with representatives from the University of Washington (UW) School of Dentistry regarding student presentations. The committee will continue to work with UW to make student presentations from the commission meaningful. The committee finalized the November 2014 newsletter, created a poster board to participate in the 125 years of Washington State, and discussed training retreat topics. The committee recommended postponing the January 22, 2015 training retreat due to lack of availability of meeting room space in Thurston County. The commission agreed.
- 7.2. The commission approved the committee's mission statement.
"The committee seeks to protect the public through the education of dental professionals and the citizens of Washington State of the obligations, expectations, and standards of care in dentistry."

8. DENTAL COLLABORATION

- 8.1. Dr. Mercier attended the Dental Hygiene Examining Committee meeting on October 24, 2014.
- 8.2. The Dental Collaboration Committee has a meeting scheduled for January 13, 2015.

9. PUBLIC DISCLOSURE

The commission considered requests to be approved professional associations or educational organization to receive list and labels:

- 9.1. Den Temps Northwest, LLC request denied.
- 9.2. Health Market Science, Inc. request denied.

10. CORRESPONDENCE

- 10.1. The commission received an email dated October 10, 2014 from Dr. Mark Koday regarding clinical care training for graduates of non-accredited schools. The commission discussed potential pathways for applicants who could obtain license without any clinical experience or clinical exam. The commission asked Heather Carter, AAG and Ms. Santiago to provide additional information at the January 23, 2015 meeting.
- 10.2. The commission discussed concerns from Dan Toms with APEX Dental Anesthesia regarding the 14-hour requirement for dental anesthesia assistant training vs. the Dental Anesthesia Assistant National Certification Examination training. Dr. Copper explained that he already clarified to Mr. Toms that this rule allows DAANCE as an option for training.
- 10.3. The commission received a letter dated November 3, 2014 from American Association of Orthodontists (AAO) expressing concerns with ‘do-it-yourself’ teeth straightening companies operating in Washington State. The commission agreed this should be referred to the Department of Health, Unlicensed Practice Program. The commission will respond to AAO who is responsible for regulation of unlicensed practice.
- 10.4 The commission received an email dated November 17, 2014 from Dr. Patrick Rooney regarding Atraumatic Restorative Therapy.

11. PROGRAM REPORT

- 11.1. The commission received the October 2014 Interim Operating Budget Report. The report showed a positive balance.
- 11.2. Ms. Castle provided the commission information regarding the Board of Health-Health Impact Review of House Bill 2321, Concerning Mid-level Dental Professions. She expects a legislative bill in 2015. Washington State Dental Association indicated they responded to the Board of Health with information during their report process.
- 11.3. Ms. Santiago notified the commission that the Department of Health is setting up citrix accounts for each commission member. This will allow commission members to log into the department’s computer network directly so commission documents do not need to be stored on personal or work computers. Public disclosure and security of confidential information is of concern. The commission would like to discuss potential documents that may be stored on personal or work computers at a future meeting.
- 11.4. Ms. Santiago provided a copy of rule review questions that she completed for the whole chapter 246-817 WAC. Substitute Bill 5679, 2013 required state agencies to review all rules every five years.
- 11.5. January 22, 2015 commission training retreat postponed.
- 11.6. The commission received a list of the active committees.
- 11.7. Ms. Castle informed the commission that the expanded function dental auxiliary continuing education request legislation will not be submitted this year. We will re-submit for consideration in 2016.

12. REGIONAL BOARD UPDATES

Dr. Mercier provided a written report on the steering committee meeting held on November 1, 2014.

13. FUTURE COMMISSION BUSINESS

The commission adjourned at 11:01 a.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

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