



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, January 23, 2015

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
Kunal Walia, DDS
Todd Cooper, DDS
Hyun Jung Song, DDS
Andrew Vorono, DDS
John Liu, DDS
Karim Alibhai, DMD

STAFF PRESENT

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

OTHERS PRESENT

Mike Walsh, Washington State Dental
Association (WSDA)
Anne Burkland, (WSDA)
Emily Lovell, (WSDA)
Melanie Knupp, Pacific Dental Services
Gary Pickard, Pacific Dental Services
Charles Meredith, MD, Washington
Physicians Health Program (WPHP)
Tom Tilson
Mary Elliott, RDA
Dan Toms, Apex Dental

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 presented.
 - 1.3. The commission approved the December 12, 2014 business meeting minutes as presented.
 - 1.4. The commission approved the December 12, 2014 panel A, B, and C minutes as presented.

2. **PRESENTATIONS**
 - 2.1 Charles Meredith, MD, Medical Director of Washington Physicians Health Program (WPHP) provided an overview of the WPHP program and dentist statistics. WPHP

is the qualified provider for impaired physicians, physician assistants, osteopathic physician, osteopathic physician assistants, podiatric physicians, dentists, and veterinarians. WPHP objective is to motivate healthcare practitioners to enter treatment and to recover from their illnesses. WPHP helps with substance use disorders, mood disorders, anxiety disorders, disruptive behavior (personality disorders), age associated cognitive changes or if medically, disabled. Participant contracts include total abstinence, behavioral monitoring, chemical monitoring, worksite monitoring, and support groups. Contracts range from two to 5 years in length. WPHP will report to DQAC when there is clear and present danger to the public or any noncompliance with a contract.

3. LEGISLATION

- 3.1. Kara Baza and James Henderson updated the commission on weekly legislative meet me calls.
 - House Bill 5151 - Cultural competency. There is a general concern among other health care professions.
 - House Bill 1135 - Health profession remediation plans. There is a general support among other health care professions.
 - House Bill 1186 - Notifications in hospitals.
- 3.2. The commission discussed the following 2015 legislation:
Dental office support services
 - House Bill 1514 - The commission determined to send a letter opposing this bill. The commission discussed the bill with representatives from Pacific Dental Services and the Washington State Dental Association. Reasons for opposition include:
 - Sec. 1 (1). The definition of “active patient” may conflict with existing rules related to patient records.
 - Sec. 2. (3) Any modification to the current definition of dentistry in RCW 18.32.020(3) (“owns, maintains, or operates an office for the practice of dentistry”) does not increase access to oral care or provide for any public protection.
 - Sec. 3 (11) adds an exemption from dentist licensure to allow individuals or organizations the ability to provide defined support. There is potential for fee structure abuses based on a contract with a non-dentist for support functions.
 - Sec. 3 (11)(a) and (c). The exemption includes ownership or leasehold of any assets. Inventory of dental tools and supplies directly impacts patient care and delivery of that care. Business management ultimately affects clinical practice. This exemption provides no regulatory oversight for public protection.
 - Sec. 3 (11)(b). A non-dentist could employ clinical dental support staff (dental assistants, expanded function dental auxiliaries, and dental anesthesia assistants). Clinical dental support staff have specific supervision requirements listed in chapter 18.260 and 18.350 RCW. There is potential for conflicting supervision/direction with appropriate delegation. A licensed dentist is ultimately responsible for all support staff.

- Sec. 4 provides prohibitions for a person not licensed as a dentist. Many of the prohibitions could be affected by business management decisions that may be allowed under section 3 of this bill.
- Sec. 5 establishes requirements for transfer of patient records. Chapter 70.02 RCW, the Medical Records Act, already provides patients their rights to records.
- Sec. 6 authorizes the commission to adopt rules requiring professional entities to maintain and produce patient records if requested. The commission has existing rules and statutory authority regulating patient records.
- Sec. 7 allows non-dentists to provide “real property, furnishings, inventory, goods, or nonclinical services” but requires the licensed dentist to assume all responsibility for the “real property, furnishings, inventory, goods, or nonclinical services.”

Mid-level Professionals-Dental Therapy Services

- House Bill 1421 - The commission determined to send a letter opposing this bill.
- Senate Bill 5465 - The commission determined to send a letter opposing this bill.

The commission has multiple patient safety concerns with these bills.

Modifying provisions related to licensing and scope of practice for dental professionals

- House Bill 1384 - The commission determined to send a letter supporting this bill.

Allowing the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice

- House Bill 1135 – The commission has general support for this bill.

Health profession remediation plans

- House Bill 1339 – The commission is neutral on this bill.

Cultural competency/healthcare

- Senate Bill 5151 – The commission has general opposition for this bill.

Removal of adjudicative proceeding to Office of Administrative Hearing

- House Bill 1208 - The commission determined to send a letter opposing this bill. Reasons for opposition include:
 - Additional costs with holding the hearing.
 - Will lengthen time of a completing a health professional disciplinary case.
 - May interfere with a disciplining authority under chapter 18.130 RCW, as the bill is unclear to the relationship with chapter 18.130 RCW and the disciplining authorities.
 - The bill does not require any cause or reason for a hearing to be moved to the office of administrative hearings. This may allow abuse for change of venue.

Indian Tribes and Dental Health Aide Therapy Services

- House Bill 1027
- Senate Bill 5159

The commission is neutral on these bills.

Dental Health Services in Tribal Settings

- House Bill 1441 – The commission is neutral on this bill.

Prohibiting unfair and deceptive dental insurance practices

- House Bill 1002 – The commission determined to send a letter supporting this bill.

Telemedicine

- Senate Bill 5175
- House Bill 1403

The commission is neutral on these bills.

Developing a process to allow pilot programs for health care professionals to learn new skills or roles, use existing skills in new circumstances, and accelerate training

- House Bill 1340 – The commission had no comment regarding this bill.

4. DENTAL ANESTHESIA COMMITTEE

4.1. Dr. Vorono updated the commission on the committee's January 8, 2015 meeting. There was a stakeholder comment regarding nitrous use was singled out in the proposed rules. The committee made changes to the rules to include changes to WAC 246-817-724:

- Taking pre-sedation vitals for all levels of sedation, and
- If a provider is unable to obtain vitals, documentation is required indicating why they could not get vitals.

4.2. The commission reviewed and discussed rule modifications:

- WAC 246-817-724 Recordkeeping, equipment and emergency medications or drugs required in all sites where anesthetic agents of any kind are administered
- 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

Stakeholder comments included concerns regarding anesthesia monitor training. Anesthesia monitor training cannot be changed under the current preproposal statement of inquiry order WSR #14-04-019.

Dr. Cooper shared his concerns with training programs allowing participants in the training course to administer sedation to other participants. There is no dental diagnosis or dental treatment plan to justify administering sedation. The commission will request Heather Carter, AAG review the issue (teaching a skill vs. providing treatment) and provide an update to the commission.

The commission approved proposed rules with one member opposed.

5. RULES

- 5.1. WAC 246-817-305, 310& 315-Record content, Patient record retention and accessibility requirement, and Business records accessibility. The CR102 was filed January 15, 2015. A rules hearing will be held March 6, 2015.
- 5.2. WAC 246-817-187- Temporary Permit –Military spouse- The CR102 was filed January 21, 2015. Department of Health changed the term license to credential in the rule prior to filing the CR102. A rules hearing will be held March 6, 2015.
- 5.3. WAC 246-817-230-Dentist retired status- CR102 form is in review. A rules hearing is anticipated for April 24, 2015.
- 5.4. WAC 246-817-460-Sexual Misconduct- CR102 form is in review. A rules hearing is anticipated for April 24, 2015.
- 5.5. WAC 246-817-360-Prescribing, dispensing or distributing drugs. The CR101 originally filed will be withdrawn and a CR102 exception process is in review. After the CR102 is filed, a rule hearing will be held to repeal the rule.
- 5.6. WAC 246-817-990 Dentist fees and renewal cycle- The CR103 is in review and will be implemented after filed.
- 5.7. The commission reviewed list of priorities for rule modification and there were no changes made.

6. DENTAL ASSISTANT SCOPE OF PRACTICE COMMITTEE

Dr. Hall updated the commission on the committee's January 9, 2015 meeting.

The committee recommended a response letter to correspondence regarding tasks related to orthodontics including the need for a certified orthodontic assistant. The commission approved the response letter.

The committee asked the commission if they would like sterilization tasks listed in the allowable list under close supervision. They discussed the requirements of close supervision and the process of sterilization in most dental offices. The commission agreed that sterilization tasks should be listed in the allowable tasks under close supervision. The commission agreed they could consider changing sterilization tasks to general supervision if that level of supervision became available for dental assistants. Statute currently only allows close supervision.

The committee also mentioned the need to support House Bill 1384 regarding updating the statute regarding impressions.

The committee provided draft rule language to the commission and will continue to work on rule language modifications.

7. POLICIES/GUIDELINES

The commission will review the draft guideline for standardization of case review for expired credentials at the March 6, 2015 meeting. There is concern with one guideline for all credential types.

8. DENTAL COLLABORATION

- 8.1. The commission and the members of the Board of Denturists introduced themselves. They discussed working together on dental related topics. The commission invited members of the Board of Denturists to participate on the commission's Educational Outreach Committee, Dental Collaboration Committee, and the Dental Corporate Practice Committee.
- 8.2. The Dental Collaboration Committee met on January 13, 2015. The committee recommends Dental Collaboration Committee as the formal committee name. The commission approved the committee name. The committee has specific tasks but is not limited in scope. The committee should exchange dental related information openly.

9. OTHER

- 9.1. The commission will review an updated Commission Business Plan for 2015-2017 biennium at the June 5, 2015 meeting.
- 9.2. The commission will review their infection control inspection checklist at the March 6, 2015 meeting.
- 9.3. The commission discussed changes regarding California's licensing requirements. California has a new law allowing a dentist to be licensed by portfolio examination vs. a clinical examination. Ms. Santiago will ask Heather Carter to review California's licensing requirements and report back to the commission.
- 9.4. The commission received a letter from the Joint Commission on National Dental Examinations-Test Construction Committee regarding committee vacancies. The commission determined not to participate at this time.
- 9.5. The commission received a copy of survey questions published by the American Student Dental Association regarding patient based clinical exam.
- 9.6. Dr. Liu agreed to attend American Dental Association – Dental Quality Alliance - The Roles Quality Measurement conference on May 1-2, 2015.

10. EDUCATIONAL OUTREACH COMMITTEE

Colleen Madden updated the commission on the committee's January 12, 2015 meeting. The committee discussed:

- Disciplinary statistics for March 2013 compared to March 2014. Alleged issues were grouped into four categories;
 - Patient Care/Standard of Care
 - Financial
 - Administrative/Records
 - Continuing EducationThis information is useful to focus education in areas where most complaints are received.
- Drafting a new power point presentation created specifically for the University of Washington, School of Dentistry (UW) students.
- Commission Retreat - The commission agreed to have the retreat on Thursday, September 10, 2015 in Olympia.

11. CORRESPONDENCE

- 11.1. The commission received an email dated October 10, 2014 from Dr. Mark Koday regarding clinical training for graduates of non-accredited schools. The commission discussed the importance of clinical training for all dentists. The commission approved to open WAC 246-817-160 for modification to include clinical training. The commission will respond to Dr. Koday.
- 11.2. The commission received a copy of response letter to American Association of Orthodontists.
- 11.3. The commission received a letter dated January 14, 2015 from Dr. Timothy Hess regarding use of botox by dentists and obtaining the drug Merz Pharmaceuticals. The commission does not regulate pharmaceutical companies. The commission's interpretative statement was not intended to impede a dentist's ability to obtain necessary medications for the practice of dentistry. The commission agreed to respond to Dr. Hess indicating their discussion.
- 11.4. The commission received an email dated January 14, 2015 from Dr. Bart Johnson regarding dentists and/or dental assistants obtaining blood glucose readings as vitals. The commission agreed that taking blood in any manner is not an allowable task to delegate to a dental assistant. They also discussed whether blood glucose readings are considered a vital sign but could be necessary prior to dental treatment. The commission will respond to Dr. Johnson indicating their discussion.

12. PROGRAM REPORT

- 12.1. The commission received the November and December 2014 Interim Operating Budget Report. The report showed a positive balance. Staff will continue to monitor the budget.
- 12.2. Drs. Shaw and Carbery volunteered to be on the Expanded Function Dental Auxiliary (EFDA) Committee. Ms. Santiago will be scheduling a meeting soon to begin 6-year reviews of EFDA education programs.

- 12.3. Ms. Santiago reported there were six applicants for the vacant dentist position. Dr. Shaw will be participating in phone interviews with selected candidates. The commission shared concerns with the interview process and whether the full commission should be evaluating candidates for consideration.
- 12.4. Dr. Bryan volunteered to attend the Board, Commission, Committee new member orientation on February 27, 2015.
- 12.5. The commission received a list of the active committees.

13. FUTURE COMMISSION BUSINESS

Future business meeting topics:

- Washington State Dental Association Presentation
- Presentation on hand held x-rays from Office of Radiation Protection
- Draft guideline for standardization of case review for expired credentials
- Infection control inspection checklist

The commission adjourned at 12:34 p.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

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