



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, March 6, 2015

MEMBERS PRESENT

Robert Shaw, DMD, Chair
Charles Hall, DDS, Vice-Chair
Kara Baza, EFDA
Paul Bryan, DMD
James Henderson, Public Member
Bree Kramer, EFDA
LouAnn Mercier, DDS
Kunal Walia, DDS
Todd Cooper, DDS
Hyun Jung Song, DDS
Andrew Vorono, DDS
John Liu, DDS
Aaron Stevens, DMD

MEMBERS ABSENT

Colleen Madden, Public Member
John Carbery, DMD
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

Bracken Killpack, Washington State Dental
Association (WSDA)
Mike Walsh, WSDA
Anne Burkland, WSDA
Melanie Knupp, Pacific Dental Services
Keith Collins, DMD
Deborah Johnson, Department of Health
(DOH)
Andie Wagner, DOH
Ericka Brown, DOH

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 an amended agenda, adding items 13.5 and 14.3.
 - 1.3. The commission approved the January 23, 2015 business meeting minutes as presented.
 - 1.4. The commission approved the January 23, 2015 panel A, B, and C minutes as presented.

2. RULES HEARING

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

- WAC 246-817-187- Temporary practice permit-Military spouse eligibility and issuance-Approved
- WAC 246-817-305- Record content.
- WAC 246-817-310- Patient record retention and accessibility requirements.
- WAC 246-817-315- Business records accessibility.

Dr. Keith Collins provided testimony in opposition of WAC 246-817-305 and 310. Dr. Collins provided information regarding electronic records and expressed concerns that electronic record software is unable to comply with the proposed rules. Additional concerns were expressed regarding the term manual entry and the cost of implementing the proposed rule for dentists.

Bracken Killpack, Washington State Dental Association, Executive Director testified in support of WAC 246-817-187. Mr. Killpack provided testimony with recommendations to modify WAC 246-817-305 related to:

- Clarification needed that rules apply to patient records; and
- Clarification that manual refers to handwritten.

The commission discussed the stakeholder testimony and written comments received.

The commission adopted WAC 246-817-187 as filed on January 21, 2015 as WSR#15-03-085.

The Dental Quality Assurance Commission determined not to adopt WAC 246-817-305, 310, and 315. Three members voted to adopt as filed, nine members voted against, the chair abstained. The Dental Treatment Records Committee will meet and recommend changes based on stakeholder testimony and comments received.

3. PRESENTATIONS

- 3.1. Richard Montemarano, Department of Health, Office of Radiation Protection provided information regarding chapter 246-225A WAC and handheld x-rays in dental facilities. The first handheld x-ray unit was introduced to Washington State in 2006. All machines were denied use until the state reviewed operator exposure data. The department established rules to ensure safe use of these devices in 2011. The facility must provide storage that is secure and safe while not in use. The handheld device must be equipped with a backscatter shield of not less than 0.25 mm lead equivalent and 15.2 cm (6 inches) in diameter that can be positioned to within 1 cm of the end of the cone. Most common uses for this device are for special needs patients, oral surgery, natural disasters, and traveling clinics.

- 3.2. Bracken Killpack, Washington State Dental Association, Executive Director provided information regarding the state dental association. Mr. Killpack expressed the association's commitment to communicate with dentists and the commission earlier in the rule making process. He indicated the dental association and the dental hygienists' association are working together to address a potential Dental Hygiene Board and/or adding dental hygienists to the Dental Quality Assurance Commission. A legislative bill introduced in 2014 proposed creating an independent Dental Hygiene Board, the bill was not introduced this year as the workgroup was established to evaluate. Mr. Killpack also mentioned two letters being submitted to the commission asking the commission to require dentists to obtain ethics continuing education every 3 years and asking the commission to adopt Academy of General Dentistry's Program Approval for Continuing Education (PACE) guidelines as the standard for all groups providing continuing education.

4. LESISLATION

- 4.1 Kara Baza and James Henderson updated the commission on weekly legislative meet me calls.
- House Bill 1135 – Health profession remediation plans – The commission may be the only profession not supporting.
- 4.2. The commission discussed 2015 legislation:
- House Bill 1514 – Dental office support services. There were two striker amendments; the bill is similar to the original version.
 - Senate Bill 5606 – Modifying provisions related to licensing and scope of practice for dental professionals. If this bill passes, commission rule modification may be necessary.
 - House Bill 1920 / Senate Bill 5810 – Promoting the use, acceptance, and removal of barriers to the use and acceptance of electronic signatures. This bill would assist in online application process.
 - House Bill 1339 – Allowing the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice. The department supports this bill.
 - House Bill 1135 – Health profession remediation plans.
 - Senate Bill 5369 – Removal of adjudicative proceedings to Office of Administrative Hearing. The commission asked how this would affect the commission's discipline hearing process. Would the commission still be the decision makers? Bill Kellington indicated the bill is unclear. The commission expressed concerns.
 - House Bill 1340 – 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 1441 – Dental health services in tribal settings.
 - House Bill 1002 – Prohibiting unfair and deceptive dental insurance practices.
 - Senate Bill 5909 – Concerning health care access and medical and dental education.

- Senate Bill 5157 – Telemedicine

5. RULES

- 5.1. The commission reviewed comments received regarding WAC 246-817-701 through 790 Administration of anesthetic agents for dental procedures.
 - 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.The commission approved the proposed language. Ms. Santiago will send proposed rules to all licensed dentists with an email address on file for comment.
- 5.2. WAC 246-817-230-Dentists retired status. The CR102 is in review. A rules hearing is anticipated for April 24, 2015.
- 5.3. WAC 246-817-460-Sexual Misconduct. CR102 is in review. A rules hearing is anticipated for June 5, 2015.
- 5.4. WAC 246-817-360-Prescribing, dispensing or distributing drugs. The CR102 was filed on February 13, 2015. A rules hearing will be held on April 24, 2015.
- 5.5. WAC 246-817-990-Dentist fees and renewal cycle. The CR103 is in review and will be implemented after filed.
- 5.6. WAC 246-817-160-Graduates of non-accredited schools. CR101 to begin rule modification is in process.
- 5.7. The commission reviewed list of priorities for rule modification and there were no changes made.

6. DENTAL ASSISTANT SCOPE OF PRACTICE COMMITTEE

- 6.1. Dr. Hall updated the commission on the committee's February 20, 2015 meeting. The committee discussed the following:
 - The committee is in support of Senate Bill 5606 to update the hygiene and dental assistant statutes to allow taking of impressions within their scope.
 - The committee discussed Substitute House Bill 1340. The committee is unsure of the complete intent of this bill. It may require a new license or endorsement for professions. The department is in support of this bill.
 - The letter from Dr. Johnson regarding dentists and dental assistants obtaining blood glucose readings as vitals. The commission discussed this correspondence at their January 23, 2015 meeting and agreed that taking blood in any manner is not a current allowable task to delegate to a dental assistant. The committee discussed whether this task could be added to the allowable delegation list for dental assistants and expanded function dental auxiliaries. The committee discussed concerns with training and how to provide training. The committee agreed to defer from adding this to the task list, may revisit this in the future if needed.

- Potential modifications related to cement removal.
 - Sterilization – The committee asked the commission if they would support future legislation to allow dental assistant to sterilize operatories under general supervision. Some commission members supported the idea but other had concerns and think close supervision of a dental assistant should be required.
- 6.2. The commission received the current draft rule language:
- WAC 246-817-510 Definitions.
 - WAC 246-817-520 Supportive services that may be performed by registered dental assistants.
 - WAC 246-217-525 Supportive services that may be performed by expanded function dental auxiliaries (EFDA'S).
 - WAC 246-817-540 Acts that may not be performed by registered dental assistants or non-credentialed persons.
 - WAC 246-817-545 Acts that may be performed by expanded function dental auxiliaries (EFDA'S) or noncredentialed persons.

Commission members will email Ms. Santiago if they have any suggested changes for the committee's consideration.

The committee's next meetings are March 27, 2015 by conference call and April 24, 2015 in person.

7. POLICIES/GUIDELINES

The commission reviewed the draft guideline for standardization of case review for expired credentials. There are concerns with dentists having a separate standard. The commission would like to add a statement regarding a dentist being responsible for auxiliary staff. Ms. Santiago will modify for consideration at the April 24, 2015 meeting.

8. DENTAL COLLABORATION

The Dental Collaboration Committee met on February 27, 2015. The committee continues to discuss the requests from the Dental Hygiene Examining Committee. Meeting minutes are not yet available.

9. PUBLIC DISCLOSURE

The commission considered Washington State Dental Association's five year renewal request to be approved professional associations or educational organization to receive list and labels. The commission approved the renewal.

10. OTHER

- 10.1. The commission reviewed and updated their infection control checklists. The commission asked for the non-heat log to be removed and requested the sedation

- checklist be changed. Ms. Santiago will update for consideration at the April 24, 2015 meeting.
- 10.2. The commission discussed changes to California's licensing requirements regarding portfolio examinations. Heather Carter, AAG advised that WAC 246-817-120 indicates, "will consider" other state exams. This rule does not require the commission to accept but provides the commission authority to evaluate any applicant applying under that portion of the rule. The commission agreed the California portfolio exam is currently not acceptable. Potentially, Western Regional Exam Board or Central Regional Dental Testing Service may have information regarding California's portfolio exam. Ms. Santiago will obtain California's rules and provide at the April 24, 2015 meeting.
- 10.3. The commission discussed disciplinary hearing panel scheduling. The commission has concerns with the following:
- Lack of clear follow-up when panel identified.
 - Last minute emails requesting panel members.
- The commission asked for:
- Requests at least three months in advance of hearing date.
 - Follow-up email with confirmation that the member is part of the panel.
 - Follow-up to all that a full panel has been confirmed.
 - List of hearing dates and panel members at each meeting.
 - More communication in general.
- 10.4. The commission discussed review of sedation permits. The commission approved Dr. Cooper to review and approve sedation permit applications.
- 10.5. The commission discussed requirements and process for clinical examination eligibility letters for dentist applicants from non-accredited school. A foreign-trained dentist must complete two additional years of education at a Commission on Accredited Dental Accreditation (CODA) school to obtain Washington State dentist license. Regional exam organizations require a letter from the state authorizing the foreign-trained dentist to take the clinical exam. CODA dental schools provide us with a letter indicating, "expects to graduate/complete education" or "has graduated/completed education". Program and credentialing staff have been providing the authorization letter with an "expected to graduate/complete education" letter up to six to months before graduation/completion. Staff evaluated the rule, WAC 246-817-160, and determined the rule used the term "completed" requirements. So a change in process was made to only issue the letter up to 3 months before graduation/completion. This caused a timing problem with applicants applying for the regional exams, as exam applications are required earlier. The commission agreed to allow the exam authorization letter up to 6 months prior to graduating/completing education. The commission authorized the pending CR101 preproposal statement of inquiry for WAC 246-817-160 to include changes to exam authorization procedure.
- 10.6. Dr. Cooper reported on the Benton-Franklin Dental Society presentation he provided.
- 10.7. Dr. Bryan reported on the Health Systems Quality Assurance Board and Commission New Member Orientation he attended on February 27, 2015.

11. EDUCATIONAL OUTREACH COMMITTEE

Bree Kramer, EFDA updated the commission on the committee meeting held on February 2, 2015. The committee is working on completing the March 2015 Newsletter.

12. CORRESPONDENCE

- 12.1. The commission discussed an email dated February 1, 2015 from Dr. Jawed regarding continuing education requirements for minimal sedation by inhalation. Dr. Jawed asked in order to do minimal sedation by inhalation and minimal sedation using oral agent “Do I need 7 hours of continuing education (CE) for each, that is 14 hours of CE every five years or just 7 hours in total will cover both inhalation and oral sedation?” The commission agreed that only 7 hours of CE is required. Ms. Santiago will draft a response for Dr. Shaw’s signature.
- 12.2. The commission discussed an email dated February 17, 2015 from Dr. Warren Roberts requesting to present to commission regarding Pacific Training Institute for Facial Aesthetics use of Botox. The commission denied this request. Ms. Santiago will draft a response for Dr. Shaw’s signature.
- 12.3. The commission received a copy of the response letter to Dr. Mark Koday regarding clinical care training for graduates of non- accredited schools.
- 12.4. The commission received a copy of the response letter to Dr. Timothy Hess regarding use of botox by dentists and obtaining the drug from Merz Pharmaceuticals.
- 12.5. The commission received a copy of the response letter to Dr. Bart Johnson regarding dentists and/or dental assistants obtaining blood glucose readings as vitals.

13. PROGRAM REPORT

- 13.1. The commission received the January 2015 interim operating budget report. The report showed a positive balance. Staff will continue to monitor budget.
- 13.2. The commission welcomed Aaron Stevens, DMD to the commission. There are three expiring appointments for June 30, 2015. Dr. Vorono’s appointment ends June 30, 2015. He is not eligible for reappointment. Dr. Shaw and Jim Henderson appointments also end June 30, 2015 and both have applied for reappointment.
- 13.3. The department is working on creating dentist licensure online applications. Dan Renfro with the department’s online application project will be presenting to the commission at the April 24, 2015 meeting.
- 13.4. The commission received a list of the active committees. Drs. Walia, Cooper, and Stevens joined the Dental Treatment Records Committee.
- 13.5. Heather Carter, AAG advised the commission regarding communication with stakeholders. She asked the commission to ensure they refer stakeholders directly to the department if contacted with questions or concerns. Ms. Santiago ensure stakeholder questions or concerns are brought to the full commission during an

open public meeting for discussion. Additionally, commission members should never speak to a stakeholder about a current or closed disciplinary case.

14. REGIONAL BOARD UPDATES

- 14.1. North East Regional Board of Dental Examiners (NERB) name change to the commission on Dental Competency Assessments (CDCA). The commission asked if WAC 46-817-120 rule modification could be expedited. Ms. Santiago will evaluate for commission's consideration at the April 24, 2015 meeting.
- 14.2. Dr. Bryan provided information regarding the Western Regional Examining Board (WREB) dental Exam Review Board meeting he attended on February 12-15, 2015. WREB goes to extraordinary lengths to assure their exam is valid.
- 14.3. The commission approved sending Dr. Carbery to the American Association of Dental Boards Meeting on April 26-27, 2015.

15. FUTURE COMMISSION BUSINESS

The commission had no future business topics at this time.

The commission adjourned at 12:04 p.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

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