



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
**DENTAL QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**Friday, April 24, 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  
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**

Emily Lovell, Washington State Dental  
Association (WSDA)  
Anne Burkland, WSDA  
Melanie Knupp, Pacific Dental Services  
Ericka Brown, Department of Health (DOH)  
Timothy Hess, (SKCDS)  
Dan Renfro  
Dr. Raj Angolkar, Washington State Society  
of Orthodontists

**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 10.5 and 10.6.
  - 1.3. The commission approved the March 6, 2015 business meeting minutes as presented.
  - 1.4. The commission approved the March 6, 2015 panel A, B, and C minutes as presented.

**2. RULES HEARING**

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

- WAC 246-817-230- Dentist retired active status

- WAC 246-817-360-Prescribing, dispensing or distributing drugs

Anne Burkland, Washington State Dental Association, testified in support of WAC 246-817-230 and WAC 246-817-360.

The commission discussed the stakeholder testimony and written comments received.

The commission adopted WAC 246-817-230 as filed on March 13, 2015 as WSR 15-07-054

The commission approved to repeal WAC 246-817-360 as filed on February 13, 2015 as WSR 15-05-052.

### 3. PRESENTATIONS

Dan Renfroe, Department of Health, Online Licensing Project Manager provided information regarding the department's online application project.

Online licensing goals are to:

- Provides online portal for new license applications for health professions and facilities.
- Provides streamlined, easy to use online applications.
- Stores license application data in licensing system.

Online licensing benefits are to:

- Reduce the amount of time to issue licenses.
- Improve patient safety and access to care.
- Allow providers and facilities to provide care sooner.

Information collection goals are to:

- Collect healthcare provider demographic information.
- Improve healthcare workforce information.

Benefits to information collection are to:

- Improve access to care and reduce healthcare disparities.
- Ensure healthcare workforce is used to their best abilities in places of greatest need.

### 4. LEGISLATION

4.1 Kara Baza and James Henderson updated the commission on weekly legislative meet me calls. Mr. Henderson mention the medical marijuana bill was a big topic.

4.2. The commission discussed 2015 legislation:

- Senate Bill 5606 – Modifying provisions related to licensing and scope of practice for dental professionals. This bill passed.
- Senate Bill 5810 – Promoting the use, acceptance, and removal of barriers to the use and acceptance of electronic signatures. This bill passed.

- House Bill 1339 – Allowing the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice. This bill passed.
- House Bill 1135 – Health profession remediation plans. This bill did not pass.
- House Bill 1002 – Prohibiting unfair and deceptive dental insurance practices. This bill passed.
- Senate Bill 5157 – Telemedicine-This bill passed.

## 5. RULES

- 5.1. WAC 246-817-460 - Sexual Misconduct. CR102 was filed on April 22, 2015. A rules hearing will be held June 5, 2015 to consider stakeholders comments and adoption.
- 5.2. WAC 246-817-990 - Dentists fees and renewal cycle. The rule is effective April 6, 2015.
- 5.3. WAC 246-817-160 - Graduates of non-accredited schools. CR101 is in process.
- 5.4. WAC 246-817-120 - The commission previously approved rule modification to change the name of North East Regional Board of Dental Examiners (NERB) to The Commission of Dental Competency Assessments (CDCA). The commission approved the following additional reasons for rule modification:
  - Complete examinations.
  - Clearly identify state or Canada as acceptable.
  - Evaluate other state's alternative examinations, i.e. portfolios.
- 5.5. The commission reviewed a list of priorities for rule modifications there were no items added at this time.

## 6. DENTAL ANESTHESIA COMMITTEE

- 6.1. Dr. Cooper updated the commission on the committee's March 31, 2015 meeting. The committee discussed the following:
  - Overview of why the committee began meeting last year.
  - Concerns with dentists using moderate sedation permits but providing general anesthesia.
  - Adding end-tidal CO<sub>2</sub> monitoring as a requirement for general anesthesia administration.
  - Create on-site inspections for dental offices that administer moderate sedation.
- 6.2. The commission received stakeholder comments received. Comments fell into three areas of concern:
  - Vitals when administering nitrous oxide.
  - Administration of intranasal midazolam with pediatric patients.
  - End-tidal CO<sub>2</sub> monitoring when administering moderate sedation.

The committee made the following rule modifications for the commission's consideration.

- WAC 246-817-724 Record keeping, equipment and emergency medications or drugs required in all sites where anesthetic agents of any kind are administered.
    - Paragraph 4 - Add “excluding minimal sedation by inhalation”.
  - WAC 246-817-740 “Minimal sedation by inhalation” (to include but not limited to nitrous oxide.)
    - No changes to proposed rule
  - WAC 246-817-745 “Minimal sedation.”
    - No changes to proposed rule
  - WAC 246-817-760 Moderate sedation with parenteral agents.
    - Paragraph 3 (e) (iv) - Remove “Expired carbon dioxide (CO2) and insert “Pulse oximetry”
    - Paragraph 3 (e) last sentence – Remove sentence “The dentist shall use electrocardiographic...”
    - Paragraph 3 (g) –Remove, this is redundant to (f).
    - Paragraph 4 (e) –Remove “End-tidal CO2.”
    - Paragraph 5 (d) – Remove “End-tidal CO2 monitoring equipment.”
    - Paragraph 6 (b) – Reword to be consistent with current general anesthesia continuing education rule wording.
- 6.3. The commission approved draft rule language. Ms. Santiago recommended modifying the continuing education paragraph in WAC 246-817-755 to be consistent with other rule language, the commission approved the modification. Ms. Santiago will send the proposed rule language to stakeholders for comment.

## **7. DENTAL ASSISTANT SCOPE OF PRACTICE COMMITTEE**

Dr. Hall updated the commission on the committee’s March 27, 2015 meeting. Several orthodontists have expressed concerns with a prohibition of delegating cement removal. The committee discussed potential orthodontic assistant credential, this would require statute change. Dr. Angolkar expressed concerns with committee’s interpretation of the intent of the statute. The committee meets today at 2:30 p.m.

## **8. DENTAL TREATMENT RECORDS COMMITTEE**

Dr. Cooper updated the commission on the committee’s April 9, 2015 meeting. The committee created definitions for clinical, patient, and financial records, modified sections related to signing a record and notations. Item (g) in WAC 246-817-305 Record content needs to be re-written to indicate who is responsible for maintaining a mold and for how long. Dr. Angolkar recommended 6-7 year retention for molds. The commission approved the following additional modifications:

- (g) Any diagnostic aid used including, but not limited to, images, radiographs, and test results. Retention of molds or study models is at the discretion of the practitioner, except for:
  - (i) Molds or study models for orthodontia shall be retained for six years following completion of orthodontia treatment;

(ii) Molds or study models for full mouth reconstruction shall be retained as listed in WAC 246-817-310.

- (k)(iii) remove sentence that indicates summary and delete last sentence.

The commission approved the draft rule language to be sent to stakeholders for comment. The commission will review any comments received at their next meeting.

## 9. POLICIES/GUIDELINES

The commission reviewed a draft guideline for standardization of case review for expired credentials. The commission approved the draft guideline with the following changes:

- Add denturist as a responsible owner;
- Change length of expiration from “0 to 6 months” to “0 to 3 months”; and
- Add “type of credential” to aggravating/mitigating factors.

## 10. OTHER

- 10.1. The commission reviewed a request from Lutheran Medical Center for approval of identified clinical sites to meet the residency in lieu of examination requirement, RCW 18.32.040(3)(c), for graduates of their residency programs. Heather Carter, AAG expressed concerns that there is no commission process or guideline for a fair and consistent review. Ms. Carter recommends the commission create a guideline. The commission agreed. Ms. Santiago and Ms. Carter will draft a guideline for the commission’s consideration at the June 5, 2015 meeting. Ms. Santiago will notify Lutheran Medical Center that the commission is evaluating the request. After a guideline is established, notification will be provided to Washington residency programs.
- 10.2. The commission discussed changes to California’s licensing requirements regarding portfolio examinations. Ms. Santiago provided the commission with California’s rules. The commission agreed the portfolio examination is not acceptable for Washington dentist licensure. Ms. Santiago will post a notice on the commission web page. The commission discussed a need to establish a committee to evaluate other state examinations. The commission determined no committee is needed at this time.
- 10.3. The commission discussed disciplinary hearing panel scheduling:
  - The commission had no concerns with the current instructions and process implemented after the March 6, 2015 meeting.
  - Dr. Bryan presented an alternative for disciplinary hearing scheduling. The commission agreed to continue the current process and re-evaluate in the September/October 2015.
- 10.4. Dr. Alibhai reported on the Seattle King County Dental Society presentation he provided on March 24, 2014.
- 10.5. The commission approved Dr. Bryan to attend the Agency Medical Directors Group meeting on June 12, 2015.

- 10.6. The commission approved Dr. Hall to attend the Health Systems Quality Assurance Board, Commission, and Committee Leadership meeting on July 20, 2015.

## **11. FORMS AND DELEGATION**

- 11.1. The commission approved the updated infection control inspection checklists.
- 11.2. The commission reviewed an updated sedation application. The commission reviewed correspondence related to sedation application process. The commission agreed with the application needs modification. Ms. Santiago and Dr. Cooper will update the application for commission review. Ms. Santiago will draft a response letter to Dr. Hamilton for Dr. Shaw's signature.
- 11.3. The commission approved the 2015-2017 business plan with minor changes.
- 11.4. The commission approved the 2015-2017 signature delegation form.
- 11.5. The commission approved the 2015 decision-making delegation form.

## **12. EDUCATIONAL OUTREACH COMMITTEE**

- 12.1. Ms. Madden updated the commission on the committee's March 27, 2015 meeting. The committee continues to plan the commission's September retreat and update the University of Washington student presentation.
- 12.2. The commission received the March 2015 newsletter.

## **13. EXPANDED FUNCTION DENTAL AUXILIARY EDUCATION COMMITTEE**

Dr. Shaw updated the commission on the committee's April 7, 2015 meeting. The committee discussed the five approved EFDA education programs and two approved military curriculums. Three programs are due for the six-year renewal review Spokane Community College, South Puget Sound Community College, and Seattle Central Community College. The committee discussed the original EFDA education program approval process and renewal approval process options. The committee will continue to evaluate an appropriate renewal process.

## **14. CORRESPONDENCE**

- 14.1. The commission received a letter dated March 5, 2015 from the Washington State Dental Association requesting the commission to consider new rules requiring all dentists to take jurisprudence/ethics education as a condition of license renewal. The commission will not open this rule at this time due to several other priority rules pending modification. The commission may pursue this in the future. Ms. Santiago will draft a response letter for Dr. Shaw's signature.
- 14.2. The commission received a letter dated March 5, 2015 from the Washington State Dental Association requesting the commission adopt the Academy of General Dentistry's PACE guidelines as the standard for all groups providing continuing dental education. The commission agreed to modify their guideline for approving groups for the exemption. Ms. Santiago will draft a response letter for Dr. Shaw's

signature. Ms. Santiago will modify the guideline for the commission's consideration at the June 5, 2015 meeting.

- 14.3. The commission received a letter dated March 2015 from Affiliated Monitors, Inc. providing information regarding their organization and services they provide. The commission had no comments at this time. Ms. Santiago will draft a response letter for Dr. Shaw's signature.
- 14.4. The commission received a copy of the response letter to Dr. Jawed regarding continuing education requirements for minimal sedation and minimal sedation by inhalation.
- 14.5. The commission received a copy of the response letter to Dr. Roberts regarding a request to present on the Pacific Training institute for Facial Aesthetics and the use of Botox.

## 15. PROGRAM REPORT

- 15.1 The commission received the February and March 2015 interim operating budget reports. The reports show a positive balance. Staff will continue to monitor budget.
- 15.2 The commission received a list of 2015 commission member applicants. Twenty-three dentist applicants were received for the two available dentist positions.
- 15.3 The commission received a list of the active committees.

## 16. FUTURE COMMISSION BUSINESS

The commission had no future business topics at this time.

The commission adjourned at 12:00 p.m.

Submitted By:

Commission Approval By:

Signature on file  
Jennifer Santiago, Program Manager

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