



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
**DENTAL QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**Friday, January 22, 2016**

**MEMBERS PRESENT**

Charles Hall, DDS, Chair  
Colleen Madden, Public Member, Vice-Chair  
Paul Bryan, DMD  
James Henderson, Public Member  
Bree Kramer, EFDA  
Todd Cooper, DDS  
LouAnn Mercier, DDS  
Robert Shaw, DMD  
John Liu, DDS  
Aaron Stevens, DMD  
John Carbery, DMD  
Lyle McClellan, DDS  
Kara Baza, EFDA  
Karim Alibhai, DMD  
Hyun Jung Song, DDS

**MEMBERS ABSENT**

Kunal Walia, DDS

**OPEN SESSION**

- 1. CALL TO ORDER** – Dr. Hall, Chairperson, called the meeting to order at 8:02 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 11, 2015 business meeting minutes as presented.

**2. RULES HEARING**

The commission held a rules hearing to consider public comment and for the adoption of proposed rules regarding WAC 246-817-304, 305, 310, and 315 Dental Records.

- WAC 246-817-304 Definitions

**STAFF PRESENT**

Trina Castle, Executive Director  
Jennifer Santiago, Program Manager  
Tracie Drake, Assistant Program Manager  
Lilia Lopez, Assistant Attorney General  
Bill Kellington, Supervising Staff Attorney

**OTHERS PRESENT**

Emily Lovell, Washington State Dental Association (WSDA)  
Melanie Knupp, Pacific Dental Services  
Kristen Johnson, Smiles Support Services  
Melissa Johnson, WSDHA, Willamette Dental  
Jeffrey Sulitzer, InterDent  
Ericka Brown, Department of Health  
Ronald Rupke, Department of Health  
Andres Fernando, Department of Health

- WAC 246-817-305 Patient record content
- WAC 246-817-310 Patient record retention and accessibility requirements
- WAC 246-817-315 Business records accessibility

Dr. Cooper motioned to adopt the proposed rules with the following non-substantial changes:

WAC 246-817-304 Definitions

- Added the word “the” in the first sentence.
- (4) Added the word “is” after patient record.

WAC 246-817-305 Patient record content

- (3)(g) Added the word “which” to second sentence.
- (4) Deleted “treatment” after clinical record.

WAC 246-817-310 Patient record retention and accessibility requirements

- (2) Added “from a patient” in first sentence.

WAC 246-817-315 Business records accessibility –

- Modified first sentence to read, “If requested as part of an investigation authorized by the secretary.”
- (2) Changed the word “relating to” to “governing.”

The commission adopted the proposed rules with non-substantial changes.

### **3. DENTAL COLLABORATION COMMITTEE**

3.1. Dr. Mercier updated the commission on the Dental Collaboration Committee meeting held on January 15, 2016. The committee provided the commission rule modifications to WAC 246-817-550 and 560.

3.2. The commission reviewed comments received and discussed rule changes recommended by the committee. The commission discussed the following related to moving administering local anesthetic under general supervision:

- The commission discussed medical emergency training of dental hygienists compared to medical emergency training of dentists. Is there a risk of patient safety if the dentist is unavailable?
- The commission discussed whether requiring continuing education in medical emergencies for dental hygienists would meet the concerns of those opposed to moving local anesthesia to general supervision.
- Dentists are not required to take continuing education specific to medical emergencies; therefore, should the commission require this of dental hygienists.
- Dr. Shaw offered that dental hygienist continuing education might allow for the transition of local anesthesia to general supervision. He also indicated that when a dentist student completes training in medical emergencies, the student recognizes that any potential emergency is his or her responsibility. Currently, when dental hygienists receive emergency training, they are of the understanding that the dentist will be present and ultimately responsible. If administering local anesthetic were moved to general supervision, continuing education in medical emergencies would allow dental hygienists to train with the understanding that he or she may be the responsible practitioner.

- The commission discussed that dental hygienists are very well trained in emergencies. Dr. Stevens suggested that the commission could not be assured that a dental hygienist educated/trained outside of Washington has the emergency training required to independently manage medical emergencies.
- Dr. Shaw commented that the dentist would be making the diagnoses and selecting the type and amount of anesthetic the dental hygienist would be administering. As such, patient risk is minimal.
- The committee requested the Washington State Dental Association to consider if adding continuing education requirements would meet their concerns.

The committee will continue to work with stakeholders related to moving administering local anesthetic by dental hygienists under general supervision.

#### 4. LEGISLATION

- 4.1. Dr. Carbery and Dr. Bryan updated the commission on the weekly meet me calls.
- 4.2. The commission discussed HB 2531/SB 6318 related to definition of dentistry, recognizing the role of dental service organizations in the dental marketplace. The commission issued a letter of support to the Washington State Dental Association (WSDA) in December 2015 regarding setting of parameters to protect the doctor-patient relationship and patient care decision-making. Ms. Santiago identified the following concerns:
  - The bill would define contracts within the definition of dentistry.
  - The bill may significantly increase the commission's discipline workload.
  - The bill could require the department to contract with non-dental experts to review contracts. Engaging these non-dental experts could be difficult and expensive.

Mr. Kellington indicated that defining fair market value and an arms-length transaction would require business economics involvement in discipline cases. Proving a contract meets these definitions would be difficult at trial and could lead to a battle of the experts during litigation.

The commission approved sending a letter to the legislature supporting the concept of the bill but indicating the commission's concerns.

- 4.3. The commission discussed HB 2819/SB 6404 related to licensure by residency in lieu of examination. Ms. Santiago identified the following concerns:
  - This legislation only includes residencies for Commission on Dental Accreditation (CODA) accredited General Practice Residencies (GPR) or Advanced Education Programs in General Dentistry (AEGD). If this legislation were enacted, recently approved residencies (Lutheran Pediatric residency) that are not GPR or AEGD programs would no longer meet the requirements for licensure by residency in lieu of examination.
  - This legislation may take away from the original intent of residency in lieu of examination, which was to increase access to dental healthcare in rural areas.

The commission discussed their role is to ensure licensed dentists are adequately trained. The commission requested WSDA to consider amending the legislation to allow for additional programs if appropriate.

- 4.4. The commission received a copy of the December 17, 2015 letter of support sent to the Nursing Care Quality Assurance Commission regarding HB 2080 Rapback fingerprint background checks. Dr. Cooper opposes the Rapback legislation.
- 4.5 The commission received a list of 2016 legislation that may affect the commission.
  - The commission discussed HB 2517/SB 6275 related to dental support organizations. The commission authorized sending a letter to the legislature opposing HB 2517/SB6275.
  - The commission discussed HB 1421/SB 5465. The department intends to contact the legislator to request amendments to this legislation due to technical concerns. The commission authorized sending a letter to the legislature opposing HB 1421/SB 5465.
  - The commission discussed HB 2499. This legislation promotes patient safety and protects the public by preventing abuse of patients by insurance companies. The commission has concerns that this legislation requires the insurance commissioner's office to consult with the commission on denied claims. Consultation is not defined. This could increase disciplinary cases, which would increase commission workload and costs. The commission discussed the patient safety aspect of the bill. The commission authorized sending a letter to the legislature supporting HB 2499.
  - The commission discussed SB 6036. This legislation would require health professionals to submit demographic data upon renewal of the credential. The department is currently working on a project to request similar data voluntarily at renewal. The commission decided to remain neutral on SB 6036.
  - The commission discussed HB 1441. The commission decided to remain neutral on this bill, as this is tribal legislation and not within the jurisdiction of the commission.

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

- 5.1. Dr. Shaw updated the commission on the Expanded Function Dental Auxiliary Education Committee. The committee has evaluated South Puget Sound Community College (SPSCC) and Spokane Community College (SCC) Expanded Function Dental Auxiliary (EFDA) programs. Each program has completed the renewal questionnaire and supplied the required documentation. The committee conducted a site visit at SPSCC on January 12, 2016. A site visit to SCC is scheduled for March 11, 2016.
- 5.2. Dr. Shaw reported that the SPSCC program is extremely well organized and the site visit went well. The EFDA Committee recommends commission approval of renewal of the program. The commission approved renewal of the SPSCC EFDA education program.

## **6. PRESENTATION**

The presentation of Dr. Chris Bundy, Associate Medical Director, Washington Physicians Health Program, has been rescheduled to a future meeting.

## **7. OTHER**

- 7.1. Dr. Bryan presented information about the responsibility of licensed dentists, both owner and employee/associate dentists, for procedures and treatments provided in the dental office. The commission discussed scenarios that could create dual responsibility.
- 7.2. Lilia Lopez updated the commission on specialty advertisement litigation in other states. Some states do not allow any specialty advertising. In our state, the courts look to case law relating to advertising specialties. Specifically, the courts decide whether the specialty is one the professional does provide. Under WAC 246-817-420, it only prohibits misleading or deceptive advertising of specialties.
- 7.3. Dr. Carbery updated the commission on his presentation to the Yakima Dental Society on January 21, 2016.

## **8. RULES**

- 8.1. WAC 246-817-160 Graduates of non-accredited schools. There were no stakeholder comments received. The commission approved the proposed rule with changes. Ms. Santiago will file a CR102.
- 8.2. WAC 246-817-130, 135, and 140 Licensure without examination. There were no stakeholder comments received. The commission approved the proposed rule with changes. Ms. Santiago will file a CR102.
- 8.3. The commission discussed comments received regarding the below-listed rules. The commission approved the proposed rules with changes. Ms. Santiago will file a CR102.
  - WAC 246-817-510 Definitions for WAC 246-817-501 through 246-817-570
  - WAC 246-817-520 Supportive services that may be performed by registered dental assistants
  - WAC 246-817-525 Supportive services that may be performed by expanded function dental auxiliaries (EFDAs)
  - WAC 246-817-540 Acts that may not be performed by registered dental assistants
  - WAC 246-817-545 Acts that may not be performed by expanded function dental auxiliaries (EFDAs)
- 8.4. WAC 246-817-701 through 790 Administration of anesthetic agents for dental procedures. The CR102 is in agency review.
- 8.5. WAC 246-817-760 Moderate sedation with parenteral agents. The CR 101 has been submitted for rule modifications in response to stakeholder concerns.
- 8.6. WAC 246-817-120 Examination content. The CR102 is in agency review.
- 8.7. WAC 246-817-110 and 150 Dental licensure and faculty licenses. The CR103 is pending final approval.
- 8.8. The commission reviewed the list of priorities for rule modification. No changes were made.

## **9. EDUCATIONAL OUTREACH COMMITTEE**

- 9.1. Colleen Madden updated the commission on the Educational Outreach Committee meeting held on January 8, 2016. The committee has agreed to the following list of priorities:
  - Newsletter

- The theme of the upcoming newsletter is ethics.
- New Commission Member Training
  - The committee will be discussing the possibility of forming mentorships for new members.
- Educational Outreach
  - The committee will be discussing possibilities for community outreach. The commission works well with the dental community. There is question as to how to reach the public with information.
- Validating Continuing Education (CE) Providers/Continuing Competency
  - Ms. Madden requested the commission discuss the topic of continuing competency. Is current continuing education is fulfilling that requirement?
    - § Ms. Castle indicated that Canada might have a good model for continuing competency. She offered to research Canada's system for the commission.
    - § The commission discussed that some board certifications require continuing competency with yearly professional testing for recertification.
    - § With the commission's workload at a high level currently, this may be something that the commission works on in the future.
  - Ms. Madden stated that the committee will continue to gather information on this topic and will come back to the commission in the future.
- Retreat
  - The proposed date for this year's retreat is October 27, 2016.

## **10. JURISPRUDENCE EXAMINATION COMMITTEE**

Dr. Shaw explained that the next Jurisprudence Examination Committee meeting was to be later that afternoon at 2:30 p.m. He invited members interested to attend.

## **11. PUBLIC DISCLOSURE**

The commission approved Health Studies Institute as a professional educational organization for access to lists and labels.

## **12. POLICIES / GUIDELINES**

- 12.1. The commission approved to keep the interpretive statement comment sheet regarding "connecting suite or offices" as is.
- 12.2. The commission approved to keep the interpretive statement comment sheet regarding "eraser prophylaxis" as is.

## **13. CORRESPONDENCE**

- 13.1. The commission reviewed correspondence dated December 2015 from Southern Regional Testing Agency. The commission discussed whether it should review all examinations yearly. The commission voted and approved, with one member opposing, to have staff review each examination organization annually to determine if there are any changes to the examination. If there were a change, then the commission would review that examination.
- 13.2. The commission received a copy of the response letter to Dr. Keith Collins regarding records release requests.

#### **14. PROGRAM REPORT**

- 14.1. The commission received the October, November and December 2015 interim operating budget reports. The budget reports show a positive balance.
- 14.2. Ms. Santiago reported on the Online Licensing and Information Collection (OLIC) project. The project group provided the commission with questions the group would like asked of licensees upon renewal of their credential. The commission had no concerns with the dentist questions. The commission recommended adding an option for “some college” for dental assistants on question 3.1.
- 14.3. Ms. Castle presented recent disciplinary case statistics. The commission requested Ms. Castle to provide a summarized list of disciplinary statistics to the commission on an annual basis.
- 14.4. The commission received the 2016 business meeting dates and locations. The April 22, 2016 meeting will be in Richland, Washington.
- 14.5. The commission received a list of active committees. The commission authorized deleting the Dental Treatment Records Committee from the list of committees.

#### **15. FUTURE COMMISSION BUSINESS**

The commission will discuss member availability for hearings at the next meeting.

The commission adjourned at 11:23 a.m.

Submitted By:

Commission Approval By:

Signature on file  
Jennifer Santiago, Program Manager

Signature on file  
Charles Hall, D.D.S., Chairperson