



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, April 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
Aaron Stevens, DMD
Lyle McClellan, DDS
Kara Baza, EFDA
Karim Alibhai, DMD
Kunal Walia, DDS
John Liu, DDS
John Carbery, DMD

MEMBERS ABSENT

Hyun Jung Song, DDS

STAFF PRESENT

Trina Castle, Executive Director
Jennifer Santiago, Program Manager
Tracie Drake, Assistant Program Manager
Heather Carter, Assistant Attorney General (AAG)
Bill Kellington, Supervising Staff Attorney

OTHERS PRESENT

Bracken Killpack, Washington State Dental Association (WSDA)
Mike Walsh, WSDA
Emily Lovell, WSDA
Mellani McAleenan, WSDA
Marilyn Rothen, Washington State Dental Hygiene Association (WSDHA)
Melissa Johnson, WSDHA, Willamette Dental
Kaily Conrad, WSDHA
Judy Morrison, WSDHA
Kathy Story, WSDHA
Heidi Desmarais, WSDHA
Melanie Knupp, Pacific Dental Services
Lynn Stedman, Columbia Basin College (CBC)
Bobbi Thompson, CBC
Kelly Reich, Western Regional Examining Board (WREB)
Sharon Osborn Popp, WREB
Jared Bloxam, DDS
Bruce Bronoske, Jr
., Department of Health
Erin Obenland, Case Manager
Deonna Chartrey, Case Manager

OPEN SESSION

1. CALL TO ORDER – Dr. Hall, Chairperson, 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 with amendments to add items 3.3, 3.4 and 13.6.
- 1.3. The commission approved the March 4, 2016 business meeting minutes as presented.

2. RULE HEARING

The commission held a rules hearing to consider public comment and for the adoption of proposed rules regarding WAC 246-817-120 Examination content filed as WSR # 16-05-084.

- The commission received no public comment.
- Jennifer Santiago suggested a minor non-substantial change to correct a spelling error.
- Dr. Alibhai made a motion to approve the proposed rule with the non-substantive change and the commission voted to approve the proposed rule.

3. LEGISLATION

- 3.1. Dr. Bryan updated the commission on the weekly meet me calls. There has been no new legislation to discuss.
- 3.2. Ms. Santiago provided a list of recently passed legislation that may affect the commission or the department of health.
- 3.3. The commission discussed requesting expanded function dental auxiliary (EFDA) continuing education legislation in 2017. Dr. Shaw made a motion and the commission approved pursuing this legislation.
- 3.4. The department of health requested the commission support legislation to amend RCW 18.32 to remove the licensing requirement to provide a photograph. The commission agreed to support this legislation.

4. OTHER

- 4.1. The commission discussed using Ethics Boundaries Assessment Services (EBAS) as an additional disciplinary sanction option. EBAS provided a presentation at the March 4, 2016 commission meeting. Commission members determined it would be valuable to have additional sanction options. The commission agreed to send Dr. Bryan and Dr. Carbery to observe the EBAS program.
- 4.2. The Washington State Dental Association and Washington State Dental Hygienists' Association requested the commission provide a mock disciplinary case panel. The commission agreed to do the presentation. Several commission members volunteered to assist.
- 4.3. The commission discussed possible revisions to the approved infection control inspection report. The commission received an email from Terre Harris of Harrisbiomedical related to spore testing and cold sterilization requirements. The commission discussed concerns regarding a need for additional requirements on the infection control inspection report. The commission agreed to add clarifying language related to non-heat sterilization, follow manufacture requirements, and documentation for chemicals used. Ms. Santiago will provide the commission with an updated report at the June 3, 2016 commission meeting for review and approval.

5. PRESENTATION

Kelly Reich and Sharon Osborn Popp with the Western Regional Examining Board (WREB) provided the commission with an informational presentation on the WREB restorative examination.

6. RULES

6.1. The commission discussed comments received regarding the dental hygiene delegation rules:

- WAC 246-817-550 – Acts that may be performed by licensed dental hygienists under general supervision.
- WAC 246-817-560 – Acts that may be performed by licensed dental hygienists under close supervision.

The commission voted to change the word “supervising” in (6)(d) to “delegating.” Dr. Shaw made a motion and the commission approved the proposed rule language with changes. Ms. Santiago will file a CR102.

6.2. The commission discussed draft rule language for WAC 246-817-760 – Moderate sedation with parenteral agents.

- The commission discussed a future need to create a separate permit for pediatric sedation.
- The commission agreed to move the proposed rule language with changes forward for stakeholder comment.

6.3. The commission reviewed draft rule language for approval of WAC 246-817-160 Graduates of non-accredited schools. There were no stakeholder comments received. James Henderson made a motion and the commission approved the proposed rule language with changes. Ms. Santiago will file a CR102.

6.4. Ms. Santiago updated the commission on the status of the dental assistant and expanded function dental auxiliary delegations rules:

- 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)

The CR102 has been approved and is awaiting filing. A hearing will be held on June 3, 2016.

6.5. Ms. Santiago updated the commission on the status of WAC 246-817-130, 135, and 140 Licensure without examination. The CR102 has been approved and is awaiting filing. A hearing will be held on June 3, 2016.

6.6. Ms. Santiago updated the commission on the status of WAC 246-817-304, 305, 310, and 315 Dental treatment record rules. The new rules are effective.

6.7. Ms. Santiago updated the commission on the status of WAC 246-817-701 through 790 Administration of anesthetic agents for dental procedures. The new rules are effective.

6.8. The commission reviewed the list of priorities for rule modification.

- Ms. Santiago recommended the commission repeal WAC 246-817-340 Recording requirements for all prescription drugs, as it is duplicative. Dr. Shaw made a motion and the commission approved moving forward to repeal WAC 246-817-340.
- Ms. Santiago recommended the commission open WAC 246-817-440 Dentist continuing education requirements. Ms. Santiago receives many stakeholder comments regarding confusion with WAC 246-817-440. The commission approved opening WAC 246-817-440. Ms. Santiago will file a CR101 to begin rule amendments.

7. EXECUTIVE SESSION – CLOSED SESSION

The commission held executive session under RCW 42.30.110(1)(i) from 10:08 a.m. to 10:30 a.m.

OPEN SESSION – 10:30

8. BOTOX / DERMAL FILLER COMMITTEE

- 8.1. The commission discussed the 2013 Interpretative Statement on Use of Botulinum Toxin Injections / Dermal Fillers by Dentists and whether the committee needs to meet to discuss amending the 2013 Interpretative Statement.
- Dr. Hall provided a presentation to the commission regarding legislative intent and the dental scope of practice.
 - The commission had discussion regarding Dr. Hall's presentation and the issue of Botox and Dermal Fillers in dentistry.
 - Some commission members expressed concern that a literal interpretation of the dental scope of practice could prevent other current acceptable dental practices.
 - Dr. Carbery made a motion to leave the 2013 interpretive statement as-is and cancel the Botox/Dermal Filler Committee. The commission approved the motion with nine in favor and six opposed.

9. EXPANDED FUNCTION DENTAL AUXILIARY EDUCATION COMMITTEE

- 9.1. Dr. Shaw updated the commission on the Expanded Function Dental Auxiliary (EFDA) Education Committee. The committee is in the process of evaluating the Bellingham Technical College (BTC) EFDA program. The committee identified several deficiencies in the documentation provided by BTC. Due to these deficiencies, the committee will be sending all five members of the committee to conduct the site visit, which is scheduled for May 21, 2016.
- 9.2. The committee evaluated the Spokane Community College (SCC) EFDA program. The program has completed the renewal questionnaire and supplied the required documents. The committee conducted a site visit on March 11, 2016. The committee recommended the commission approve renewal of the program. Dr. Shaw made a motion and the commission voted to approve renewal of the SCC EFDA program.

10. EDUCATIONAL OUTREACH COMMITTEE

Colleen Madden updated the commission on the Educational Outreach Committee meeting held on March 18, 2016. The committee discussed:

- New commission member training.
- Upcoming retreat.
- Instituting a formal mentorship program and how to provide one-on-one mentorship without violating the Open Public Meetings Act. The commission agreed this would be helpful and could be offered as an option to new members.
- Pre-assigning a staff attorney for the first case or two assigned to a new commission member.

11. JURISPRUDENCE EXAMINATION COMMITTEE

- 11.1. Dr. Shaw updated the commission on the Jurisprudence Examination Committee. The committee met on March 4 and March 25, 2016. The committee has finalized its work on the current examination.
- 11.2. The commission reviewed the proposed jurisprudence examination. James Henderson made a motion and the commission approved the jurisprudence examination.

12. CORRESPONDENCE

- 12.1. The commission was provided an email, dated March 1, 2016, from Dr. Rich Stuart regarding prescribing oral appliances for sleep apnea, dispensing home sleep testing equipment, acupuncture or dry needling for TMJ treatment, and taking of impressions by registered dental assistants for identified appliances. The commission will provide a response to Dr. Stuart referring him to the scope of practice statute and indicating that taking of impressions by registered dental assistants does not include sleep apnea oral devices. Ms. Santiago will draft a letter for commission approval at the June meeting.
- 12.2. The commission was provided an email dated March 15, 2016 from Joseph Adam regarding clinical examination organizations. The commission will provide a response to Mr. Adam explaining that the examination ensures dentists have the required competency to provide dentistry in Washington State.
- 12.3. The commission was provided an email dated March 15, 2016 from Emily Lovell, Washington State Dental Association, asking if it is within dentist scope of practice to order lab (urine) tests for hormone metabolites to see how it is affecting patient gums. The commission will provide a response to Ms. Lovell providing the commission's comment sheet regarding lab tests being acceptable if dental related.
- 12.4. The commission was provided an email dated March 15, 2016 from Terre Harris, Harrisbiomedical, asking if sterilization of low speed hand pieces is required between patients. The commission will provide a response to Terre Harris indicating that the attachment does have to be sterilized or disposed of, but the motor is not required to be sterilized.
- 12.5. The commission was provided a copy of a letter dated April 1, 2016 from the Washington State Dental Association (WSDA) to Dr. Judson Werner of the Seattle King County Dental Society regarding continuing education courses provided by the

American Academy of Facial Aesthetics. The commission will respond to WSDA indicating the Secretary of Health regulates unlicensed practice.

13. PROGRAM REPORT

- 13.1. The commission received the February 2016 interim operating budget report. The budget report displayed a positive balance.
- 13.2. The commission discussed the Health Systems Quality Assurance leadership meeting to be held on July 21, 2016 from 10:00 a.m. to 3:30 p.m. Dr. Mercier volunteered to attend the meeting.
- 13.3. Ms. Santiago updated the commission on the current recruitment process for new commission members to fill the three upcoming member vacancies. The interviews have been completed. Recommendations will be made to the governor in the next couple of weeks.
- 13.4. Ms. Santiago updated the commission on current continuing education audit statistics. The average of corrective actions based on continuing education audits remain unchanged since the previous review.
- 13.5. The commission received a list of active committees. The commission authorized to delete the Botox/Dermal Filler Committee from the list of committees and place the Dental Assistant Scope of Practice Committee on hold.
- 13.6. The commission considered a request from staff to publish the draft minutes of meetings on the webpage prior to formal approval. The commission approved the request.

14. REGIONAL BOARD UPDATES

- 14.1. Dr. Carbery updated the commission on the American Association of Dental Boards (AADB) meeting on April 10-11, 2016.
- 14.2. Ms. Santiago updated the commission on the Central Regional Dental Testing Services (CRDTS) restorative examination. CRDTS will be performing beta testing of the examination in April and intends to test the full examination in June. Ms. Santiago will bring this topic back to the commission at the July 2016 meeting for further discussion.

15. FUTURE COMMISSION BUSINESS

The commission would like to discuss at a future meeting ideas to encourage attendance at the commission meetings by stakeholders. A suggestion was made to offer some continuing education credits to attract stakeholders. The commission will address this topic when discussing the next out of town business meeting.

The commission adjourned at 12:30 p.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

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