



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, June 3, 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
Kunal Walia, DDS
John Liu, DDS
John Carbery, DMD
Hyun Jung Song, DDS

MEMBERS ABSENT

Karim Alibhai, DMD

STAFF PRESENT

Trina Crawford, Executive Director
Jennifer Santiago, Program Manager
Tracie Drake, Assistant Program Manager
Heather Carter, Assistant Attorney General
(AAG)

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 the addition of items 10.9 and 11.5.

OTHERS PRESENT

Mike Walsh, Washington State Dental Association (WSDA)
Emily Lovell, WSDA
Mellani McAleenan, WSDA
Melissa Johnson, Washington State Dental Hygienists' Association (WSDHA), Willamette Dental
Melanie Knupp, Pacific Dental Services
Terre Harris, Harris Biomedical
Colleen Gaylord, WSDHA
Chris Bundy, MD, Washington Physicians Health Program
Beverly Frye, WSDHA
Brad Tower, WSDA
Alan Anderson, Assistant Attorney General
Joseph Adam
Amanda Adam
Ron Rupke, Department of Health
Ericka Brown, Department of Health

1.3. The commission approved the April 22, 2016 business meeting minutes as presented.

2. RULE HEARING

The commission held a rules hearing to consider public comment for the adoption of proposed rules regarding WAC 246-817-510, 520, 525, 540, and 545 – Dentist delegation of duties to dental assistants and expanded function dental auxiliaries; and WAC 246-817-130, 135, and 140 – Licensure without examination for dentists.

- The commission received no verbal public comment.
- The commission discussed written comments received for WAC 246-817-510, 520, 525, 540, and 545.
- The commission discussed clarifying several areas of the rules.
- Dr. Cooper made a motion and the commission approved sending the rules back to committee for further modification for WAC 246-817-510, 520, 525, 540, and 545.
- The commission discussed written comments received for WAC 246-817-130, 135, and 140.
- The commission adopted WAC 246-817-130, 135, and 140 as presented.

3. OTHER

3.1. Ron Rupke, Chief Investigator, Office of Investigation and Inspection, discussed with the commission the updated infection control checklist.

- Mr. Rupke discussed internal training with investigators.
- The commission discussed concerns with dental offices testing cold sterilization.
- The commission approved revising the infection control checklist to add a line requesting the manufacturer's name for any sterilization equipment or solutions in use. This will allow investigators to confirm that the office is following the manufacturer's directions.
- Dr. Mercier made a motion and the commission approved the updated infection control checklist with the revision to add a line for the manufacturer's name.

3.2. The commission reviewed a request from Oregon Academy of General Dentistry to be an approved organization providing continuing education for out of state licensed dentists in Washington State.

- The commission will request additional information from Oregon Academy of General Dentistry regarding clinical supervision, follow-up care by Washington licensed dentists, assistants, and participants.
- Dr. Stevens made a motion to deny Oregon Academy of General Dentistry's request at this time, pending the receipt of additional information for reconsideration. The commission approved the motion.

3.3. The commission discussed the Ethics and Boundaries Assessment Services (EBAS) orientation held on June 2, 2016. The commission requested staff register the commission with EBAS for future use.

3.4. The commission discussed members attending the Citizen Advocacy Center 2016 annual meeting in Portland, Oregon on September 17-18, 2016. The commission agreed to send Dr. McClellan and either Ms. Madden or Mr. Henderson.

3.5. Ms. Santiago provided the commission with the 2016 annual association and standard program report. Dr. Shaw made a motion and the commission approved the report.

4. DENTAL COLLABORATION COMMITTEE

- 4.1. The commission requested a new member for the Dental Collaboration Committee. Dr. McClellan, Ms. Baza and Ms. Kramer volunteered to join the committee.
- 4.2. The commission discussed having the committee evaluate restorative examinations provided by Western Regional Examining Board and Central Regional Dental Testing Services, Inc.

5. RULES

- 5.1. The commission discussed comments received and reviewed draft language for WAC 246-817-760 Moderate sedation with parenteral agents.
 - The commission agreed to a minor change in (4)(g).
 - Dr. Walia made a motion and the commission approved the proposed rule language with changes. Ms. Santiago will file a CR 102.
- 5.2. Ms. Santiago updated the commission on the status of WAC 246-817-550 and 560 Acts that may be performed by a licensed dental hygienist under general supervision and close supervision.
 - Assistant Attorney General Heather Carter discussed her concern that the proposed rule changes would no longer allow for dental hygienists to perform local anesthesia on patients below the age of 18 under close supervision.
 - The commission agreed to revise WAC 246-817-560 to include an allowance for local anesthesia for patients below the age of 18.
 - Ms. Santiago will make proposed changes and bring them back to the commission for approval at the July meeting.
- 5.3. Ms. Santiago updated the commission on the status of WAC-246-817-440 Continuing education. The CR 101 is complete and awaits filing.
- 5.4. Ms. Santiago updated the commission regarding repeal of duplicative WAC 246-817-340 Recording requirements for all prescription drugs. Ms. Santiago submitted an expedited CR 105 process to the department.
- 5.5. Ms. Santiago updated the commission on WAC 246-817-160 Graduates of non-accredited schools. The CR 102 has been filed. A rules hearing will be held on July 15, 2016.
- 5.6. Ms. Santiago updated the commission on WAC 246-817-120 Examination content. The CR 103 is in division review.
- 5.7. The commission reviewed the list of priorities for rule modification.

6. EXPANDED FUNCTION DENTAL AUXILIARY EDUCATION COMMITTEE

- 6.1. Dr. Shaw updated the commission on the Expanded Function Dental Auxiliary (EFDA) Education Committee. The committee recently completed a review of the Bellingham Technical College EFDA program. Dr. Shaw shared concerns regarding the program. The committee requested the commission grant provisional approval of the BTC EFDA program for a period of 18 months. During these 18 months, the BTC EFDA program must rectify several deficiencies noted by the commission. The committee will then perform another complete program review to ensure BTC has rectified the deficiencies.

- 6.2. Dr. Stevens made a motion and the commission approved providing provisional approval to the BTC EFDA program for a period of 18 months.

7. EDUCATIONAL OUTREACH COMMITTEE

Ms. Madden updated the commission on the Educational Outreach Committee meeting held on May 20, 2016.

- The committee is working on the July newsletter. The newsletter will be focused on new graduates, both dental and dental assisting.
- The committee made a request to the commission for new committee members. There were no volunteers.
- The Dental Hygiene Examining Committee member on the Educational Outreach Committee has resigned. The commission will send a request to the Dental Hygiene Examining Committee for a replacement for the committee.
- Bree Collaborative made a request to the committee to have the opportunity to present to the commission. The commission approved the request.
- The committee discussed continuing competency and is continuing to gather information.
- The committee would like to implement a mentorship program for new members. This would entail assigning new members to a senior member for guidance and assigning a staff attorney to assist with the first one or two cases.

8. PUBLIC DISCLOSURE

Willamette Dental Group withdrew its request to be an approved professional association or education organization to receive lists and labels.

9. POLICIES / GUIDELINES

- 9.1. Ms. Santiago requested the commission revise the process for review of exception applications. The commission agreed to the change in process. The process will be tracked for a period of six months and then the commission will decide whether to make the change permanent.
- 9.2. Chris Bundy of the Washington Physician Health Program (WPHP) discussed a desire for the commission to adopt similar guidelines as the Medical Quality Assurance Commission regarding reporting of WPHP participants. The commission agreed to consider a similar guideline. Ms. Santiago will draft guidelines for commission review at the next meeting.

10. CORRESPONDENCE

- 10.1. The commission reviewed a draft response letter to Dr. Rich's email 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 approved the response to include language stating that diagnosis and management of sleep apnea is part of the practice of medicine. The commission also recommended future discussion on the scope of practice statute as a whole. A copy of the response letter to Dr. Rich will be provided to legislative staff for their information.

- 10.2. The commission was provided a letter from Dr. Milgrom with the University of Washington, School of Dentistry regarding changes in dental caries management. The commission requested a letter be sent to Dr. Milgrom thanking him for the information but indicating a presentation is unnecessary at this time.
- 10.3. The commission was provided a letter from the National Provider Compliance Corporation requesting to be a board-approved continuing education provider. The commission requested a response be sent thanking them for the information and indicating that the commission does not pre-approve continuing education providers.
- 10.4. The commission was provided an email from Douglas Mayer with Dentsply Sirona regarding sterilization of slow speed hand piece motors. The commission requested a response be sent, similar to the response sent to Harrisbiomedical, stating that the motor portion of the slow speed hand piece does not have to be sterilized but should be disinfected.
 - Dr. Stevens made a motion and the commission approved the motion to open the infection control rules for updating and clarification. The commission will appoint a subcommittee to address changes to the infection control rules.
- 10.5. The commission was provided a letter from the American Dental Education Association (ADEA) regarding portability of licenses and the use of human subjects in clinical licensure examinations. The commission requested a response be sent thanking ADEA for the information.
- 10.6. The commission received a copy of a response letter sent to Emily Lovell with the Washington State Dental Association regarding lab tests.
- 10.7. The commission received a copy of a response letter to Dr. Edgar with the Washington State Dental Association regarding the commission's policy to approve groups for exemption of licensure and the Secretary of Health's regulatory authority over unlicensed practice.
- 10.8. The commission received a copy of a response letter to Dr. Adam regarding clinical examination organizations. Dr. Adam was present at the meeting and spoke to the commission regarding his concerns.
- 10.9. The commission received an email from Dr. Klass regarding referrals for x-rays and the responsibility of the x-ray provider. The commission requested a response be sent to Dr. Klass stating that providing an x-ray (including panorex and CT scan) is the same as ordering a lab test. The test results are provided to the dentist that ordered the test and subsequently will be diagnosed by that dentist. The commission discussed that there is a difference between consultation of a patient's test results versus administering the test or x-ray.

11. PROGRAM REPORT

- 11.1. The commission received the March and April 2016 interim operating budget report. The budget report displayed a positive balance.
- 11.2. Ms. Santiago informed the commission that the revised jurisprudence examination is now available on the Department of Health website. The revised examination provides an option to choose whether it is being completed for initial licensure or discipline.
- 11.3. Ms. Santiago updated the commission on the upcoming mock disciplinary panel presentation for the Washington State Dental Association. The mock panel will be on

July 29, 2016 at 9:00 a.m. to 1:00 p.m. The members who volunteered to participate are Dr. Liu, Dr. Bryan, Ms. Madden, Dr. Mercier and Ms. Kramer.

11.4. The commission was provided a list of active committees.

11.5. Ms. Crawford updated the commission on proposed legislation sponsored by the department. The department has decided to move forward with a legislative request for continuing education for expanded function dental auxiliaries and to add one new public member to the commission. The department has discussed the definition of dentistry statute and will begin gathering stakeholder input on this topic. The department requests the commission support removing the photograph requirement on initial licensure applications. The commission approved.

12. REGIONAL BOARD UPDATES

12.1. American Association of Dental Boards (AADB)

- The commission considered a request for volunteers to serve on the AADB Assessment Services Program Advisory Board. The commission approved Dr. McClellan to serve in this position.
- The commission discussed an interstate dental regulatory compact. The commission had concerns with the unknown details of a compact but supports the concept of a compact.
- Dr. Carbery will attend the AADB annual meeting on October 18-19, 2016.

12.2. The commission approved Dr. Mercier to attend the Central Regional Dental Testing Services, Inc., annual meeting on August 27, 2016 in Kansas City Missouri.

12.3. The commission received information from the Joint Commission on National Dental Examinations regarding a new national dental examination replacing NBDE parts I and II in 2022.

13. ELECTIONS

13.1. The commission elected Colleen Madden as the 2016-2017 chairperson. The commission elected Dr. John Carbery as the 2016-2017 vice-chairperson.

14. ACKNOWLEDGMENTS

14.1. The commission acknowledged the following members whose appointment terms expired June 30, 2016:

- Dr. Charles Hall, DDS
- Dr. Todd Cooper, DDS
- Dr. Hyun Jung Song, DDS

15. FUTURE COMMISSION BUSINESS

The commission did not discuss any future business.

The commission adjourned at 12:09 p.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on file
Colleen Madden, Public Member,
Chairperson