



**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, October 28, 2016**

MEMBERS PRESENT

John Carbery, DMD, Vice-Chair
Paul Bryan, DMD
James Henderson, Public Member
Bree Kramer, EFDA
LouAnn Mercier, DDS
Robert Shaw, DMD
Aaron Stevens, DMD
Lyle McClellan, DDS
Kara Baza, EFDA
Kunal Walia, DDS
John Liu, DDS
David Carsten, DDS
Ronald Marsh, DDS
Julia Richman, DDS
Karim Alibhai, DMD

OTHERS PRESENT

Emily Lovell, Washington State Dental
Association (WSDA)
Beverly Frye, Washington State Dental
Hygienists' Association (WSDHA)
Marilyn Rothen, WSDHA
Kathy Basset, RDH
Colleen Gaylord, WSDHA
Cecilia Baca, WSDHA
Jennifer Zbaraschak, WSDHA
Roman Daniels-Brown, Pacific Dental
Services
Courtney Threghmerton, Assistant Attorney
General
Alan Anderson, Assistant Attorney General
Ericka Brown, Department of Health

MEMBERS ABSENT

Colleen Madden, Public Member, Chair

STAFF PRESENT

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

OPEN SESSION

- 1. CALL TO ORDER** – John Carbery, DMD, Vice 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 one amendment to defer item 11.1 to a future business meeting.
- 1.3. The commission approved the September 9, 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 filed as WSR #16-19-079. WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision and WAC 246-817-560 Acts that may be performed by licensed dental hygienists under close supervision.

- The commission received verbal public comment from Marilyn Rothen, Washington State Dental Hygienists' Association (WSDHA). Ms. Rothen testified that WSDHA supports the proposed rules and thanked the commission, Department of Health staff, and the Dental Collaboration Committee for their work on these rule amendments.
- The commission received one written comment in support of the proposed rule amendments.

Dr. Shaw made a motion and the commission approved the proposed rule language.

3. PRESENTATION

- 3.1. Catherine Woodard from the Nursing Quality Assurance Commission provided an update on the FBI criminal background checks/Rap Back legislation.
 - Ms. Woodard described the fingerprinting process for FBI background checks. The Department of Health is co-sponsoring this legislation to include secretary professions. The Nursing Quality Assurance Commission is requesting support from all regulatory boards and commissions and a commitment to adopt rules regarding Rap Back if legislation is passed.
 - Dr. Shaw made a motion to support the Rap Back legislation and if passed adopt rules. The motion passed with 14 members in support and one opposed.
- 3.2. Kimber Cobb with Central Regional Dental Testing Services, Inc. (CRDTS), provided information on the new CRDTS restorative examination for expanded function dental auxiliaries. The commission was asked to consider approval of the CRDTS restorative examination for expanded function dental auxiliary licensure.
 - Ms. Cobb described the process for developing the new restorative examination.
 - CRDTS piloted the dental hygiene restorative examination in 2016. There were no alterations to the examination required from the pilot examinations, other than minor procedural changes.
 - Dr. Shaw made a motion and the commission approved the CRDTS restorative examination for expanded function dental auxiliary licensure.

4. OTHER

- 4.1. The commission discussed the American Dental Association article dated August 22, 2016 - Shifting focus on patients: New licensure exam seeks to address ethical dilemmas.

- Many dental schools and students are pushing for portfolio examination and to move away from using live patients in examination.
 - Kimber Cobb from CRDTS was asked if other states have requested portfolio licensure examinations. She indicated that CRDTS has not been asked to create a portfolio examination. The feedback from member states has been to continue with the current examination methods. Portfolio examination would be expensive and would be time consuming to develop, manage and administer. This would cause higher examination fees.
 - Many commission members expressed concern with dental schools grading portfolios of students from another state. It would need to be an independent testing agency such as CRDTS or the Western Regional Examining Board (WREB). This also may create challenges for testing agencies attempting to grade portfolios from various dental schools that teach the subjects differently.
 - A portfolio approach may work well for dental continuing competency. This may allow the commission to recognize dental specialties.
 - Dr. Liu made a motion to allow the American Student Dental Association to present to the commission regarding this topic. The motion passed with 14 in support and one opposed.
- 4.2. The commission received a request to consider delegation to a health law judge for disciplinary cases requiring summary action under RCW 18.130.370. Dr. Mercier made a motion and the commission approved this delegation.
- 4.3. The commission discussed authorizing Dr. Marsh to review sedation permit applications. Dr. Shaw made a motion and the commission approved Dr. Marsh reviewing sedation permit applications.
- 4.4. The commission discussed and approved sending Dr. Mercier and Dr. Richman to participate in the Commission on Dental Accreditation site visit on September 19, 2017.
- 4.5. Dr. Bryan reported on the Governor's Executive Order 16-09 on the opioid use public health crisis. The governor outlined four goals:
- Prevent inappropriate opioid prescribing and reduce opioid misuse and abuse.
 - Treat individuals with opioid use disorder and link them to support services.
 - Intervene in opioid overdoses to prevent death.
 - Use data and information to detect opioid misuse/abuse, monitor morbidity and mortality, and evaluation interventions.
- There is supported research that there is a strong causal relationship between adult opioid use and a person's introduction, as a youth, to opioids as a result of wisdom tooth removal. Dr. Bryan requested the commission accept an invitation from Bree Collaborative to have a member of the commission join Bree Collaborative's subcommittee on this topic. The commission approved Dr. Marsh representing the commission on the subcommittee.
- 4.6. Dr. McClellan and James Henderson reported on the Citizen Advocacy Center meeting they attended on September 17-18, 2016. The theme of the meeting was telemedicine.
- The commission may need to be more proactive about telemedicine and its impact in Washington.

- State to state compacts were discussed. There are 18 states with physician compacts. These compacts expedite licensure for physicians in member states. Costs of creating compacts are substantial.
 - Heather Carter, AAG indicated that the Medical Quality Assurance Commission has a policy regarding telemedicine with their interpretation of the statute. This may be a helpful reference for the commission.
 - The commission requested this topic be added to the next commission meeting agenda for further discussion.
- 4.7. Dr. Carsten and James Henderson reported on the Council on Licensure, Enforcement, and Regulation meeting they attended on September 14-17, 2016. Dr. Carsten indicated that there was good discussion regarding continuing competency and the rolls of regulators to implement change. Dr. Carsten felt the meeting was relevant and allowed regulators to meet and exchange ideas.

5. RULES

- 5.1. The commission considered rule modifications to WAC 246-817-760 Moderate sedation with parenteral agents. The department recommended several small changes that do not change the intent of the rule. Dr. Liu made a motion and the commission approved the suggested modifications. The CR102 is in process to set a hearing date.
- 5.2. The commission discussed comments received and reviewed draft rule language for WAC 246-817-510, 50, 525, 540, and 545 Delegation of duties to dental assistants and expanded function dental auxiliaries.
- Dr. Shaw recommended changing the term “cast restoration” to “permanent restoration.” The commission agreed to this recommendation. This change will be considered at the rule hearing.
 - The commission reviewed an email from Gene Beck regarding intra-oral adjustments. The commission determined a response to the email is not necessary.
 - Ms. Santiago has filed the CR 102 and a hearing is set for December.
- 5.3. Ms. Santiago updated the commission on the status of WAC 246-817-340 Recording requirements for all prescription drugs. The CR 103 is now implemented. The rule has been repealed due to it being duplicative.
- 5.4. Ms. Santiago updated the commission on WAC 246-817-601, 610, 620, and 630 Infection control. The CR 101 was filed on September 9. The commission formed a committee to address the infection control rules. On the committee will be Dr. Carsten, chair, Dr. Richman, Dr. Shaw, Dr. Walia, and Bree Kramer.
- 5.5. Ms. Santiago updated the commission on WAC 246-817-120 Examination content. A CR 101 was filed on October 12, 2016 to reopen the rule. The commission intends to add a limit to examination attempts and a requirement that an examination must be completed in full with one examining agency. Ms. Santiago will provide draft language for commission consideration at the December 9, 2016 meeting.
- 5.6. The commission reviewed the list of priorities for rule modification.

6. CONTINUING COMPETENCY COMMITTEE

- 6.1. Dr. Bryan updated the commission on the Continuing Competency Committee meeting held on September 29, 2016. There was good attendance from the public. The

committee is discussing ways to enforce continuing competency that is relevant, fair, and affordable and takes into consideration dental specialties. The next meeting is scheduled for November 4, 2016.

- 6.2. Dr. Bryan updated the commission on rule modification of WAC 246-817-440 Dentist continuing education requirements. Some of the topics brought up at the training retreat included calibration, updating language such as “video tapes,” expanding topics, and balancing continuing education by allowing it over multiple years. The committee will begin rule modifications at the November 4, 2016 committee meeting.

7. EDUCATIONAL OUTREACH COMMITTEE

- 7.1. Dr. Stevens updated the commission on the committee meeting held on October 7, 2016. Dr. Stevens asked for another commission member to join the committee. Dr. Carbery volunteered.
- 7.2. Dr. Stevens discussed the training retreat held on October 27, 2016. Commission members will be receiving an assessment shortly to evaluate the retreat.
- 7.3. The commission discussed adding discipline statistics to the newsletter.
 - Dr. Stevens suggested reasons for adding discipline to the newsletter. Some benefits could be to inform the public and dentists for referral purposes, increase readership of the newsletter, deter against future discipline, and transparency.
 - Some members were concerned with adding names to the newsletter as this would equate to drama or gossip.
 - Dr. Mercier suggested a column with tips on how to avoid this type of discipline.
 - The commission discussed discipline statistics without names for statements of charges only may be appropriate in the newsletter. Ms. Santiago will reformat an example adding a column for “tips to avoid discipline” and bring it back to the commission at the next meeting.
- 7.4. The commission discussed allowing continuing education for reading the newsletter. Dr. McClellan made a motion to approve adding a small quiz in each newsletter that, when completed, can be held for proof of one hour of continuing education. The motion passed with 14 in support and one opposed.

8. POLICIES / GUIDELINES

The commission reviewed proposed revisions to the commission’s exception application policy/procedure. Dr. Shaw made a motion and the commission approved the revisions.

9. CORRESPONDENCE

- 9.1. The commission received a copy of a letter dated September 8, 2016 from Washington State Dental Association thanking the commission for the mock disciplinary panel presentation provided on July 29, 2016.
- 9.2. The commission received a copy of the response letter to Dr. Klass regarding taking blood pressure vital signs of every patient.
- 9.3. The commission received a copy of the response letter to Dr. Chang regarding providing acupuncture in dentistry.
- 9.4. The commission received a copy of the response letter to Dr. Victor Barry regarding due process for dental license renewal and the dental commission title.

- 9.5. The commission received a copy of the response letter to Dr. Woo regarding facial cosmetic laser treatment as scope of practice for dentists and/or oral and maxillofacial surgeons.
- 9.6. The commission received a copy of the response letter to Dr. Beck regarding blood glucose screenings.
- 9.7. The commission received a copy of the response letter to Mr. Lloyd regarding dental assistants and sterilization of dental offices.

10. PUBLIC DISCLOSURE

- 10.1. The commission considered requests from Oregon Health & Science University School of Dentistry and Greater Eastside Study Club Group to be an approved professional association or educational organization to receive lists and labels:
 - Dr. Shaw made a motion and the commission approved Oregon Health & Science University School of Dentistry's request.
 - Dr. Shaw made a motion and the commission approved Greater Eastside Study Club Group's request.

11. PROGRAM REPORT

- 11.1. The commission received the September 2016 interim operating budget report. The report displayed a positive balance. Expenditure exceeds revenue received. Travel, investigations, and credentialing are currently overspent. The line-by-line review of the report was held over to the December 9, 2016 commission meeting.
- 11.2. Ms. Crawford and Ms. Santiago reported on the annual American Association of Dental Administrators meeting attended on October 16-17, 2016. There was discussion on opioid prescribing. Some states require registration with their prescription monitoring program at license renewal. Some states require continuing education on prescribing. North Dakota allows all continuing education to be online.
- 11.3. Ms. Crawford reported on the Health System Quality Assurance Association meeting held on September 26, 2016. This meeting is held every year with health profession associations and lobbyists. The legislative forecast for 2017 was discussed. The following is some of the legislation the Department of Health will be requesting:
 - An additional public member for the dental commission.
 - A continuing education requirement for expanded function dental auxiliaries.
 - Removal of the photo requirement on dentist applications.
 - Four new members for the Board of Osteopathic Medicine and Surgery.
 - Three additional FTEs for staffing of the Pharmacy Quality Assurance Commission.
 - Expansion of the Physician Monitoring Program.
 - Convert the Health Professions Account (Fund O2G) from an appropriated to a non-appropriated account.
 - Move the age for purchasing tobacco products to 21.
 - FBI criminal background checks/Rap Back.
- 11.4. The commission received a list of active committees. The Infection Control Committee was added with Dr. Carsten as chair.

12. REGIONAL BOARD UPDATES

- 12.1. Dr. Mercier reported on the annual Central Regional Dental Testing Services, Inc., meeting she attended on August 25-26, 2016.
- 12.2. Dr. Carbery and Bill Kellington reported on the American Association of Dental Boards annual meeting on October 18-19, 2016. Some of the topics discussed at the meeting were:
 - The Federal Trade Commission specialties advertising regulations.
 - Requiring re-examination for suspended respondents before restoring the credential.
 - The Dentist Professional Review and Evaluation Program (D-PREP). Some states are opposed to using D-PREP.
 - Continuing competency.
 - Interstate compacts.

13. FUTURE COMMISSION BUSINESS

The commission did not discuss any future business.

The commission adjourned at 11:13 a.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on file
Colleen Madden, Chairperson