



**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES**

Friday, April 21, 2017

(subject to approval)

MEMBERS PRESENT

Colleen Madden, Public Member, Chair
James Henderson, Public Member
Bree Kramer, EFDA
LouAnn Mercier, DDS
Robert Shaw, DMD
Aaron Stevens, DMD
Lyle McClellan, DDS
David Carsten, DDS
Ronald Marsh, DDS
Julia Richman, DDS
Kunal Walia, DDS
John Liu, DDS
Karim Alibhai, DMD

MEMBERS ABSENT

John Carbery, DMD, Vice-Chair
Kara Baza, EFDA

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

OTHERS PRESENT

Emily Lovell, Washington State Dental
Association (WSDA)
Mellani McAleenan, WSDA
Melissa Johnson, Washington Dental
Hygiene Association (WDHA)
Roman Daniels-Brown, Pacific Dental
Services (PDS)
Gary Pickard, PDS
Cliff Webster, Association of Dental
Support Organizations (ADSO)
Neal Luna, Office of the Attorney
General, AGO
Alan Anderson, AGO
Ericka Brown, Department of Health

OPEN SESSION

- 1. CALL TO ORDER** – Colleen Madden, 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.
 - 1.3. The commission approved the March 17, 2017 business meeting minutes as presented.

2. PRESENTATION

Neal Luna, Assistant Attorney General, Antitrust Division, presented information to the commission on implications of the US Supreme Court case (North Carolina State Board of Dental Examiners v. Federal Trade Commission) on anti-competitive activities.

3. OPERATIONAL/DELEGATION

- 3.1. The commission reviewed an updated signature delegation form. Dr. Mercier made a motion and the commission approved the updated form.
- 3.2. The commission reviewed an updated decision-making delegation form. Dr. Mercier made a motion and the commission approved the updated form.
- 3.3. The commission reviewed a proposed 2017-2019 business plan. The commission discussed future membership with Central Regional Dental Testing Services (CRDTS). One of Washington's representative members may no longer live in Washington. Ms. Santiago will research this. Dr. Shaw made a motion and the commission approved the updated 2017-2019 business plan.
- 3.4. The commission reviewed and approved the current by-laws without change.
- 3.5. The commission reviewed and approved the current operating agreement with the Department of Health without change.

4. INFECTION CONTROL COMMITTEE

- 4.1. Dr. Carsten gave an update on the committee meeting held on April 14, 2017.
 - The committee agrees in principal with the Center for Disease Control (CDC) guidelines.
 - The committee has not agreed on how to implement the CDC guidelines. Each committee member will be reviewing the CDC summary document and providing their concerns with specific sections.
 - Dr. Mercier indicated that community health centers have concerns with the cost of implementing the CDC guidelines.
 - The costs of implementing the CDC guidelines may not be just monetary, but could affect patient care and have environmental costs.
- 4.2. The committee will continue to discuss rule modifications for WAC 246-817-601 through 630 Infection control.

5. CONTINUING COMPETENCY COMMITTEE

- 5.1. Dr. Richman updated the commission on the committee meeting held on April 19, 2017.
 - The committee is focusing on amending the continuing education rule. They have postponed working on developing continuing competency.
 - Dr. Carsten has provided good research on the benefits of self-study and how to make it more educational.
- 5.2. The committee will continue to discuss rule modifications for WAC 246-817-440 Dentist continuing education requirements.

6. RULES

- 6.1. The commission discussed WAC 246-817-120 Examination Content.

- Dr. Marsh recommended approving the Canadian Objective Structured Clinical Examination (OSCE). Nationally dental boards are moving toward examinations without live patients.
- Dr. Shaw indicated that we may be moving nationally toward an OSCE examination, but that could be years in the future.
- Dr. Carsten shared that he is on the steering committee to implement the OSCO. The goal for implementation is 2020. The OSCE is much more rigorous than current examinations. Dr. Carsten will recuse himself from any commission decisions related to a United States (US) OSCE examination.
- Dr. Mercier suggested the commission communicate with Washington Regional Examining Board (WREB) and CRTDS about possibly accepting the Canadian OSCE.
- Ms. Madden indicated that in Canada they have a rigorous continuing competency program to evaluate dentists who pass the OSCE and are in practice. Is the OSCE alone appropriate or is it only appropriate along with a robust continuing competency program.
- The commission will discuss this topic further at the June commission meeting after Dr. McClellan observes the Canadian OSCE.

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

7. EDUCATIONAL OUTREACH COMMITTEE

- 7.1. Dr. Stevens informed the commission that the April 13, 2017 meeting was cancelled due to lack of attendance.
- 7.2. Ms. Santiago provided the commission with the Pacific Northwest Dental Conference presentation outline. The presentation is three hours. Ms. Santiago will send the PowerPoint presentations to each of the four commission members presenting at the conference. The presenters will have a telephone conference in advance of the conference to prepare.

8. EXPANDED FUNCTION DENTAL AUXILIARY (EFDA) COMMITTEE

Dr. Shaw updated the commission on the committee meeting held on March 24, 2017. The committee reviewed the Bellingham Technical College EFDA program last year and found some deficiencies. The program has since had a changeover of administration. The committee will complete a site visit on May 6, 2017 to confirm that deficiencies have been corrected.

9. OTHER

- 9.1. The commission reviewed and approved a draft interpretive statement regarding taking radiographs standard of care. The interpretive statement will move forward with the review process.
- 9.2. Ron Rupke, Chief Investigator and Erin Obenland, Case Manager, Department of Health, discussed providing investigative evidence on compact discs. Commission members have had difficulties accessing x-rays and other scans on CD. The legal department had begun using an Image Converter Plus program which converts scans to a .jpg file.

- Dr. Shaw indicated difficulty with viewing 3D images in a .jpg file as they could only see one cross section and the investigator would need to know which cross section to provide. He also expressed concern with downloading additional software.
 - Training investigators and staff attorneys to analyze the scans may be helpful for them to determine what .jpg view the reviewing commission member needs.
- 9.3. The committee discussed WAC 246-817-745 minimal sedation and WAC 246-817-755 moderate sedation. The commission is evaluating if adding an injectable agent or nitrous oxide to an oral agent is considered moderate sedation. The commission is referring this topic to the Anesthesia Committee to discuss further.
- 9.4. The commission requested a letter be sent to the Office of the Insurance Commission regarding standard of care. Ms. Crawford indicated that a letter to the Insurance Commissioner may not be the appropriate avenue. The department is recommending the commission collect data over the next six months to determine if correspondence with the Office of the Insurance Commission or the Health Care Authority is necessary. Reviewing commission members will notify Ms. Santiago on any cases where it appears the insurance companies are influencing dental care. The commission will analyze the data to determine next steps. Emily Lovell indicated that WSDA has tracked these occurrences with their membership and have received hundreds of responses. Staff attorneys will also send information to Ms. Santiago when they see cases where insurance companies appear to influence dental care.
- 9.5. The commission discussed Dr. Carsten participating on the American Dental Association Steering Committee for a United States OSCE. He will indicate that he is participating as a private citizen and not as a commission member. He will recuse himself from any commission decisions related to a US OSCE examination.
- 9.6. Dr. Marsh reported to the commission on the March 29, 2017 Bree Collaborative meeting. Bree Collaborative may be forwarding recommendations to the commission regarding opioid prescribing.
- 9.7. The commission approved sending Dr. Carbery to the June 15-16, 2017 summit related to reducing the supply of illegal opioids in response to Executive Order 16-09.
- 9.8. The commission approved sending Dr. Carbery to the Board Commission and Committee Leadership Forum on July 17, 2017.

10. CORRESPONDENCE

- 10.1. The commission reviewed March 2017 correspondence from Affiliated Monitors, Inc., regarding their services. The commission requested Ms. Santiago obtain more information on their services.
- 10.2. The commission received an emailed dated March 16, 2017 from Dr. David Keller regarding questions related to recent rule modification in WAC 246-817-760. The commission will refer this question to the Anesthesia Committee.
- 10.3. The commission received an email dated March 14, 2017 from Sonja at Wendel Dental regarding questions related to recent rule modification in WAC 246-817-760. The commission will refer this question to the Anesthesia Committee.
- 10.4. The commission received a copy of a response letter to Kristin Sweesy regarding delegation to dental hygienists.

- 10.5. The commission received a copy of a response letter to Dr. Haghighi regarding 24 hour on-call responsibility of dentists.

11. POLICIES / GUIDELINES

- 11.1. The commission reviewed the policy regarding mandatory malpractice reports and approved it without changes.
- 11.2. The commission reviewed the comment sheet regarding lab tests. The commission agreed to keep the comment sheet.
- 11.3. The commission reviewed the comment sheet regarding sleep dentistry. The commission agreed to keep the comment sheet, but requested the topic be discussed by the Anesthesia Committee. The commission will re-address the issue in 12 months.

12. PROGRAM REPORT

- 12.1. The commission received a report on the interim operating budget. Ms. Crawford indicated revenue may not cover expenses. This will depend on expenditures for expert witnesses. Commission members expressed concern with the assistant attorney general requiring experts on most cases.
- 12.2. The commission will received proposed fee reduction information at a future meeting.
- 12.3. Ms. Crawford discussed that the Office of Legal Services is now using encrypted email when communicating confidential information to commission members.
- 12.4. Ms. Santiago updated the commission on the recruitment process. There are four positions on the commission that need to be filled, two dentists, one expanded function dental auxiliary(EFDA), and one public member. Twenty-seven dentist, ten EFDA, and three public member applications have been received.
- 12.5. The commission received a list of active committees.

13. REGIONAL BOARD UPDATES

Ms. Santiago informed the commission that she contacted WREB and CRDTS asking whether an EFDA can be an examiner for the hygiene and EFDA restorative examination. CRDTS responded that an EFDA cannot be an examiner at this time. WREB has not responded.

14. LEGISLATION

Ms. Santiago provided the commission with a list of 2017 legislation.

- SSB 5322 – Dentists and third parties passed. This will not require commission rule writing, but the commission could receive cases that are affected by the law. The commission requested a newsletter article regarding this law.
- SHB 1411 – Dental licensure by residency passed. This law will require rule writing.
- E2SHB 1612 – Suicide prevention education passed. This law adds a one-time training requirement. Rule writing is required.
- ESHB 1427 – Concerning opioid treatment programs passed. This law will require rule writing. There will likely be a multi-profession workgroup to work on consistent rules. Rule writing should begin in July. Rules must be complete by January 1, 2019. This law also requires the Physician Monitoring Program to notify all prescribers if one of their

patients enters an emergency room due to overdose. The law also allows the Department of Health to collect data on heavy prescribers.

15. FUTURE COMMISSION BUSINESS

The commission did not discuss any future business.

The commission adjourned at 10:44 a.m.

Submitted By:

Commission Approval By:

Jennifer Santiago, Program Manager

Colleen Madden, Chairperson

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