



**STATE OF WASHINGTON
DEPARTMENT OF HEALTH**

**DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, March 7, 2014**

MEMBERS PRESENT

LouAnn Mercier, DDS, Chair
Robert Shaw, DMD, Vice Chair
Karim Alibhai, DMD
Paul Bryan, DMD
John Carbery, DMD
Todd Cooper, DDS
Charles Hall, DDS
James Henderson, Public Member
Bree Kramer, EFDA
John Liu, DDS
Colleen Madden, Public Member
Hyun J. Song, DDS
Andrew Vorono, DDS
Benjamin Weege, DDS

MEMBERS ABSENT

Kara Baza, EFDA
Willis Gabel, DDS

STAFF PRESENT

Chris Humberson, Executive Director,
Pharmacy Quality Assurance Commission
Jennifer Santiago, Program Manager
Sandie Pearson, Program Representative
Heather Carter, Assistant Attorney General
Bill Kellington, Supervising Staff Attorney

OTHERS PRESENT

Shelley Guinn, WA DOH Oral Health
Program
Cindy Kellogg, Interdent
Jennifer Frame, WA State Dental Hygiene
Association (WSDHA)
Colleen Gaylord, WSDHA
Mike Walsh, WA State Dental Association
(WSDA)
Emily Lovell, WSDA
Mellissa Johnson, WSDHA Willamette
Dental
Melanie Knupp, Pacific Dental Services
Don Painter, Chief Investigator, Office of
Investigations and Inspections

OPEN SESSION

1. **CALL TO ORDER** – Dr. Mercier, Chair, called the meeting to order at 8:01 a.m.
 - 1.1. The commission, staff, and audience introduced themselves.
 - 1.2. The commission approved the business meeting agenda as presented.
 - 1.3. The commission approved the January 17, 2014 business meeting minutes as presented.

- 1.4. The commission approved the January 17, 2014, panel A, B, and C minutes as presented.

2. LEGISLATION

- 2.1. Dr. Shaw provided an update on the weekly meet-me-calls. He shared that the legislative session is winding down and there has not been a lot of recent legislative activity to report back on.
- 2.2. Senate Bill (SB) 6138 – Expanded function dental auxiliary continuing education. SB 6138 passed out of both houses at this time.
- 2.3. House Bill (HB) 2321 Mid-Level Providers and HB 2445 Dental Hygiene Board did not pass out of their house of origin.
- 2.4. Other bills currently moving through the legislative system include:
 - SB 5970 – Evaluating military training and experience toward meeting licensing requirements.
 - HB 2351 – Concerning the practice of out-of-state health care professionals volunteering in Washington. The department originally had concerns regarding the 10-day notification requirement.
 - HB 1448 – Regarding telemedicine.

Dr. Shaw shared with the commission:

- HB 2105 relating to agendas being posted in advance of meetings is moving forward through the legislative process.
- A few bills of interest to the commission have not continued to move forward.
 - HB 2742 Requiring a rule-making process to interpret the scope of practice of a health care profession.
 - HB 2139 Creating a quality improvement program for licensees of the Medical Quality Assurance Commission (MQAC).

3. RULES

- 3.1. The CR102 Proposed Rule Making establishes the rules hearing date for dental treatment record rules WAC 246-817-305 and 246-817-310. The CR102 was filed with the Code Reviser's Office on January 27, 2014. A rules hearing is scheduled for the April 18, 2014 commission meeting.
- 3.2. The CR102 Proposed Rule Making establishes the rules hearing date for acts that may be performed by licensed dental hygienists under general supervision rule WAC 246-817-550. Ms. Santiago reported that the only comment received was from the Washington State Dental Hygiene Association and was in support of the rule. The CR102 was filed with Code Reviser's Office on February 10, 2014. A rules hearing is scheduled for the April 18, 2014 commission meeting.
- 3.3. The commission reviewed and discussed comments received regarding draft rule language for WAC 246-817-770 general anesthesia and deep sedation. The commission approved the recommended language change in 4(d) from "blood oxygen saturation" to "pulse oximetry" for consistency. The commission approved

rule language for WAC 246-817-770. Ms. Santiago will submit a CR102 Proposed rule making for filing.

- 3.4. No stakeholder comments have been received on the draft rule language for WAC 246-817-160 graduates of non-accredited schools. The commission approved rule language. Ms. Santiago will submit a CR102 Proposed rule making for filing.
- 3.5. WAC 246-817-701 through 790 Administration of anesthetic agents for dental procedures. The committee met on February 24, 2014 to draft rule modifications. The commission reviewed the following recommendations:
 - WAC 246-817-740 “Minimal sedation by inhalation” (to include but not limited to nitrous oxide.)
 - Paragraph 4 - Add requirement to record use of nitrous oxide, percent concentration and blood pressure.
 - WAC 246-817-745 “Minimal sedation.”
 - Paragraph 3 - Add requirement to record time administered sedation agents, use of nitrous oxide, percent concentration and blood pressure.
 - WAC 246-817-760 Moderate sedation with parenteral agents.
 - Paragraph 3b – Add continually before monitored.
 - Paragraph 3e – Add same rule language from WAC 246-817-770(3)(a).
 - Paragraph 3f – Add same rule language from WAC 246-817-770(3)(b).
 - Paragraph 4 – Add same rule language from WAC 246-817-770(4)(a-h).
 - Paragraph 5 – Add end-tidal CO2 monitoring.
 - WAC 246-817-772 Training requirements for anesthesia monitor.
 - Delete paragraph 1 as it does not apply to training of an anesthesia monitor.

Dr. Cooper explained the purpose of opening and modifying the rule language was to have consistent language and to include a requirement to record pre/post op blood pressure.

The commission approved the committee’s recommended modifications as presented. Draft rule language will be sent to stakeholders for comment.

4. OTHER

- 4.1. The commission discussed concerns relating to the prescribing portion of dental residency programs. Students with the University of Washington (UW) Oral and Maxillofacial Surgeon residency program recently have had pharmacists refuse to fill prescriptions written by them for patients as part of their residency program. Dr. Dillon provided a brief synopsis of the residency program and the current conflict with UW pharmacists. “Practice of Dentistry”, RCW 18.32.020 includes “curricula of recognized and approved dental schools or colleges.” Chris Humberson, Executive Director, Pharmacy Quality Assurance Commission reported this issue was brought to the attention of the pharmacy commission and they are supportive of the dental commission. The commission voted 13 in favor, 1 opposed, to sending a letter detailing the statute that allows dentists to prescribe as an Oral and Maxillofacial Surgeon resident and to open WAC 246-817-360 for rule

- modification. Ms. Santiago will draft the letter for Dr. Mercier's signature and process the CR101 for rule modification.
- 4.2. The commission discussed dentist self-reports of patient injury/death and authorizing investigations. The commission discussed if the authorizing panel could request more information without opening an investigation. Don Painter, Chief Investigator, Office of Investigation and Inspection reported that an investigation must be authorized appropriately.
- 4.3. The commission discussed the agreement of the 10-calendar day deadline for hearing settlements. Bill Kellington, Supervising Staff Attorney provided background information regarding the 10-day deadline. Mr. Humberson shared the Pharmacy Quality Assurance Commission's is evaluating a deadline for hearing settlements of 10 business days. The commission made no changes to the 10-calendar day deadline for hearing settlements.
- 4.4. The commission continued their discussion regarding dentists sending dental films out of state for interpretation by out-of-state licensed dentists. Some concerns raised by commission members include:
- Practitioner knowledge of the issue;
 - Lack of rules that address the issue;
 - Insurance coverage;
 - Referrals being denied;
 - Lack of malpractice coverage; and
 - Business licensing.
- The commission will continue to monitor the topic and will have further discussions at future meetings.
- 4.5. The commission received a copy of the Dental Hygienist Practice in Senior Centers and School-Based Programs July 2013 report to legislature.
- 4.6. The department is offering the Health Systems Quality Assurance Board/Commission/Committee (BCC) New Member Orientation on March 21, 2014. Dr. Liu and Bree Kramer will attend. Ms. Santiago shared that all BCC members are welcome to attend. Interested commission members will let Ms. Santiago know in advance if they are able to attend.
- 4.7. Dr. Gabel's report to the commission about the February 13, 2014 presentation to the Northwest Study Club has been deferred in his absence. Ms. Santiago indicated Dr. Gabel has been asked to give the presentation in April to another study club. The commission approved Dr. Gabel presenting the approved power point presentation to the Ellensburg study club.
- 5. PUBLIC DISCLOSURE** – Ms. Carter, AAG provided the commission a brief background regarding lists and labels requests. RCW 42.55.070 (9) limits access to lists and labels. Lists of credential holders may be released to professional associations or educational organizations approved by the disciplining authority.
- 5.1. Commission members reviewed and voted unanimously to deny a lists and labels request from Dentists Disability Insurance, LLC.
- 5.2. Commission members reviewed and voted unanimously to deny a lists and labels request from Bicon, LLC.

- 5.3. The commission reviewed a lists and labels request from Verisys Corporation on January 17, 2014. A letter, dated January 22, 2014, was mailed to Verisys requesting documentation to confirm their professional association status. Verisys Corporation has not responded to the request. The commission voted unanimously in favor of closing the Verisys Corporation lists and labels request.

6. POLICIES / GUIDELINES

- 6.1. The commission reviewed the Guidance for Malpractice Reports policy dated May 1, 2009. There were no changes made.
- 6.2. The commission reviewed the Guidance for Sleep Dentistry comment sheet dated April 12, 2001. There were no changes made.

7. EDUCATIONAL OUTREACH COMMITTEE

Ms. Madden reported the committee has met twice since the last commission meeting. On January 28, 2014, the committee met to work on the newsletter and to discuss updating the “What’s Happening” web page.

The committee met on February 25, 2014 and reviewed the results of the October 2013 training retreat survey. Committee members discussed future trainings, topics, and other ways to provide training. The committee approved the March newsletter and it was published. Using articles from the newsletter for the webpage was briefly discussed. Dr. Hall will draft an article regarding dentist scope of practice for the next newsletter. The committee will discuss prevention vs. surgery at the next committee meeting.

8. DENTAL CORPORATE PRACTICE COMMITTEE

- 8.1. Dr. Shaw reported the committee met on January 17, 2014. The committee discussed changing the committee name. Suggested name change options are:
 - Multi Provider Practice Committee
 - Multi Dentist Practice Committee
 - Committee for Oversight of Alternate Practice Models

The committee continues discussions regarding dental records. How do providers comply with the dental record law when they are employees? Commission members discussed educating licensed dentists of their requirement. One suggestion was to educate students in dental school.

The committee’s next meeting will be on April 18, 2014. Committee meeting information will be sent to the listserv.

- 8.2. The commission discussed whether to change the committee name and the other name suggestions. The current name, Dental Corporate Practice Committee, is a clear title and makes the public aware of the topic when on an agenda. The commission voted to keep the current name of the committee as is.

9. CORRESPONDENCE

The commission discussed:

- 9.1. An email dated February 12, 2014 from Marshall Titus. Dr. Titus asked if there is a conflict with WAC 246-817-520 (6, 7, 38) and RCW 18.260.040 (f)? RCW prohibits taking of any kind of impression and WAC allows taking of impressions for identified items. The commission discussed whether a conflict exists between the RCW and the WAC. Colleen Gaylord, Washington State Dental Hygiene Association asked the commission to address this topic for clarity. The WAC is the rule to interpret the RCW; if there is a conflict, the RCW outweighs the rule (WAC). Ms. Santiago will draft a response for Dr. Mercier's signature.
- 9.2. An email dated February 13, 2014 from John Counts with NovaSom. Mr. Counts asked if are dentists permitted to submit orders in your state to sleep centers or companies? The commission discussed whether dentists could refer patients to sleep centers. Dentists are not limited in their abilities to make appropriate referral for their patients. Ms. Santiago will draft a response for Dr. Mercier's signature.
- 9.3. An email dated February 13, 2014 from Jennifer Sigman with Wendel Family Dental Centre. Ms. Sigman asked when administering moderate sedation with parenteral agents under WAC 246-817-760 does there need to be two assistants in the room with the dentist? One assistant assisting in the dental procedure and one assistant as the anesthesia monitor. WAC 246-817-772 (1) indicates "In addition to those individuals necessary to assist the practitioner in performing the procedure, a trained individual must be present to monitor the patient's cardiac and respiratory functions." The commission agrees that two assistants is not the intent of the rule. The Anesthesia Rules Committee recommended deleting this paragraph as it does not address anesthesia monitor training. The commission approved the rule modification in item 3.5. Ms. Santiago will draft a response stating the commission approved the modification to the rule.

10. PROGRAM REPORT

- 10.1. The commission received the updated interim operating budget report as well as a summary version of the budget. Staff will continue to monitor the budget.
- 10.2. There are 23 active dental anesthesia assistants and three pending applications. At a previous meeting, Dr. Cooper asked where applicants are obtaining intravenous training. Ms. Santiago provided commission members a handout detailing applicant's intravenous training.
- 10.3. Ms. Santiago provided an update on commission member recruitment. The commission is currently recruiting for one pro-tem public member, and three professional dentist members. Five applications have been received at this time.
- 10.4. The commission received the list of active committees. There have been no changes to committees.

11. REGIONAL BOARD UPDATES

- 11.1. The commission approved Dr. Carbery to attend the American Association of Dental Boards (AADB) mid-year meeting being held April 6-7, 2014.
- 11.2. The commission approved Dr. Mercier to attend the Central Regional Dental Testing Service (CRDTS) Dental Exam Review Committee meeting being held April 25-27, 2014.
- 11.3. Dr. Bryan updated commission members on the February 21, 2014 Western Regional Examining Board (WREB) Dental Exam Review Board meeting. Candidates have three attempts to pass the exam. If after three attempts they are not able to pass, they will be required to obtain more education before re-taking the exam. California is allowing a portfolio licensing process. WREB asked whether Washington needs exams offered for dental specialties. Dental specialty exams are not necessary, as Washington does not license specialty dentists.

12. FUTURE COMMISSION BUSINESS

The commission asked to include a discussion regarding working collaboratively with the Dental Hygiene Examining Committee as a future agenda item.

The commission adjourned at 10:55 a.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on File
LouAnn Mercier, D.D.S., Chair