



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 20, 2023

TIME: 8:31 AM

WSR 23-22-030

**Agency:** Department of Health – Dental Quality Assurance Commission

**Subject of possible rule making:** Adding facility types to the list of opioid prescribing exclusions for dentists. The Dental Quality Assurance Commission (commission) is considering adding residential habilitation centers, nursing homes, and long-term hospitals to the list of opioid prescribing exclusions in WAC 246-817-905 Exclusions.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 18.32.0365 and 18.32.800

**Reasons why rules on this subject may be needed and what they might accomplish:** On March 1, 2022, the commission received a rulemaking petition requesting adding Residential Habilitation Centers (RHC) to the list of exclusions for the opioid prescribing rules. The Washington Medical Commission received a similar petition and recently completed rule amendments to exempt patients in RHCs, nursing homes, and long-term hospitals to allow physicians and physician assistants in these facilities to continue a patient's pain medications without having to perform a history and physical or wait for the history and physical to be completed on the patient. The commission is considering adding similar rule language to the exclusions section of the opioid prescribing provisions for dentists to encourage cross-profession cohesion and improve patient safety.

The commission previously filed a CR-101 as WSR 22-20-011 to consider this issue relating to residential habilitation centers only. The commission has withdrawn and is replacing the previous one with this new CR-101 to include exclusions for nursing homes and long-term care hospitals in addition to residential habilitation centers.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rulemaking

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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 Other:

(If necessary)

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rulemaking, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the button titled "Sign up for Updates From DOH" button at the bottom of the page. After signing in, select "Health Systems Quality Assurance" and "Health Professions" and "Dental" You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

**Date:** October 23, 2023

**Name:** David Carsten, DDS

**Title:** Dental Quality Assurance Commission Chair

**Signature:**

A handwritten signature in black ink that reads "David L. Carsten". The signature is written in a cursive style with a horizontal line extending from the end.