



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: February 04, 2020
TIME: 11:39 AM

WSR 20-04-080

Agency: Department of Health- Dental Quality Assurance Commission

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: WAC 246-817-907 Patient notification, secure storage, and disposal for opioid prescribing. The Dental Quality Assurance Commission (commission) adopted amendments to establish patient notification, documentation, counseling requirements, and the right to refuse an opioid prescription or order for any reason, when prescribing opioid drugs, as directed by section 4, codified as RCW 18.32.810, and section 17, codified as RCW 69.50.317, of Substitute Senate Bill (SSB) 5380 (chapter 314, Laws of 2019) for licensed dentists. The commission also adopted clarifications of when notification is not required.

Citation of rules affected by this order:

- New: None
- Repealed: None
- Amended: WAC 246-817-907
- Suspended: None

Statutory authority for adoption: RCW 18.32.0365 and RCW 18.32.810

Other authority: RCW 18.32.810 and RCW 69.50.317

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-21-135 on 10/21/2019 (date).
Describe any changes other than editing from proposed to adopted version: Reference to RCW 69.50.317 (1)(b) and WAC 246-817-908 was added to (3)(a) related to pain management alternatives. This change was made to ensure practitioners are able to locate all information necessary related to alternatives.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

Date Adopted: 12/06/2019

Name: Julia Richman, DDS

Title: Chairperson

Signature:



WAC 246-817-907 Patient notification, secure storage, and disposal. (1) The dentist shall (~~(provide information to)~~) discuss with the patient educating them of risks associated with the use of opioids, including the risk of dependence and overdose. The dentist shall document such notification in the patient record.

(2) Patient notification must occur, at a minimum, at the following points of treatment:

(a) The first issuance of a prescription for an opioid; and

(b) The transition between phase of treatment, as follows:

(i) Acute nonoperative pain or acute perioperative pain to subacute pain; and

(ii) Subacute pain to chronic pain.

(3) Patient written notification must include information regarding:

(a) Pain management alternatives to opioid medications as provided in RCW 69.50.317 (1)(b) and WAC 246-817-908;

~~(b)~~ The safe and secure storage of opioid prescriptions; (~~and~~

~~(b)-~~) (c) The proper disposal of unused opioid medication including, but not limited to, the availability of recognized drug take-back programs (~~(-~~

~~(4)-This~~); and

(d) The patient's right to refuse an opioid prescription or order for any reason. If the patient indicates a desire to not receive an opioid, the dentist shall document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

(4) The requirements in this section do not apply to the administration of an opioid including, but not limited to, the following situations:

(a) Emergent care;

(b) Where patient pain represents a significant health risk;

(c) Procedures involving the administration of anesthesia;

(d) When the patient is unable to grant or revoke consent; or

(e) MAT for substance use disorders.

(5) If the patient is under eighteen years old or is not competent, the discussion required by subsection (1) of this section must include the patient's parent, guardian, or other person identified in RCW 7.70.065, unless otherwise provided by law.

(6) The requirements of this section may be satisfied with a document provided by the department of health.

(7) The requirements of this section may be satisfied by a dentist designating any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to provide the information.