MEMBERS PRESENT

Colleen Madden, Public Member, Chair
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
David Carsten, DDS
Ronald Marsh, DDS
Julia Richman, DDS
Kara Baza, EFDA
Karim Alibhai, DMD

OTHERS PRESENT

Joel Berg, DDS, University of Washington School of Dentistry (UWSOD)
Gary Pickard, Pacific Dental Services
Marilyn Rothen, RDH, Washington State Dental Hygiene Association (WDHA)
Tim Hess, DDS, Seattle-King County Dental Society (SKCDS), UWSOD
Kal Klass, DDS, SKCDS
Emily Studebaker, Washington State Dental Association (WSDA)
Emily Lovell, WSDA
Linda Edgar, DDS, WSDA
Larry Golden, Dentsply Sirona
Bryan Edgar, DDS, WSDA
Beverly Frye, RDH, WDHA
Jennifer Zbaraschuk, RDH, WDHA
Laura Emmons, RDH, WDHA
Lee Emmons, RDH, WDHA
Jeff O’Donnell, DA, International Community Health Services
Kate Mills, RDH, American Dental Hygiene Association
Richele Strong, Smile Partners
Karen Sheppard, WSDA

MEMBERS ABSENT

Kunal Walia, DDS
John Liu, DDS

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 – Colleen Madden, Chairperson, called the meeting to order at 8:04 a.m.
   1.1. The commission, staff, and audience introduced themselves.
   1.2. The commission approved the agenda with an amendment to add additional items 5.3, 5.4, 5.5, and additional correspondence to item 11.
   1.3. The commission approved the December 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 for WAC 246-817-760 Moderate sedation with parenteral agents, filed as WSR #16-24-760.
   - The commission was provided six comments from the public for consideration.
   - Kal Klass commented that he supports the rule change. He recommended a standard for recording blood pressure for general practice.
   - Linda Edgar commented that studies have found there can be false positive readings when capnography is used in an open-air system.
   Dr. McClellan made a motion and the commission approved the proposed rule language with grammar changes and removal of electrocardiographic monitor in paragraph (6)(d).

3. PRESENTATION
   3.1. Dr. Joel Berg, Dean of the University of Washington, School of Dentistry, presented to the commission regarding the School of Dentistry and potential alternative clinical examinations.
      - A student progress committee evaluates each student and recommends remediation when needed.
      - The Regional Initiatives in Dental Education (RIDE) program allows students to serve in rural clinics in underserved areas of the state.
      - The School of Dentistry has a rigorous process for choosing applicants who will be invited to attend.
      - Dr. Berg suggested that the live patient examinations will be eliminated eventually and other options must be in place. He suggested an examination such as Canada’s objective structured clinical examination (OSCE) could be a requirement for both graduation and licensure.

4. LEGISLATION
   4.1. Dr. Carbery updated the commission on the department legislative weekly “meet me call” conference calls.
   4.2. The commission discussed 2017 legislation.
      - Ms. Santiago provided information to the commission regarding SB 5224/HB 1364 – the dental therapist bill, which would create a new dental therapy profession.
      - Dr. Marsh indicated that as a tribal member he has concerns with a two-tier dental system. Tribal members should not be limited to second tier dental care. The
School of Dentistry is working to get dentists into rural communities to help the underserved.

- Several other commission members agreed. Clinical care in rural areas should not be provided by a lesser trained dental provider. Lower income children should not have a different standard of care. Expanding the RIDE program is a better option for treating the underserved.

- Ms. Madden suggested that it is difficult for some low-income patients to receive dental treatment. Some treatment is better than no treatment. Can the commission provide suggested amendments to the bill that would make it more agreeable?

- Beverly Frye indicated that there is currently a two-tier system with vast populations not receiving care. Dental therapists would have a scope of practice including 50 procedures versus a dentist’s 500 procedures. The hours of training per procedure would be greater for dental therapists.

- Dr. Klass indicated that the RIDE program, dental residencies, and volunteer work could reach this population. He volunteers with the smile mobile and very few children access care as compared to prior years. The barriers to service are social and transportation issues, not limited care available.

- Dr. Carsten agreed that in Clark County there are many opportunities for free dentistry, and there are empty chairs.

- Dr. Linda Edgar agreed that there is opportunity for care. A dental health aid navigator position is being created to work within the community to educate patients regarding available care.

- Dr. Tim Hess indicated that the largest barrier to service is the Medicaid reimbursement rates.

- Nine commission members oppose the bill, one member supports the bill, two support the bill with revisions, and two member abstained.

- Dr. Marsh made a motion to provide a letter in opposition to SB 5224/HB 1364 citing patient safety and ethical concerns. The commission approved the motion.

- The commission discussed SB 5158/HB 1389 Dental practice and solicitation of corporations.

- Commission members expressed opposition to the bill. The bill is similar to that of last year, which the commission also opposed.

- Gary Pickard indicated that dental service organizations (DSO) provide care to the underserved. There are currently 16 practices in Washington.

- Emily Studabaker indicated that WSDA is opposed to this legislation. WSDA has concerns that many DSO’s avoid Medicaid patients. They also have concerns with a lack of patient safeguards, such as employment contracts that require quotas for new patients and overtreatment.

- Dr. Shaw made a motion to provide a letter in opposition to HB 5158. The commission approved the motion.

- The commission discussed SB 5322 Dentists and third parties.

- Heather Carter indicated that the bill provides subpoena authority to the dental commission. This authority should go to the secretary of health.

- Gary Pickard opposes the bill. He indicated that the bill would insert the dental commission into private practice. Fraud can occur in any business model.
Ms. Crawford indicated that the department has concerns with notification of all contracts, including banking or janitorial, etc.

The commission voted to remain neutral.

The commission discussed HB 1411 Dental licensure by residency.

The commission voted to support HB 1411 if revised to allow specialty residencies to avoid excluding pediatric residencies.

The commission discussed SB 5351. This is the commission’s bill to add one public member to the commission, add expanded function dental auxiliary continuing education, and remove the photograph requirement from dentist applications. Ms. Madden will testify regarding this bill at the hearing on Monday, January 30.

Ms. Santiago described HB 1005. This bill halts rulemaking for public agencies and requires legislative approval for rule writing.

Ms. Santiago described HB 4001. This bill provides for portability of licensure between Oregon, California and Washington. It is similar to interstate compacts but is for all healthcare professions.

The commission discussed HB 1339 Restrictions on prescriptions for opioid drugs and the following:

For some dental conditions or treatments, a three-day opioid prescription is not sufficient. Three days is arbitrary.

In some rural areas, it would be a barrier for patients as it would require patients to drive long distances for prescription refills and be required to return in three days for additional medication.

Dentists over prescribing opioids to children may be causing addiction. Something needs to be done.

Dentists should be allowed the same exceptions as physicians and not singled out among providers.

Dr. McClellan made a motion to provide a letter in support of the concept, indicating dentists should have the same requirements and exceptions as physicians, and giving concerns for patients in rural areas. The commission approved the motion.

Ms. Santiago briefly discussed with the commission SB 5057, SB 5056, SB 5067, HB 1052, SB 5079, HB 1316, and SB 5248.

5. OTHER

5.1. Ms. Santiago provided the commission a matrix detailing allowable delegation tasks for dental hygienists, dental assistant, expanded function dental auxiliaries, and dental anesthesia assistants. The commission voted to approve the matrix and have it posted on the webpage.

5.2. The commission approved having Dr. Marsh participate in the Unintentional Poisoning/Prescription Monitoring Program Workgroup.

5.3. The Health Care Authority is requesting input from the commission regarding its Tele-dentistry pilot project. The commission agreed to have the Dental Collaboration Committee discuss this topic.
5.4. Dr. Bryan requested to present at the Pierce County Dental Society meeting. The commission approved Dr. Bryan’s request. Dr. Bryan will bring comments received back to the commission regarding continuing education.

5.5. The commission received an invitation to attend the opioid summit on March 9. The commission voted to send Dr. Carbery and Dr. Carsten to the meeting.

6. RULES

6.1. The commission discussed comments received and reviewed draft rule language for WAC 246-817-120 Examination content. The commission discussed changing paragraph (2)(b) to accept the National Dental Examining Board (NDEB) of Canada clinical examination.
   - Ms. Madden indicated concern with accepting Canada’s clinical examination as Canada also has a robust continuing competency program. Washington does not have a follow-up program.
   - Dr. Richman has taken both an OSCE examination and a regional examination. She indicated that the OSCE was a difficult, very rigorous examination.
   - The commission voted to send Dr. McClellan to observe the OSCE and report to the commission at a following meeting.

6.2. Ms. Santiago updated the commission on the status of WAC 246-817-550 and 560. The CR 103 was filed and the rules are effective.

6.3. Ms. Santiago updated the commission on the status of WAC 246-817-510, 520, 525, 540, and 545 Dentist delegation to dental assistants and expanded function dental auxiliaries. The rules have been adopted and the CR 103 should be filed soon. The rule will be effective 31 days after the CR103 is filed.

6.4. Ms. Santiago updated the commission on rule modification of Chapter 246-814 WAC Access to dental care for children. The commission had no comment.

6.5. Ms. Santiago updated the commission on rule modification of Chapter 246-11 Model procedural rules for boards. The changes to the rule are administrative and grammatical. Dr. McClellan indicated there might be some wording errors. Ms. Santiago will discuss possible errors with department staff.

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

7. INFECTION CONTROL COMMITTEE

7.1. Dr. Carsten reported to the commission on the committee meeting held on January 6, 2017. The committee discussed the following:
   - Aerosols are a concern. High volume evacuation of aerosols is recommended.
   - Waterline testing is a concern. Children have become sick from stagnant waterlines.
   - Research indicates that slow-speed motors can be contaminated and manufacturers detail how to sterilize.
   - Twenty-four states require CDC guidelines.
   - The committee recommends following the CDC guidelines.

7.2. The commission discussed proposed rule modifications for WAC 246-817-601 through 630 Infection control requirements.
• Ms. Carter indicated that if the commission adopts the CDC guidelines it would have to be version specific.
• Terre Harris provided written comment with a concern regarding the large expense to dentists to comply with the CDC guidelines.
• The committee will provide the proposed rule changes to stakeholders and continue to discuss rule modification.

8. CONTINUING COMPETENCY COMMITTEE
8.1. Dr. Bryan updated the commission on the Continuing Competency Committee meeting held on January 9, 2017. The committee discussed the following for modification of CE rules:
• Should BLS/CPR be included in the 21 hours?
• Continue giving credit for volunteer hours?
• Continue to limit online CE?
• Require business education?
• The committee will continue to request input from stakeholders.
• Dr. Bryan discussed an option for facilitating shorter meetings by gathering input in advance and sharing the input with committee members and stakeholders. The committee would then hold a short meeting to gather comments from stakeholders.
8.2. The committee will continue to work on rule modification to WAC 246-817-440 Dentist continuing education requirements.

9. EDUCATIONAL OUTREACH COMMITTEE
9.1. Dr. Stevens updated the commission on the committee meeting held on January 5, 2017.
9.2. The commission will discuss adding discipline statistics to the newsletter at the March meeting.
9.3. The commission discussed presenting to the Washington State Dental Association Pacific Northwest Dental Conference in July 2017 or 2018. Emily Lovell indicated that there is an opening at this year’s conference on Thursday. The commission approved to present at the conference regarding rule changes that have been enacted over the last year and rules that are currently being modified. The commission also would like to present at the 2018 conference.
9.4. The commission will discuss the social media pilot project at the March meeting.
9.5. The commission will discuss advertising standards at the March meeting.

10. POLICIES / GUIDELINES
The commission will discuss policies and an interpretive statement comment sheet at the March meeting.

11. CORRESPONDENCE
• The commission received a copy of a response letter to the American Association of Orthodontists regarding fee splitting, treatment planning, and acceptable standards of care.
• The commission will discuss phone calls related to dentists required to take x-rays and appropriate standard of care at the March meeting.
• The commission will discuss an email from Kristin Sweesy asking clarification on dental hygiene prohibited tasks at the March meeting.

12. PUBLIC DISCLOSURE
The Commission considered a request from Molina Healthcare, Inc., to be an approved professional association or educational organization to receive lists and labels. Dr. Shaw made a motion and the commission voted to deny the request.

13. PROGRAM REPORT
13.1. The commission will receive a report on the interim operating budget at the March meeting.
13.2. The commission will receive information on the 2017 business meeting dates filed as WSR #16-24-012 at the March meeting.
13.3. The commission will receive a report regarding the rules in progress web page at the March meeting.
13.4. The commission received a list of active committees.

14. REGIONAL BOARD UPDATES
14.1. The commission will receive a report at the March meeting from Dr. Bryan on the Central Regional Dental Testing Services, Inc., (CRDTS) steering committee meeting he attended in Kansas on January 13, 2017.
14.2. The commission will consider additional volunteers to become examiners for Washington Regional Examining Board or CRDTS at the March meeting.

15. FUTURE COMMISSION BUSINESS
The commission did not discuss any future business.

The commission adjourned at 12:14 p.m.

Submitted By: Jennifer Santiago, Program Manager
Commission Approval By: Colleen Madden, Chairperson