



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

PO Box 47852 · Olympia Washington 98504-7852

**DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES**

Friday, December 10, 2021

(subject to approval)

MEMBERS PRESENT

Lyle McClellan, DDS, Vice Chair
Ronald Marsh, DDS
Aaron Stevens, DMD
McKinley Rainey, Public Member
Miryam Nossa, EFDA
Karen Clements, DDS
Marlynne Fulton, Public Member
Kathleen Elling, EFDA
Joy McDaniel, DMD
Julia Richman, DDS
Sonia Pal, DDS
Tiffany Bass, DDS
Kunal Walia, DDS

MEMBERS ABSENT

David Carsten, DDS, Chair
Samantha Kofler, DDS
Abhishake Banda, DMD, MD

STAFF PRESENT

Jennifer Santiago, Acting Executive
Director
Bruce Bronoske, Jr., Program Manager
Becky McElhiney, Assistant Program
Manager
Bill Kellington, Supervising Staff Attorney
Christopher Wright, Assistant Attorney
General (AAG)

OPEN SESSION

1. **CALL TO ORDER** – Lyle McClellan, DDS, Vice Chairperson, called the meeting to order at 8:30 a.m.
 - 1.1. The commission and staff introduced themselves. Scott Gadman, new complaint intake officer for the commission, introduced himself.
 - 1.2. Mr. Bronoske, Jr. requested to add a request for lists and labels onto agenda item #6. The commission approved the agenda as amended.
 - 1.3. Mr. Bronoske, Jr. requested to amend the October 22, 2021 Business Meeting Minutes to change the organization Melissa Johnson represented from Washington State Dental Association (WSDA) to Washington State Dental Hygienists' Association (WDHA). The commission approved the minutes as amended.

2. DENTAL ANESTHESIA COMMITTEE

- 2.1. Dr. Marsh reported to the commission on the committee meeting held November 18, 2021.
 - The rules are still in progress. The committee plans to hold one or two more meetings before the rules are finalized and ready to present to the commission.
- 2.2. The commission discussed proposed rule language for WAC 246-817-701 – 790 Administration of Anesthetic Agents for Dental Procedures.
 - Dr. Marsh requested the commission review the rule and submit any comments to the committee before the next committee meeting in January. No significant changes are anticipated.
 - Bracken Killpack from WSDA agreed there is some additional discussion that needs to occur for this rule. While many of the facets of the rule have been open for discussion there are some things that were recently added and have not been fully discussed.

3. DENTAL CONTINUING COMPETENCY COMMITTEE

- 3.1. Dr. Marsh reported to the commission on the committee meeting held November 4, 2021.
 - The Commission on Dental Accreditation (CODA) recently approved a foreign school.
 - The committee agreed graduates of CODA accredited foreign dental schools should be permitted to practice in Washington, with certain caveats.
 - Dr. Marsh suggested further discussion is needed regarding issues such as whether the rule should limit the number of graduates of foreign dental schools, reciprocity, and photo requirements.
- 3.2. The commission discussed committee recommendation to open WAC 246-817-160 Graduates of non-accredited schools.
 - Dr. Marsh suggested opening WAC 246-817-160, -110, and -135.
 - Ms. Santiago noted that the committee minutes indicated the committee decided not to open section 110, as that section is about initial licensure requirements. Non-accredited schools were included in the recommendation. The photo requirements are statute and would require legislative action to change.
 - Mr. Wright clarified that section 110(2)(a) refers to graduates of dental schools in the US or Canada, so section 110 would need to be opened as well.
 - The commission agreed to reconsider rules request for WAC 246-817-160, -110, and -135 at the January 2022 meeting.
 - Mr. Killpack clarified that CODA decision making is not made by the American Dental Association.

4. CORRESPONDENCE

- 4.1. The commission discussed correspondence received from Dr. Jim Stevens.

- A letter was received from Dr. Jim Stevens asking for support in his position related to obstructive airways, masking and vaccines.
 - Dr. McClellan stated that the commission appreciates the information.
 - Dr. Jim Stevens shared that his dental office is focused on sleep apnea and obstructive airways. They work with children and adults and see several comorbidities. There are approximately 50 ancillary healthcare providers they collaborate with to treat their patients. Dr. Jim Stevens expressed concerns for these patients.
- 4.2. The commission discussed correspondence received from CE Broker.
- A letter was received from organization that tracks continuing education (CE) for state regulatory entities. The commission does not track CE but dentists are free to utilize this service.
 - Catherine Como with CE Broker clarified that their service is not just tracking for licensees to upload certificates of completion, but also used for state regulatory boards and agencies as an automated way to conduct CE audits and approve educational providers.
 - Dr. McClellan stated that the process the commission uses is a little different. The commission is not doing audits right now because of the recent three-year cycle CE rule change.
 - Dr. Stevens recommended sending a thank you letter, but this information does not change anything for the commission.
 - The commission agreed to send a thank you letter.

5. RULES

- 5.1. WAC 246-817-581 Novel Coronavirus disease 2019 vaccinations.
- The CR-103 has gone through division review and is pending agency review. Once approved, it will be filed with the code reviser's office.
- 5.2. WAC 246-817-440 Dentist continuing education requirements.
- The CR-103 has gone through division review and is pending agency review. Once approved, it will be filed with the code reviser's office.
- 5.3. WAC 246-817-230 Dentist retired active status.
- The CR-103 has gone through division review and is pending agency review. Once approved, it will be filed with the code reviser's office.
- 5.4. The commission discussed a rule writing request received from Dr. William Busacca.
- This is an official rules petition request to make changes to the retired status rule related to CE requirements. Dr. Busacca is requesting the requirement be lowered to 10 units for providers over a certain age.
 - Dr. Stevens inquired whether this could present discriminatory issues for age-related thresholds.
 - Mr. Wright stated that the Attorney General's Office would have to look into it. In general, differentiating rules or statutes by age has some risk.
 - Dr. Clements suggested that volunteering instead of working for profit could require less CE. Volunteers are unable to write off the cost of CE courses.

- Ms. Santiago clarified that a provider would have to have a full license or retired status license to volunteer.
- Dr. McDaniel expressed concerns that if requirements for volunteers are limited, it implies volunteers are not doing all the things that employed dentists do in practice, which is not true. The purpose of CE is to stay abreast of changes in the industry. If a provider is doing those procedures, they need to continue their dental education.
- Dr. Richman expressed her agreement with Dr. McDaniel. Especially if volunteering in an area with a low income population, it could look like a lesser standard of care is being enforced. The commission should maintain one standard of care for all patients. There are many options of CE available online for free or low cost.
- Dr. Stevens moved to not open rule. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed or abstained.

6. PUBLIC DISCLOSURE

The commission discussed requests to be approved professional associations or educational organization to receive list and labels:

- 6.1. PPO Advisors.
 - Mr. Wright shared that this organization does not seem to qualify as an educational organization. They did not provide much supporting documentation.
 - Dr. Marsh moved to deny the request. Dr. Richman seconded the motion. A vote was taken and the motion passed with none opposed or abstained.
- 6.2. Washington Academy of General Dentistry.
 - Mr. Bronoske, Jr. shared that this organization has been approved in the past. Their approval has expired and they are asking for a renewal. Dr. Richman moved to approve the request. Dr. Stevens seconded the motion. A vote was taken and the motion passed with none opposed or abstained.
- 6.3. OHSU School of Dentistry Continuing Education.
 - Mr. Bronoske, Jr. shared that this organization has been approved in the past. Their approval has expired and they are asking for a renewal. Dr. Richman moved to approve the request. Dr. Pal seconded the motion. A vote was taken and the motion passed with none opposed or abstained.

7. OTHER

- 7.1. The commission discussed two-year renewal options.
 - Dr. McClellan shared that the commission received a request a last year to change to a two-year licensure renewal cycle, or provide it as an option to prevent late renewals.
 - Dr. Clements suggested that if the commission changed the licensure renewal cycle, the CE renewals should be on the same cycle.
 - Drs. McClellan, Richman and McDaniel agreed with Dr. Clements' concerns.

- Dr. Victor Barry highly recommended a three-year renewal cycle to be consistent with CE requirements. Dr. Barry shared his opinion that this would reduce the number of late renewals and corresponding issues of licensure gaps and insurance coverage issues.
 - Mr. Killpack shared that he supports the efficacy of having CE and license renewal cycles line up. Mr. Killpack stated that 80% of US states/jurisdictions have 2 or 3 year dental licensure renewals, and are not seeing these widespread types of problems. The department sometimes has delays with processing licensing and extending renewal cycles could reduce the workload of credentialing staff. Mr. Killpack inquired what the public policy advantage to annual license renewal is.
 - Dr. Stevens expressed his support with a three-year renewal cycle. It would align with CE renewal, could produce cost savings, and there is little public safety benefit requiring annual license renewal.
 - Dr. Richman shared her agreement. Sedation permit alignment might be different, but is worth investigating. The commission should evaluate potential revenue decreases and cost reduction.
 - Dr. Pal also expressed her support. She is not sure it will reduce late renewals, but the timing is appealing.
 - Dr. Clements suggested a two-year cycle, as a consistently odd or even year may be easier to remember.
 - Ms. Santiago clarified that the fee rule is under the secretary's authority. There may be other rules the commission would need to evaluate. Staff can research which rules would need to be changed, compare two and three year renewal cycle options, potential cost issues, and bring back to a future business meeting. Legislative session has started, so this research may take a few months. Ms. Santiago suggested discussing further at the March or April business meeting.
 - Dr. McClellan suggested bringing the topic back in April. The new three-year CE cycle starts in January 2022, so it would take another 2.5 years to align anyway. The commission agreed.
 - Ms. Nossa suggested aligning other dental provider credential renewals, such as dental assistants and EFDAs, to the same cycle.
- 7.2. The commission discussed the updated exception matrix.
- Ms. Santiago shared that the exception application matrix grants credentialing staff authority to issue credentials without bringing them to the commission. Staff was notified that there were discrepancies and overlap with some items. For example, a request for modification to negligent or reckless driving 1 or 2 are merged in a conviction. Credentialing staff are asking to change the two charges to one line item. Additionally, gross misdemeanors are listed as 2 years. They are minor and the commission typically issues if the convictions occur within the one year mark, so credentialing is asking to change this item to one year. These changes would reduce the number of exception applications that come to the commission for approval. Additional recommendations are listed related to minor health issues, malpractice expenses with no payout, malpractice

payouts of \$10,000 or less when they are over two years old. The commission has a policy regarding malpractice payouts over a \$20,000 threshold.

- Dr. Richman expressed her support of these changes and inquired whether the response regarding recreational alcohol use would include recreational marijuana use.
- Ms. Santiago shared that she has not seen a response indicating recreational marijuana use, but the commission may see this in the future since recreational use is legal in Washington.
- Dr. Clements inquired whether the item regarding malpractice payouts under \$10,000 stated “and over two years old”, or “or over two years old”.
- Ms. Santiago clarified that it was “and over two years old”.
- Dr. Clements asked about issues that are not disclosed on the application.
- Ms. Santiago clarified that whether the applicant discloses or not would not fall within this matrix. The matrix only looks at the action or conviction.
- Dr. McClellan expressed his opinion that the commission has been consistent with issuing credentials with these responses, so this update makes sense.
- Dr. McDaniel inquired if there was a way to change the language on the application to clarify disclosing the use of glasses is not necessary.
- Mr. Kellington stated that this question is standard across all health provider credential applications, so updating the language would be a larger discussion. If a commission member has language update suggestions, staff could collect the suggestions and present them to credentialing staff for consideration.
- Dr. McDaniel suggested adding “without corrective measures” to the question about health conditions.
- Dr. Marsh moved to approve the matrix as proposed. Dr. Richman seconded the motion. A vote was taken and the motion passed with none opposed or abstained.

8. PROGRAM REPORT – Becky McElhiney, Bruce Bronoske, Jr., and Jennifer Santiago.

- 8.1. The commission discussed 2022 legislative Meet Me Call representatives.
- Mr. Bronoske, Jr. shared that the Meet Me Call is held weekly on Wednesdays at 8:30 a.m. The Office of Health Professions holds these meetings to discuss legislation that may be high profile or span over multiple health professions. The department is asking for one volunteer from the commission to attend. The agenda is typically received a day or two in advance, and volunteers would have not to attend if there is nothing dental related.
 - Dr. McClellan asked how long this commitment would be.
 - Mr. Bronoske, Jr. stated that it would be through legislative session, which ends in March.
 - Dr. McClellan volunteered to represent the commission, and suggested Ms. Fulton as backup. Ms. Fulton agreed.
- 8.2. The commission discussed a sedation permit backup.

- Mr. Bronoske, Jr. asked if the commission would like to approve a backup for sedation permit approvals in the event Dr. Marsh is out for extended time or there is a high volume of permits applications.
 - Dr. Carsten was suggested as the backup.
 - Dr. Marsh moved to approve Dr. Carsten as backup. Dr. Richman seconded the motion. A vote was taken and the motion passed with none opposed or abstained.
- 8.3. The commission received the interim operating budget report.
- Ms. Santiago shared that the report is incomplete. The biennium budget is listed on the report, but there may be items that are missing. The system that generates these reports has been having issues and will be replaced next year.

9. REGIONAL/NATIONAL ORGANIZATIONS

- 9.1. Dr. McClellan reported to the commission on the Dental Therapy Taskforce.
- The task force was tasked with looking at dental health aide therapists on tribal land and making it work for the entire state. The task force consisted of 18 people, including dentists, legislators, dental health aide therapists, and other professionals. They met about every two weeks and came up with 6 proposals that they are sending to legislature for consideration.
 - Dr. Marsh asked for an overview of proposals.
 - Dr. McClellan shared that the recommendations are to change some of the things dental therapists can/cannot do, and to leave some the same. Topics were related to licensure, CODA related, competency, and others. The task force did not agree on all of the topics, hence the 6 proposals. There is no clear path forward, so the task force is leaving the decision to the legislature. Further information will be provided at the January 2022 business meeting.
- 9.2. Dr. McClellan reported to the commission on the American Association of Dental Boards (AADB) Annual Meeting held October 30-31, 2021.
- The meeting covered various topics such as COVID-19, access to care, Medicare, legal actions, and portability of licenses. AADB is sponsoring a new CE program called ACE that will be a universal way of looking at CE. Remediate Plus is another new program that uses manikins and Promethean dental systems. It can cover a broad range of dental topics or be specific to sanctions. The training is held in three locations throughout the US so the respondent would have to cover travel costs. The program is in its infancy stages but available.
 - Mr. Kellington shared that he attended the attorney roundtable discussion. The roundtable discussion focused on strategies and requirements in other states. Mr. Kellington shared information with other staff attorneys at the department.
- 9.3. Ms. Santiago reported to the commission on the American Association of Dental Administrators (AADA) annual meeting held on October 29, 2021.
- Ms. Santiago and Mr. Bronoske, Jr. attended. Ms. Santiago provided written report to the commission. One of the benefits of attendance is working directly with other state administrators. Topics included laws, issues, and processes.
- 9.4. The commission discussed joining CDCA/WREB as a Member State.

- CDCA and WREB have merged and invited the commission to have a member of commission represent Washington in their organization.
- Mr. Bronoske, Jr. shared that currently the commission is a member state for WREB.
- Ms. Santiago clarified that the commission is not currently a member state for CDCA. The commission needs to decide if they want to be member state for the merged organization. Dr. Marsh is the current representative for WREB.
- Dr. Richman asked if there was any additional information about the meetings.
- The organization will be having a joint annual meeting. The next one is in January 2022 and it will be in person. There is still no state approval to travel.
- Dr. Pal shared that she is a WREB examiner and is attending the January 2022 meeting. Dr. Pal offered to represent Washington. She is not sure of the time requirement in this role.
- Mr. Bronoske, Jr. stated that for the next year or two, the organization will be working through the merger. The commission could have more than one representative.
- Dr. McClellan shared that there are three representatives from the Dental Hygiene Examining Committee.
- Dr. Marsh moved to become member state of CDCA/WREB for Washington state and elect Drs. Pal and Bass represent the commission. Dr. Richman seconded the motion. A vote was taken and the motion passed with none opposed or abstained.

10. ADJOURN

The commission adjourned at 9:59 a.m.

Submitted By:

Commission Approval By:

Bruce Bronoske, Jr., Program Manager

David Carsten, DDS, Chairperson