



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 18, 2021

TIME: 3:50 PM

WSR 21-18-005

Agency: Department of Health- Dental Quality Assurance Commission

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 21-07-020 ; or

Expedited Rule Making--Proposed notice was filed as WSR ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) WAC 246-817-581 Novel coronavirus disease 2019 vaccination. The Dental Quality Assurance Commission (commission) is proposing to adopt a new rule to allow dentists to delegate administration of novel coronavirus disease 2019 (COVID-19) vaccination to licensed dental hygienists with close supervision and demonstration of competency.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 22, 2021	8:35 a.m.	<p>In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Dental Quality Assurance Commission will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without physical meeting space, will be held instead.</p> <p>To access the meeting: Please join the meeting from your computer, tablet, or smartphone.</p> <p>Please register for the Dental Quality Assurance Commission meeting to be held on October 22, 2021 8:30 AM PDT at:</p> <p>https://attendee.gotowebinar.com/register/5843394544406820366</p>	

Date of intended adoption: 10/22/2021 (Note: This is NOT the effective date)

Submit written comments to:

Name: Jennifer Santiago

Address: PO Box 47852
Olympia, WA 98504

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: 360-236-2901

Other: dental@doh.wa.gov

By (date) 10/11/2021

Assistance for persons with disabilities:

Contact Jennifer Santiago

Phone: 360-236-4893

Fax: 360-236-2901

TTY: 711

Email: jennifer.santiago@doh.wa.gov

Other: dental@doh.wa.gov

By (date) 10/11/2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The commission proposed rule allows dentists to delegate administration of COVID-19 vaccination to licensed dental hygienists with close supervision and demonstration of competency. The proposed rule also provides for acceptance of approved vaccination protocols and screening to meet the dentist's requirement to diagnose and authorize treatment.

Reasons supporting proposal: In response to the COVID-19 pandemic, dentists are among the essential health providers who can safely administer vaccinations and help address this public health emergency. Mass vaccination across the state has taken cooperation and coordination across the entire health system. Dentists and delegated dental hygienists can increase capacity for priority populations who may not otherwise be connected to the traditional health care system and will establish additional avenues and opportunities for future need. Permanent rulemaking allows dentists to continue delegating COVID-19 vaccinations to dental hygienists after the Governor ends the state of emergency. Vaccinations and potential booster vaccinations will be necessary to prevent another outbreak. Efforts to prevent another outbreak, including increased health care worker capacity and vaccination availability in new settings, need to continue to preserve public health, safety, and the general welfare of patients and dental staff.

The commission filed emergency rulemaking as WSR 21-06-012 on February 19, 2021 and extended emergency rulemaking as WSR 21-13-091 on June 18, 2021 for COVID-19 vaccination delegation. The commission intends for the emergency rule to be in place until the permanent rule is adopted.

Statutory authority for adoption: RCW 18.29.050 and 18.32.0365

Statute being implemented: RCW 18.32.002

Is rule necessary because of a:

Federal Law?

Yes No

Federal Court Decision?

Yes No

State Court Decision?

Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Dental Quality Assurance Commission

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jennifer Santiago	111 Israel Rd SE, Tumwater, WA 98501	360-236-4893
Implementation:	Jennifer Santiago	111 Israel Rd SE, Tumwater, WA 98501	360-236-4893
Enforcement:	Jennifer Santiago	111 Israel Rd SE, Tumwater, WA 98501	360-236-4893

Is a school district fiscal impact statement required under RCW 28A.305.135?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jennifer Santiago

Address: PO Box 47852
Olympia, WA 98504

Phone: 360-236-4893

Fax: 360-236-2901

TTY: 711

Email: jennifer.santiago@doh.wa.gov

Other: dental@doh.wa.gov

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. A small business economic impact statement was not prepared. A significant cost analysis has been completed. The proposed rule does not impose costs to businesses or to licensed dentists or licensed dental hygienists. Licensed dentists are not required to vaccinate or delegate to dental hygienists COVID-19 vaccinations. Dental hygienists are not required to perform administration of Covid-19 vaccinations.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: 08/18/2021

Name: David Carsten, DDS

Title: Dental Quality Assurance Commission Chairperson

Signature:



NEW SECTION

WAC 246-817-581 Novel coronavirus disease 2019 vaccination. (1)

A supervising dentist may delegate the administration of a vaccination of novel coronavirus disease 2019 to a licensed dental hygienist under the dentist's close supervision, provided the licensed dental hygienist has demonstrated skills necessary to perform the task competently.

(2) For the purpose of administering vaccination for the novel coronavirus disease 2019, a dentist's approval of the vaccination protocol and screening meets the dentist's requirement to diagnose the condition to be treated and personal authorization of the procedure as required by close supervision under WAC 246-817-510(1).