



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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FILED

DATE: August 26, 2021

TIME: 7:17 PM

WSR 21-18-074

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 ; 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 246-817-230 Dentist retired active status. The Dental Quality Assurance Commission (commission) is proposing amendments to WAC 246-817-230 to incorporate dental continuing education requirements from WAC 246-817-440 and to update the reference to chapter 246-12 WAC, Part 5 to specific required rules.

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 meeting from your computer, tablet, or smartphone.</p> <p>Please register for Dental Quality Assurance Commission meeting October 22, 2021 8:30 AM PDT at:</p> <p>https://attendee.gotowebinar.com/register/5843394544406820366</p> <p>Comment:</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: 13602364893
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 is proposing amendments to update requirements in WAC 246-817-230, Dentist retired active status, to align with WAC 246-817-440, Dentist continuing education requirements. Proposed changes include updating continuing education hours from 21 hours annually to 63 hours every three years as currently required in WAC 246-817-440. Additional proposed amendments include replacing reference to chapter 246-12 WAC, Part 5 with the specific references to WAC 246-12-120, 246-12-130, and 246-12-140, excluding WAC 246-12-120 (2)(c) and (d).

Reasons supporting proposal: In 2019, the commission changed continuing education hours listed in WAC 246-817-440 from 21 continuing education hours annually to 63 continuing education hours every three years. WAC 246-817-230 currently requires compliance with WAC 246-817-440 but references 21 continuing education hours annually. Amendments are necessary to correctly reference the 63 continuing education hours every three years and align requirements for dentists with active licenses. Additionally, the commission is proposing amendments to more accurately reference WAC 246-12-120, 246-12-130, and 246-12-140, excluding WAC 246-12-120 (2)(c) and (d) instead of the reference to chapter 246-12 WAC, Part 5. Anticipated future changes to chapter 246-12 WAC will change the subtitles (i.e. Part 5) in the chapter. It is necessary to accurately reflect the subsections that must be complied with.

Statutory authority for adoption: RCW 18.32.0365, 18.32.0357 and 18.130.250

Statute being implemented: RCW 18.32.002

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards;

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: The proposed rule is exempt under RCW 34.05.310(4)(c) and (d) because the dentist continuing education rule was amended in 2019 to 63 hours of continuing education every three years. The proposed amendment incorporates this change into this rule. Proposed amendments also incorporate correct references to chapter 246-12 WAC.

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.

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: 08/26/2021

Name: David Carsten, DDS

Title: Dental Quality Assurance Commission Chairperson

Signature:



AMENDATORY SECTION (Amending WSR 15-12-092, filed 6/2/15, effective 7/3/15)

WAC 246-817-230 Dentist retired active status. (1) To obtain a retired active status license, a licensed dentist must comply with ((chapter 246-12 WAC, Part 5)) WAC 246-12-120, 246-12-130, and 246-12-140, excluding WAC 246-12-120 (2)(c) and (d).

(2) A licensed dentist with a retired active status license may practice under the following conditions:

- (a) In emergent circumstances calling for immediate action; or
- (b) In intermittent circumstances on a nonpermanent basis.

(3) A licensed dentist with a retired active license may not receive compensation for dental services.

(4) A licensed dentist with a retired active status license must renew every year on or before the practitioner's birthday according to WAC 246-12-130 and 246-817-990 and must complete ((~~twenty-one~~) sixty-three hours of continuing education as required in WAC 246-817-440 every three years ((~~with renewal~~)).