



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: February 10, 2025

TIME: 8:04 AM

WSR 25-05-022

**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 24-16-138 ; 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); or**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** Dental assistant registration - Adding minimum age requirements. The Dental Quality Assurance Commission (commission) is proposing amending WAC 246-187-190 to include a minimum age requirement for dental assistant registration.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
April 25, 2025	10:00 am	<p><b>In-Person:</b> Washington State Department of Health TC2 Room 166 111 Israel Rd. S.E. Tumwater, WA 98501</p> <p><b>Webinar Registration:</b> Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone:</p> <p><b>Zoom link:</b> <a href="https://us02web.zoom.us/webinar/register/WN_Bp7HbhbsRZOWffQyZ6rW-A">https://us02web.zoom.us/webinar/register/WN_Bp7HbhbsRZOWffQyZ6rW-A</a></p> <p>After registering, you will receive a confirmation email containing information about joining the webinar.</p>	The public hearing will be hybrid. Participants can attend at either the physical location or virtually by registering via Zoom.

**Date of intended adoption:** April 25, 2025 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Debbie Gardner, Program Manager  
Address: P.O. Box 47852, Olympia, WA 98504-7852  
Email:  
Fax: N/A  
Other <https://fortress.wa.gov/doh/policyreview>

**Assistance for persons with disabilities:**

Contact: Debbie Gardner, Program Manager  
Phone: 360-236-4893  
Fax: N/A  
TTY 711  
Email: dental@doh.wa.gov

Beginning (date and time) The date and time of this filing  
By (date and time) April 15, 2025 at 11:59 p.m.

Other  
By (date) April 15, 2025 at 11:59 p.m.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The commission is proposing amending WAC 246-817-190 to include a minimum age requirement for dental assistant registration by citing WAC 246-125-030.

The commission has been receiving an increased number of minors applying for dental assistant registration. Applicants as young as age twelve have applied for dental assistant registration. Each of these applications must be reviewed on an individual basis by the commission, which increases the workload for commission panel reviews. Establishing a minimum age requirement would allow the commission to focus their time on other tasks.

Dental assistant positions are often in areas where there is a risk of exposure to bloodborne pathogens. Aligning this rule with the Department of Labor and Industries (L&I) WAC 296-125-030, Prohibited and hazardous employment—All minors, allows the commission to enforce prohibiting minors from working in environments where there is the potential for exposure to bloodborne pathogens, unless the minor is a student in a bona fide health care career training or vocational education program. A minor is defined by L&I in WAC 296-125-015 as a person under the age of 18.

**Reasons supporting proposal:**

Rulemaking is necessary to set clear expectations for dental assistant registration applicants and to comply with the rules and statutes regulated by L&I. The proposed rule amendments meet the intent of the underlying statutes by establishing clear and consistent licensure requirements for dental assistant registration in WAC 246-817-190.

**Statutory authority for adoption:** RCW 18.32.002, 18.32.0365, and 18.260.040

**Statute being implemented:** RCW 18.32.0365, 18.260.020

**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

**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Debbie Gardner	111 Israel Road SE, Tumwater, WA 98501	360-236-4893
Implementation	Debbie Gardner	111 Israel Road SE, Tumwater, WA 98501	360-236-4893
Enforcement	Debbie Gardner	111 Israel Road 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: This rule is exempt under RCW 34.05.328(5)(b)(iii). The proposed rule references the rules of another Washington state agency. The proposed rule references rules adopted by L&I, WAC 296-125-030, Prohibited and hazardous employment—All minors.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- |  |   |
|--|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations)        | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)           | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 19.85.025\(4\)](#). (Does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule: This rule only applies to individual professional licenses and not businesses.

**(2) Scope of exemptions: Check one.**

The rule proposal: Is fully exempt. (Skip section 3.) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (Complete section 3.) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (Complete section 3.) No exemptions were identified above.

**(3) Small business economic impact statement: Complete this section if any portion is not exempt.**

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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:** February 7, 2025

**Name:** Bryan Swanson, DDS

**Title:** Dental Quality Assurance Commission Chair

**Signature:**

A handwritten signature in black ink, appearing to be 'Bryan Swanson', written in a cursive style.

AMENDATORY SECTION (Amending WSR 21-01-215, filed 12/23/20, effective 1/23/21)

**WAC 246-817-190 Dental assistant registration.** To be eligible for registration as a dental assistant (~~(you must)~~) the applicant shall:

- (1) Provide to the department a completed application on forms provided by the (~~(secretary)~~) department;
- (2) Pay applicable fees as defined in WAC 246-817-99005; (~~and~~)
- (3) Provide to the department any other information determined by the (~~(secretary)~~) department; and
- (4) Meet the age requirements of WAC 296-125-030.