



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: December 23, 2020

TIME: 11:10 AM

WSR 21-01-215

Agency: Department of Health- Dental Quality Assurance Commission

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Chapter 246-817 WAC Dental Quality Assurance Commission. The adopted amendments repeal AIDS education and training requirements from dental registration, certification and licensure rules to implement Engrossed Substitute House Bill (ESHB) 1551 (chapter 76, Laws of 2020). ESHB 1551 repealed AIDS education and training requirements for health professionals obtaining registration, certification, and licensure to reduce stigma towards people living with HIV/AIDS.

The rule subsections include:

- WAC 246-817-010 - Definitions (two definitions)
- WAC 246-817-110 (6) - Dental licensure-Initial eligibility and application requirements
- WAC 246-817-135 (6) - Dental licensure without examination-Eligibility and application requirements.
- WAC 246-817-190 (3) - Dental assistant registration.
- WAC 246-817-195 (6) - Licensure requirements for expanded function dental auxiliaries (EFDAs).
- WAC 246-817-200 (4) - Licensure without examination for expanded function dental auxiliary (EFDA).
- WAC 246-817-205 (3)(e) - Dental anesthesia assistant certification requirements.
- WAC 246-817-220 (5)(h) - Inactive license

Citation of rules affected by this order:

New: none
 Repealed: none
 Amended: WAC 246-817-010, 246-817-110, 246-817-135, 246-817-190, 246-817-195, 246-817-200, 246-817-205 and 246-817-220
 Suspended: none

Statutory authority for adoption: RCW 18.32.002 and RCW 18.32.0365

Other authority: ESHB 1551 repeal of RCW 70.24.270

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-17-036 on 08/10/2020 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>8</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

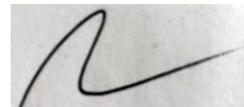
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>8</u>	Repealed	<u>0</u>

Date Adopted: 10/23/2020

Name: Aaron Stevens, DMD

Title: Dental Quality Assurance Commission Chairperson

Signature:



AMENDATORY SECTION (Amending WSR 08-23-019, filed 11/6/08, effective 12/7/08)

WAC 246-817-010 Definitions. The following general terms are defined within the context used in this chapter.

~~(("Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.))~~

"Clinics" are locations situated away from the School of Dentistry on the University of Washington campus, as recommended by the dean in writing and approved by the DQAC.

"CITA" means Council of Interstate Testing Agencies, a regional dental testing agency that provides clinical dental testing services.

"CRDTS" means Central Regional Dental Testing Services, a regional testing agency that provides clinical dental testing services.

"Department" means the department of health.

"DQAC" means the dental quality assurance commission as established by RCW 18.32.0351.

"Facility" is defined as the building housing the School of Dentistry on the University of Washington campus, and other buildings, designated by the dean of the dental school and approved by the DQAC.

"NERB" means the Northeast Regional Board, a regional testing agency that provides clinical dental testing services.

~~(("Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.))~~

"Secretary" means the secretary of the department of health or the secretary's designee.

"SRTA" means the Southern Regional Testing Agency, a regional testing agency that provides clinical dental testing services.

"WREB" means the Western Regional Examining Board, a national testing agency that provides clinical dental testing services.

AMENDATORY SECTION (Amending WSR 19-15-094, filed 7/22/19, effective 8/22/19)

WAC 246-817-110 Dental licensure—Initial eligibility and application requirements. To be eligible for Washington state dental licensure, the applicant must provide:

(1) A completed application and fee. The applicant must submit a signed application and required fee as defined in WAC 246-817-990;

(2) Proof of graduation from a dental school approved by the DQAC:

(a) DQAC recognizes only those applicants who are students or graduates of dental schools in the United States or Canada, approved, conditionally or provisionally, by the Commission on Dental Accreditation of the American Dental Association. The applicant must have received, or will receive, a Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree from that school;

(b) Other dental schools which apply for DQAC approval and which meet these adopted standards to the DQAC's satisfaction may be approved, but it is the responsibility of a school to apply for approval

and of a student to ascertain whether or not a school has been approved;

(3) Proof of successful completion of the Integrated National Board Dental Examination, Parts I and II of the National Board Dental Examination, or the Canadian National Dental Examining Board Examination. An original scorecard or a certified copy of the scorecard shall be accepted. Exception: Dentists who obtained initial licensure in a state prior to that state's requirement for successful completion of the national boards, may be licensed in Washington, provided that the applicant provide proof that their original state of licensure did not require passage of the national boards at the time they were initially licensed. Applicants need to meet all other requirements for licensure;

(4) Proof of graduation from an approved dental school. The only acceptable proof is an official, posted transcript sent directly from such school, or in the case of recent graduates, a verified list of graduating students submitted directly from the dean of the dental school. Graduates of nonaccredited dental schools must also meet the requirements outlined in WAC 246-817-160;

(5) A complete listing of professional education and experience including college or university (predental), and a complete chronology of practice history from the date of dental school graduation to present, whether or not engaged in activities related to dentistry;

~~(6) ((Proof of completion of seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;~~

~~(7))~~ Proof of malpractice insurance if available, including dates of coverage and any claims history;

~~((8))~~ (7) Written certification of any licenses held, submitted directly from another licensing entity, and including license number, issue date, expiration date and whether applicant has been the subject of final or pending disciplinary action;

~~((9))~~ (8) Proof of successful completion of:

(a) An approved practical/clinical examination under WAC 246-817-120; or

(b) A qualifying residency program under RCW 18.32.040 (3)(c);

~~((10))~~ (9) Proof of successful completion of an approved written jurisprudence examination;

~~((11))~~ (10) A recent 2" x 2" photograph, signed, dated, and attached to the application;

~~((12))~~ (11) Authorization for background inquiries to other sources may be conducted as determined by the DQAC~~((7))~~ including, but not limited to, the national practitioner data bank and drug enforcement agency. Applicants are responsible for any fees incurred in obtaining verification of requirements;

~~((13))~~ (12) Any other information for each license type as determined by the DQAC.

AMENDATORY SECTION (Amending WSR 16-16-039, filed 7/26/16, effective 8/26/16)

WAC 246-817-135 Dental licensure without examination—Eligibility and application requirements. For individuals holding a dentist credential in another U.S. state or territory, to be eligible for

Washington state dental license without examination, the applicant must provide:

- (1) A completed application on forms provided by the secretary;
- (2) Applicable fees under WAC 246-817-990;
- (3) A verification by a U.S. state or territory board of dentistry (or equivalent authority) of an active credential to practice dentistry, without restrictions, and whether the applicant has been the subject of final or pending disciplinary action;
- (4) Proof of graduation from an approved dental school under WAC 246-817-110 (2) (a):
 - (a) The only acceptable proof is an official, posted transcript sent directly from such school;
 - (b) Graduates of nonapproved dental schools must meet the requirements under RCW 18.32.215 (1) (b).
- (5) Proof that the applicant is currently engaged in the practice of dentistry:
 - (a) Dentists serving in the United States federal services as described in RCW 18.32.030(2) must provide documentation from their commanding officer regarding length of service, duties and responsibilities, and any adverse actions or restrictions;
 - (b) Dentists employed by a dental school approved under WAC 246-817-110 (2) (a) must provide documentation from the dean or appropriate administrator of the institution regarding the length and terms of employment, duties and responsibilities, and any adverse actions or restrictions;
 - (c) Dentists in a dental residency program must provide documentation from the director or appropriate administrator of the residency program regarding length of residency, duties and responsibilities, and any adverse actions or restrictions; or
 - (d) Dentists practicing dentistry for a minimum of twenty hours per week for the four consecutive years preceding application, in another U.S. state or territory must provide:
 - (i) Address of practice location(s);
 - (ii) Length of time at the location(s);
 - (iii) A letter from all malpractice insurance carrier(s) defining years when insured and any claims history;
 - (iv) Federal or state tax numbers; and
 - (v) DEA numbers if any.
- (6) ~~((Proof of seven clock hours of AIDS education and training as required by chapter 246-12 WAC, Part 8;~~
- ~~(7))~~ Proof of successful completion of a commission approved written jurisprudence examination;
 - ~~((8))~~ (7) A recent 2" x 2" photograph, signed, dated, and attached to the application; and
 - ~~((9))~~ (8) Authorization for background inquiries to other sources may include, but are not limited to, the national practitioner data bank and drug enforcement agency.

AMENDATORY SECTION (Amending WSR 08-14-010, filed 6/19/08, effective 7/1/08)

WAC 246-817-190 Dental assistant registration. To be eligible for registration as a dental assistant you must:

- (1) Provide a completed application on forms provided by the secretary;
- (2) Pay applicable fees as defined in WAC 246-817-99005; and
- (3) ~~((Provide evidence of completion of seven clock hours of AIDS education and training as required by chapter 246-12 WAC Part 8; and~~
- ~~(4))~~ Provide any other information determined by the secretary.

AMENDATORY SECTION (Amending WSR 08-14-010, filed 6/19/08, effective 7/1/08)

WAC 246-817-195 Licensure requirements for expanded function dental auxiliaries (EFDAs). To be eligible for licensure as an EFDA in Washington an applicant must:

- (1) Provide a completed application on forms provided by the secretary;
- (2) Pay applicable fees as defined in WAC 246-817-99005;
- (3) Provide evidence of:
 - (a) Completion of a dental assisting education program accredited by the Commission on Dental Accreditation (CODA); or
 - (b) Obtain the Dental Assisting National Board (DANB) certified dental assistant credential, earned through pathway II, which includes:
 - (i) A minimum of three thousand five hundred hours of experience as a dental assistant within a continuous twenty-four through forty-eight month period;
 - (ii) Employer-verified knowledge in areas as specified by DANB;
 - (iii) Passage of DANB certified dental assistant examination; and
 - (iv) An additional dental assisting review course, which may be provided online, in person or through self-study; or
 - (c) A Washington limited license to practice dental hygiene; or
 - (d) A Washington full dental hygiene license and completion of a course in taking final impressions affiliated with or provided by a CODA accredited dental assisting program, dental hygiene school or dental school.
- (4) Except for applicants qualified under subsection (3)(d) of this section, provide evidence of completing an EFDA education program approved by the commission where training includes:
 - (a) In a didactic, clinical and laboratory model to the clinically competent level required for close supervision:
 - (i) In placing and finishing composite restorations on a typodont and on clinical patients; and
 - (ii) In placing and finishing amalgam restorations on a typodont and on clinical patients; and
 - (iii) In taking final impressions on a typodont; and
 - (b) In a didactic, clinical and laboratory model to the clinically competent level required for general supervision:
 - (i) In performing coronal polish, fluoride treatment, and sealants on a typodont and on clinical patients; and
 - (ii) In providing patient oral health instructions; and
 - (iii) In placing, exposing, processing, and mounting dental radiographs; and
 - (c) The basic curriculum shall require didactic, laboratory, and clinical competency for the following:
 - (i) Tooth morphology and anatomy;

- (ii) Health and safety (current knowledge in dental materials, infection control, ergonomics, mercury safety, handling);
 - (iii) Placement and completion of an acceptable quality reproduction of restored tooth surfaces—Laboratory and clinic only;
 - (iv) Radiographs (covered in path II)—Laboratory and clinic only;
 - (v) Ethics and professional knowledge of law as it pertains to dentistry, dental hygiene, dental assisting, and EFDA;
 - (vi) Current practices in infection control;
 - (vii) Health history alerts;
 - (viii) Final impression;
 - (ix) Matrix and wedge;
 - (x) Rubber dam;
 - (xi) Acid etch and bonding;
 - (xii) Occlusion and bite registration;
 - (xiii) Temporary restorations;
 - (xiv) Dental emergencies;
 - (xv) Risk management and charting;
 - (xvi) Intra-oral anatomy;
 - (xvii) Pharmacology; and
 - (xviii) Bases, cements, liners and sealers.
- (5) Except for applicants qualified under subsection (3)(d) of this section, attain a passing score on:
- (a) A written restorations examination approved by the commission; and
 - (b) A clinical restorations examination approved by the commission.
- (6) ~~((Provide evidence of completion of seven clock hours of AIDS education and training as required by chapter 246-12 WAC Part 8.~~
- ~~(7))~~ Provide any other information determined by the secretary.

AMENDATORY SECTION (Amending WSR 08-14-010, filed 6/19/08, effective 7/1/08)

WAC 246-817-200 Licensure without examination for expanded function dental auxiliary (EFDA). To be eligible for a license as an EFDA without examination you must:

- (1) Provide a completed application on forms provided by the secretary;
- (2) Pay applicable fees as defined in WAC 246-817-990;
- (3) Provide evidence of:
 - (a) A current license in another state with substantially equivalent licensing standards as determined by the commission; or
 - (b) A Washington full dental hygiene license and completion of a course in taking final impressions affiliated with or provided by a CODA accredited dental assisting program, dental hygiene school or dental school ~~((-))~~; and
- (4) ~~((Provide evidence of completion of seven clock hours of AIDS education and training as required by chapter 246-12 WAC Part 8; and~~
- ~~(5))~~ Provide any other information determined by the secretary.

AMENDATORY SECTION (Amending WSR 13-15-144, filed 7/23/13, effective 8/23/13)

WAC 246-817-205 Dental anesthesia assistant certification requirements. An applicant for certification as a dental anesthesia assistant must submit to the department:

- (1) A completed application on forms provided by the secretary;
- (2) Applicable fees as defined in WAC 246-817-99005;
- (3) Evidence of:
 - (a) Completion of a commission approved dental anesthesia assistant education and training. Approved education and training includes:
 - (i) Completion of the "Dental Anesthesia Assistant National Certification Examination (DAANCE)" or predecessor program, provided by the American Association of Oral and Maxillofacial Surgeons (AAOMS); or
 - (ii) Completion of the "Oral and Maxillofacial Surgery Assistants Course" course provided by the California Association of Oral and Maxillofacial Surgeons (CALAOMS); or
 - (iii) Completion of substantially equivalent education and training approved by the commission.
 - (b) Completion of training in intravenous access or phlebotomy. Training must include:
 - (i) Eight hours of didactic training that must include:
 - (A) Intravenous access;
 - (B) Anatomy;
 - (C) Technique;
 - (D) Risks and complications; and
 - (ii) Hands on experience starting and maintaining intravenous lines with at least ten successful intravenous starts on a human or simulator/manikin; or
 - (iii) Completion of substantially equivalent education and training approved by the commission;
 - (c) A current and valid certification for health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS);
 - (d) A valid Washington state general anesthesia permit of the oral and maxillofacial surgeon or dental anesthesiologist where the dental anesthesia assistant will be performing his or her services (~~(+~~
 - ~~(e) Completion of seven clock hours of AIDS education and training as required by chapter 246-12 WAC, Part 8); and~~
- (4) Any other information determined by the commission.

AMENDATORY SECTION (Amending WSR 18-01-106, filed 12/19/17, effective 1/19/18)

WAC 246-817-220 Inactive license. (1) A dentist may obtain an inactive license by meeting the requirements of WAC 246-12-090 and RCW 18.32.185.

(2) An inactive license must be renewed every year on or before the practitioner's birthday according to WAC 246-12-100 and 246-817-990.

(3) If a license is inactive for three years or less, to return to active status a dentist must meet the requirements of WAC 246-12-110, 246-817-440, and 246-817-990.

(4) If a license is inactive for more than three years, and the dentist has been actively practicing in another United States jurisdiction, to return to active status the dentist must:

(a) Provide certification of an active dentist license, submitted directly from another licensing entity. The certification shall include the license number, issue date, expiration date and whether the applicant has been the subject of final or pending disciplinary action;

(b) Provide verification of active practice in another United States jurisdiction within the last three years; and

(c) Meet the requirements of WAC 246-12-110, 246-817-440, and 246-817-990.

(5) If a license is inactive for more than three years, and the dentist has not been actively practicing in another United States jurisdiction, to return to active status the dentist must provide:

(a) A written request to change licensure status;

(b) The applicable fees according to WAC 246-817-990;

(c) Proof of successful completion of:

(i) An approved practical/practice examination under WAC 246-817-120; or

(ii) A qualifying residency program under RCW 18.32.040 (3)(c);

(d) Written certification of all dental or health care licenses held, submitted directly from the licensing entity. The certification shall include the license number, issue date, expiration date and whether the applicant has been the subject of final or pending disciplinary action;

(e) Written declaration that continuing education and competency requirements for the two most recent years have been met according to WAC 246-817-440;

(f) Proof of successful completion of an approved written jurisprudence examination within the past year; and

(g) Proof of malpractice insurance if available, including dates of coverage and any claims history(~~;~~ and

~~(h) Proof of AIDS education according to WAC 246-817-110, if not previously provided)).~~