



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 13, 2021

TIME: 4:25 PM

WSR 21-09-040

**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 21-04-050 ; 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 246-817-580 Novel coronavirus disease 2019 screening. The Dental Quality Assurance Commission (commission) is proposing a new, permanent rule to allow a dentist to delegate novel coronavirus disease 2019 (COVID-19) screening tests to dental staff under appropriate supervision and demonstration of competency.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
June 25, 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 Business meeting June 25, 2021 on Jun 25, 2021 8:30 AM PDT at:</p> <p><a href="https://attendee.gotowebinar.com/register/7804671496990267919">https://attendee.gotowebinar.com/register/7804671496990267919</a></p>	

**Date of intended adoption:** 06/25/2021 (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) 06/14/2021

**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) 06/14/2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The commission has proposed a new rule section that allows dentists to delegate administration of COVID-19 screening tests to registered dental assistants, licensed expanded function dental auxiliaries, and licensed dental hygienists under appropriate supervision and demonstration of competency.

**Reasons supporting proposal:** In response to the COVID-19 pandemic, screening for the disease is essential in dental practice. Dentistry produces large amounts of aerosols and it is important for dentists to appropriately screen patients prior to dental treatment. Delegation of COVID-19 screening test of patients assists dentists by reducing their workload to effectively continue dental care to patients. Knowing a patient's COVID-19 screening test result helps dentists prepare appropriate oral health treatment planning for the patient and maintain a safe work environment.

As dental procedures are proceeding during this pandemic, there is an influx of patients needing dental care and a greater need of the dental workforce. Delegating COVID-19 screening tests under appropriate supervision to credentialed dental staff allows dentists to provide safe dental care to more patients.

The commission filed emergency rulemaking for COVID-19 screening tests on December 30, 2020 as WSR# 21-02-040. The commission intends for the emergency rule to remain in place until the permanent rule is adopted.

**Statutory authority for adoption:** RCW 18.260.040, 18.260.070, 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, licensed dental hygienists, licensed expanded function dental auxiliaries, or registered dental assistants. Licensed dentists are not required to test or delegate to dental support staff COVID-19 screening tests. Dental support staff are not required to perform administration of Covid-19 screening tests.

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:

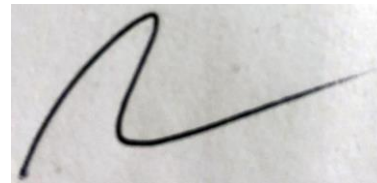
Other:

Date: 04/13/2021

Name: Aaron Stevens, D.M.D.

Title: Dental Quality Assurance Commission Chairperson

Signature:



NEW SECTION

**WAC 246-817-580 Novel coronavirus disease 2019 screening.** (1) A supervising dentist may delegate the administration of a test for screening of novel coronavirus disease 2019 to a registered dental assistant and licensed expanded function dental auxiliary under the dentist's close supervision, provided the registered dental assistant and licensed expanded function dental auxiliary have demonstrated skills necessary to perform the task competently.

(2) A supervising dentist may delegate the administration of a test for screening of novel coronavirus disease 2019 to a licensed dental hygienist under the dentist's general supervision, provided the licensed dental hygienist has demonstrated skills necessary to perform the task competently.