



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 30, 2021

TIME: 7:40 AM

WSR 21-10-058

**Agency:** Department of Health- Dental Quality Assurance Commission

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify)

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

- Yes
  - No
- If Yes, explain:

**Purpose:** WAC 246-817-580 Novel coronavirus disease 2019 screening. This emergency rule extends WSR 21-02-040 filed December 30, 2020. The Dental Quality Assurance Commission (commission) adopted this emergency rule to allow dentists to delegate administration of novel coronavirus disease 2019 (COVID-19) screening tests to registered dental assistants, licensed expanded function dental auxiliaries, and licensed dental hygienists with appropriate supervision and demonstration of competency.

**Citation of rules affected by this order:**

- New: WAC 246-817-580
- Repealed: None
- Amended: None
- Suspended: None

**Statutory authority for adoption:** RCW 18.260.040, 18.260.070, 18.29.050, and 18.32.0365

**Other authority:** RCW 18.32.002

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** 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 whether a patient is positive for COVID-19 will assist dentists in appropriate oral health treatment planning for the patient.

Standard rulemaking takes approximately nine to 12 months. The commission is proceeding with permanent rulemaking under WSR 21-04-050 filed on January 27, 2021. Screening needs to be conducted now, as we are in the middle of a pandemic. The rule is necessary for the preservation of public health, safety, and general welfare of dental patients and staff.

The immediate continuance of this emergency rule is necessary for the preservation of public health, safety, and general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to protecting immediate public interests.

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. Allowing dentists to delegate COVID-19 screening tests with supervision to appropriately credentialed dental staff, will allow dentists to provide safe dental care to more patients.

**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>0</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 on the agency's own initiative:**

New	<u>1</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>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**Date Adopted:** 04/26/2021

**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 has 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.