1. CALL TO ORDER – John Carbery, Chairperson, called the meeting to order at 8:00 a.m.
1.1. The commission, staff, and audience introduced themselves.
1.2. The commission approved the agenda.
1.3. The commission approved the July 21, 2017 business meeting minutes as presented.
2. **RULES HEARING**

The commission held a hearing to consider public comment and the adoption of proposed rule WAC 246-817-120 Examination Content, filed as WSR #17-16-098 on July 27, 2017. There was no testimony provided at the hearing. James Henderson made a motion and the commission approved adopting the proposed rules as proposed.

3. **OPIOIDS**

3.1. Ms. Santiago provided an update on Substitute House Bill 1427 Opioid Prescribing.
   - The commission was provided meeting dates for the opioid workgroup. There are seven meetings scheduled across the state over the next seven months. Dr. Marsh and Dr. Carbery will be attending the meetings on behalf of the commission.
   - Ms. Santiago filed the CR101 for proposed rulemaking regarding opioid prescribing on August 22, 2017. The opioid workgroup will be providing template rule language for the commission’s consideration.

3.2. Ms. Santiago provided the commission with a copy of the July 10, 2017 article *Breaking the Opioid Habit in Dentists’ Offices*.

4. **INFECTION CONTROL COMMITTEE**

4.1. Dr. Carsten discussed the committee meeting held on August 4, 2017. The committee continues to make good progress toward finalizing draft rule language.

4.2. The commission discussed rule modifications to WAC 246-817-601 through 630 Infection control requirements.
   - The commission discussed the proposed twelve-month grace period to allow dentists to comply with some of the new requirements.
   - Ms. Santiago will be sending proposed rule language to stakeholders for comment.

5. **CONTINUING COMPETENCY COMMITTEE**

5.1. Dr. Richman discussed the committee meeting held on August 9, 2017. The committee is finalizing amendments to the continuing education rules. The committee is proposing continuing education reporting on a three year cycle. The committee will be creating an examination similar to the free online jurisprudence examination for opioid prescribing. At the next meeting the committee will review licensure examinations.

5.2. Ms. Santiago will be sending draft amendments to WAC 246-817-440 to stakeholders for comment.

6. **DENTAL ANESTHESIA COMMITTEE**

6.1. Dr. Liu discussed the committee meetings held on July 21, 2017 and August 30, 2017.
   - The committee discussed rules regarding non-dental anesthesia providers. The rules require the dentist to have a written contract with any non-dental anesthesia provider that includes the roles of each party. There have been discipline cases where the dentist did not obtain a contract with the anesthesia provider. The commission agreed to educating through the following:
     - Have the Educational Outreach Committee write an article for the newsletter.
     - Send a letter out to dentists via email.
- Request the Washington State Dental Association (WSDA) to provide a letter to their subscribers.

Ms. Santiago filed a CR101 for rule modification of WAC 2426-817-701 through 790 Administration of Anesthetic Agents for Dental Procedures on August 17, 2017. The committee is discussing rule amendments regarding the following:
  - Anesthesia monitor requirements.
  - Requirement that the anesthesia provider remain in the room during anesthesia.
  - Clarifying that the dental assistant and anesthesia monitor cannot be the same person.
  - Clarifying monitoring requirements during the recovery phase.
  - Requirements for intranasal sedation. Intranasal sedation should be available for developmentally disabled adults as well as children.
  - Pediatric sedation endorsement rules

6.2. The commission reviewed a draft interpretive statement regarding advertising sleep dentistry. Dr. Stevens made a motion and the commission approved the interpretive statement. Ms. Santiago will process for official filing of the interpretive statement through the code revisers office.

7. RULES

7.1. Substitute House Bill 1612 – Suicide prevention education. A CR101 was filed on September 7, 2017. The Dental Collaboration Committee will draft rule language.

7.2. Substitute House Bill 1411 – Residency in lieu of examination. Ms. Santiago filed an exception CR102 on August 1, 2017. The exception CR102 will allow the rule to go straight to hearing. The hearing is scheduled for October 27, 2017.

7.3. The commission considered a rules petition to amend rules to allow the American Board of Dental Specialties (ABDS) boards/areas of practice to be considered specialties and any future ABDS boards/areas also to become recognized specialties. Dr. Shaw made a motion and the commission approved opening the rule to consider designating other specialties in rule. Ms. Santiago will process a CR101, then the commission will determine if a new committee needs to be formed to address rule modifications.

7.4. The commission reviewed the list of priorities for rule modifications.

8. OTHER

8.1. Ms. Santiago informed the commission that the interpretive statement regarding taking radiographs was filed with the code reviser on August 30, 2017. It will be added to the commission’s website.

8.2. Dr. Marsh presented information to the commission regarding holistic dentistry or alternative dentistry. He suggested the commission draft a position statement regarding alternative dentistry.
  - Ms. Carter indicated concern with singling out any group that practices in a particular way. Regardless of how dentistry is practiced, it must meet the same standard of care.
  - Dr. Stevens indicated that the law currently states that holistic dentistry is allowed as long as no patient is harmed or injured by its use.
• Dr. Shaw indicated concern with smothering innovation. Although some methods may not currently be proven, in the future they may be mainstream.
• Dr. McClellan suggested using the tools the commission already has. Take each case individually based on standard of care, patient harm, advertising, etc.
• The commission requested the Educational Outreach Committee write an article on holistic dentistry. No additional action was taken.

8.3. Debra Defreyn, assistant attorney general, discussed with the commission the use of expert witnesses in disciplinary cases.
• The respondent has a right to appeal any final decision. When there is an appeal, the court reviews the evidence present in the case file. If there is no expert witness, there is nothing in the records upon which the appeal court can make a decision.
• It is helpful to have an expert who can explain the standard of care and how there was a violation. The sitting panel at hearing may not have the same expertise as the respondent or the expert. The opposing counsel will likely have an expert ready to testify on the respondent’s behalf.
• The reviewing commission member cannot be considered the expert.
• Any statement of charges that lists a violation of RCW 18.130.180(4) needs an expert. When the assistant attorney general signs the statement of charges, they are attesting to the fact that they have the evidence needed to prove the charge. This requires an expert.
• Ms. Defreyn suggested each commission member attempt to find potential experts among their peers. Commission members will send to staff a list of potential experts.

8.4. The commission reviewed the supplemental portion to the Uniform Disciplinary Act biennial report. Dr. Shaw made a motion and commission voted to approve the supplemental portion of the report.

9. POLICIES AND GUIDELINES
9.1. The commission reviewed the exception applications policy/procedure. The applications have a question asking if the applicant has a health condition that may impair their practice. Ms. Carter indicated that it is appropriate to ask if they have a condition that will impair the practice of the profession. The Americans with Disabilities Act prevents the commission from asking for specific information about a disease or disability. Washington Physician Health Program recently presented to the Medical Quality Assurance Commission and the Board of Osteopathic Medicine information related to questions 1, 2, 3, and 4 of the application. Medical commission may be considering changes to the application.
9.2. The commission reviewed the comment sheet regarding connecting suite or offices. The commission agreed to maintain this comment sheet.
9.3. The commission reviewed the comment sheet regarding dental assistant use of eraser prophy jet. Dr. Carsten made a motion and the commission voted to rescind this comment sheet as it is no longer necessary.
9.4. The commission reviewed the comment sheet regarding oral and maxillofacial elective cosmetic surgery. Dr. Liu made a motion and the commission voted to rescind this comment sheet as it is no longer necessary.

10. CORRESPONDENCE

10.1. The commission discussed correspondence received asking if dental assistants and dental hygienists can apply silver diamine fluoride (SDF).

- Dr. Mark Koday discussed with the commission the benefits of SDF, particularly its use in low-income communities. It is easier to apply than sealants.
- It can stain clothes, tissue, enamel decalcification and decay.
- Dr. Peter Milgrom also addressed the commission on the benefits of SDF. It is approved by the Federal Drug Administration (FDA) for use similar to fluoride varnish. Dental schools are teaching use of SDF. Fifty percent of orthodontic patients have decay post treatment. SDF is a good preventative treatment.
- The commission expressed concerns regarding untrained auxiliary staff applying SDF.
- Dr. Milgrom indicated there are webinars with training on how to apply SDF. The commission requested the Educational Outreach Committee write an article on SDF.
- Dr. Shaw made a motion and the commission voted to consider SDF a fluoride preventative treatment. Current rules regarding application of fluoride treatments would apply equally to SDF.

10.2. The commission discussed a request received on August 9, 2017 asking if dental assistants can adjust a sealant if it is too high. The commission responded that a sealant is a restoration and dental assistants are prohibited from intra orally adjusting a restoration.

10.3. The commission received a copy of the response letter sent to Desirie Mezzanato at Willamette Dental asking if dental assistants are allowed to apply tooth whitening agents.

10.4. The commission received a copy of the response letter sent to Cigna Health and Life Insurance Company regarding Washington dentist licensing requirements compared to California dentist licensing requirements.

10.5. The commission received a copy of the letter sent to the Washington State Dental Association regarding potential legislation to authorize general supervision for some dental assistant tasks.

10.6. The commission received a copy of a letter to Dr. Rod Wentworth regarding his rules petition request.

11. PUBLIC DISCLOSURE

11.1. The commission considered a request from the Western Regional Examining Board to be an approved professional association or educational organization to receive lists and labels. Mr. Henderson made a motion and the commission voted to approve the request.
11.2. The commission considered a request from The Dental Files to be an approved professional association or educational organization to receive lists and labels. Dr. Shaw made a motion and the commission voted to deny the request.

12. PROGRAM REPORT
12.1. Ms. Crawford reported to the commission that the department has not yet completed the Interim Operating Budget for the 2017-2019 biennium.
12.2. Ms. Santiago updated the commission that she is still working on the meeting in the Bellingham area so that a representative from Canada can present to the commission on Canadian licensure and continuing competency.
12.3. Ms. Santiago updated the commission on the 2017 commission member appointments. The public member did not accept the appointment so recruitment will continue for that position. Ms. Crawford reminded the commission that pro-tem commission members are still needed who practice in the areas of periodontics, endodontics, and orthodontics.
12.4. Ms. Santiago informed the commission that the new member orientation will be held on October 20, 2017. The three new commission members will attend.
12.5. Ms. Santiago discussed with the commission the training retreat scheduled for October 26, 2017. The retreat will be at a different hotel than last year. The Educational Outreach Committee will be meeting next week to finalize retreat planning.
12.6. The commission received a list of active committees.

13. REGIONAL/NATIONAL ORGANIZATION UPDATES
The commission received a written report from Dr. Mercier on the Central Regional Dental Testing Services, Inc., (CRDTS) annual meeting she attended on August 25-26, 2017. The commission discussed the need to replace Dr. Mercier as the CRDTS representative, as her term with the commission ends in 2018. Dr. McClellan will become the representative in 2018.

14. FUTURE COMMISSION BUSINESS
The commission did not discuss any future business.

The commission adjourned at 10:21 p.m.

Submitted By: 

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on file
John Carbery, DMD, Chairperson