



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

PO Box 47852 · Olympia Washington 98504-7852

**DENTAL QUALITY ASSURANCE COMMISSION
SPECIAL BUSINESS MEETING MINUTES
Thursday, April 2, 2020**

MEMBERS PRESENT

Julia Richman, DDS, Chair
Aaron Stevens, DMD, Vice Chair
Kunal Walia, DDS
Karla Briggs, Public Member
Kathleen Elling, EFDA
Lyle McClellan, DDS
Abhishake Banda, DMD, MD
Karen Clements, DDS
David Carsten, DDS
Sonia Pal, DDS
Ronald Marsh, DDS
Brian Macall, DDS
Marlyne Fulton, Public Member
John Liu, DDS
Bree Kramer, EFDA

STAFF PRESENT

Trina Crawford, Executive Director
Jennifer Santiago, Program Manager
Becky McElhiney, Assistant Program
Manager
Bill Kellington, Supervising Staff Attorney
Patrick Hager, Chief Investigator
Erin Obenland, Case Manager
Heather Carter, Assistant Attorney General
(AAG)

MEMBERS ABSENT

Tiffany Bass, DDS

OPEN SESSION

1. **CALL TO ORDER** – Julia Richman, DDS, Chairperson, called the meeting to order at 1:01 p.m.
 - 1.1. The commission and staff introduced themselves.
 - 1.2. The commission approved the agenda as presented.
2. **DENTAL COVID-19 RESPONSE**
 - The commission discussed a draft technical assistance letter intended to send to dentists regarding the Governor’s proclamation directing practitioners to perform only emergency procedures.
 - Dr. Liu shared his support for the letter and expressed concern regarding dentists that are still performing non-urgent procedures.

- Dr. Marsh agreed with Dr. Liu's assessment.
- Dr. Carsten agreed with Dr. Liu's assessment and recommended moving forward with the letter.
- Dr. Liu moved to approve the letter. Dr. Stevens seconded the motion. A vote was conducted and the motion passed with no opposed.
- The commission discussed the management of complaints that dental practices remain open for non-urgent procedures.
 - Mr. Kellington shared that the first approach should be to offer technical assistance and education on how to comply, per the Governor.
 - If a second complaint were received after offering technical assistance, an investigation could then be authorized.
 - Dr. Stevens suggested making a phone call in addition to sending the letter. The commission discussed options for who would make the call.
 - Mr. Kellington advised that it would not be prohibited, but could be challenging to achieve consistency and that if an investigator made the call it could feel like an investigation.
 - Dr. Walia asked if sending the letter and making a call would show on the practitioner's record as an open investigation.
 - Mr. Kellington clarified that it would show as a closed complaint.
 - Mr. Hager suggested notifying the complainant when a technical assistance letter was sent so that they would be aware and could file a second complaint if the practitioner continued performing non-urgent procedures.
 - Ms. Obenland indicated that a new closure letter could be created for this purpose and offered to call the respondents.
 - Mr. Kellington advised that whether a decision was made to call the respondent or not, it should be a consistent approach.
 - Dr. Liu suggested indicating in the letter that willful violators could incur penalties. Dr. Liu also suggested insurance data could be pulled to determine whether a procedure was urgent or not, as has been done in other states.
 - Mr. Kellington cautioned that language about penalties in the letter could imply that there has been a finding, and suggested working with Ms. Carter to draft the letter.
 - Dr. Marsh indicated his support of Dr. Liu's suggestion.
 - Dr. Richman suggested that the insurance information could be used if an investigation called for it.
 - Dr. Carsten cautioned that each incidence of in-person contact is an opportunity for exposure to the COVID-19 virus.
 - Dr. Clements inquired if there were a way to handle these complaints more timely than waiting for the Friday panel call.
 - Mr. Kellington clarified that the dental commission is the disciplining authority and needs to review cases. He suggested a second weekly call could be added to field these complaints.
 - Dr. Richman supported the idea of a second panel call, and shared that it could be simple with three panel members and a short (20 minute) call.

- Dr. Banda asked what the commission's response would be to respondents who comply.
- Mr. Kellington indicated that if a second complaint was not received, no further action would be taken after sending the technical assistance letter.
- Dr. Banda expressed concerns about the resources that will be expended processing these complaints.
- A commission member expressed concerns about dental offices not being open to see patients even for urgent issues and/or referring them to the emergency room.
- Dr. Pal expressed concerns about being able to follow up with respondents to ensure they are complying.
- Mr. Kellington clarified that to follow up and gather information would be an investigation and would have to be authorized. If something egregious were occurring, the complaint could be handled in another way.
- Ms. Obenland inquired if the commission would handle multiple complaints against the same practitioner on a case by case basis.
- Dr. Richman indicated they would be handled on a case by case basis.
- Dr. Stevens suggested prioritizing complaints regarding infection control issues.
- Dr. Richman expressed concern about the investigators' access to personal protection equipment (PPE).
- Mr. Kellington indicated that investigators are not going into the field except for cases that involve imminent harm.
- Mr. Hager confirmed that Mr. Kellington was correct and that businesses being open was not necessarily indicative of potential for harm. The investigators do have PPE for infection control complaints.
- Dr. Clements suggested investigators could call and attempt to make an appointment for an exam or other non-urgent procedure.
- Mr. Hager agreed that they could certainly do so but it would be an investigation and would have to be authorized.
- Dr. Richman indicated her preference to use phone calls and letters if possible and not to send investigators out into the field unless it was necessary.
- Dr. Stevens clarified that a business being open isn't wrong, and that dentists should still be able to perform urgent procedures.
- Mr. Hager indicated that an investigator would first confirm the business was open, then determine what procedures they were open for.
- The commission agreed to address each report of non-compliance with the Governor's mandate on a case by case basis and to utilize the technical assistance approach when appropriate.
- The commission discussed the option of a Dental Licensure Objective Structured Clinical Examination (DLOSCE) for clinical examinations for licensure.
 - There are a large number of dental school graduates who are unable to test right now due to the COVID-19 situation.
 - The Joint Commission on National Dental Examination's (JCNDE) approved the DLOSCE on March 31, 2020 and has been working with Prometric to release it.
 - Drs. Carsten and Richman asked the commission to discuss approval for using the DLOSCE for licensure.

- Ms. Santiago indicated that the JCNDE approved the DLOSCE for release this year and are aiming for it to be available by June 15, 2020.
- Ms. Santiago indicated that the process to approve the DLOSCE for licensure would be to process an emergency rule to change WAC 246-817-120. An emergency rule is valid for 120 days.
- Dr. Carsten shared his experience in assisting with the development of the DLOSCE and his support for approval. A feasibility study found it to be ready and there is a great need with the COVID-19 situation. The barriers include gaining approval and the lack of available testing centers.
- Dr. Marsh moved to open emergency rules for approval of the DLOSCE. Dr. Carsten seconded the motion. A vote was conducted and the motion passed with none opposed.
- Dr. Carsten inquired when the 120 day timeline would end.
- Ms. Santiago was not sure as it is dependent on when the rule is filed.
- Dr. Carsten expressed concerns that if a student failed the examination, the individual should be able to take a follow up examination within the timeline.
- Ms. Santiago indicated that the best course of action would be to work quickly on the permanent rule writing to ensure it was completed within the 120 days.
- Dr. Marsh suggested that if a student failed the DLOSCE, they could take the CRDTS or Western Regional Examining Board examination instead.
- The commission discussed the extension of licensure renewal dates issued by the Department of Health.
 - Ms. Santiago shared that health professions license renewal due dates occurring between April 1, 2020 and September 30, 2020 have been extended through September 30, 2020.
 - Ms. Crawford indicated that the late fee would only be imposed after September 30, 2020. Ms. Santiago will verify.
 - Dr. Richman inquired if the credential would show as “active” for insurance companies using provider credential search to verify credential status.
 - Ms. Crawford clarified that it would show as active.

3. ADJOURN

The commission adjourned at 1:58 p.m.

Submitted By:

Commission Approval By:

Signature on file
Jennifer Santiago, Program Manager

Signature on file
Julia Richman, DDS, Chairperson