



STATE OF WASHINGTON

**DEPARTMENT OF HEALTH**

PO Box 47852 · Olympia Washington 98504-7852

**DENTAL QUALITY ASSURANCE COMMISSION  
BUSINESS MEETING MINUTES  
Friday, July 17, 2020**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

John Liu, DDS

**STAFF PRESENT**

Trina Crawford, Executive Director  
Jennifer Santiago, Program Manager  
Becky McElhiney, Assistant Program  
Manager  
Bill Kellington, Supervising Staff Attorney  
Heather Carter, Assistant Attorney General  
(AAG)

**OPEN SESSION**

1. **CALL TO ORDER** – Aaron Stevens, DMD, Chairperson, called the meeting to order at 8:30 a.m.
  - 1.1. The commission and staff introduced themselves.
  - 1.2. The commission approved the agenda as presented.
  - 1.3. The commission approved the June 5, 2020 Business Meeting Minutes as presented.
2. **OPEN PUBLIC MEETINGS ACT (OPMA)**

Heather Carter, AAG provided the commission information regarding OPMA.

### 3. EXAMINATIONS

The commission discussed WAC 246-817-120 Examination content.

- Emergency rule adding the dental licensure objective structured clinical examination (DLOSCE) as a dental licensure examination option.
  - An emergency rule was filed June 15, 2020 and is valid for 120 days. In addition, a CR-101 was filed for permanent rulemaking to include the DLOSCE as a licensure examination option, the rulemaking will proceed.
- Emergency rule changing single testing agency requirement to allow one or more testing agencies.
  - The commission approved an emergency rule at the last business meeting. It is in progress, but not filed yet. The commission will be honoring emergency approval as of the date of the last meeting, June 5, 2020.
- The commission discussed opening WAC 246-817-120 Examination content for permanent rule making related to allowing multiple testing agencies.
  - It has been recently discovered that there may be situations in the future that present challenges to applicants that took licensure examinations at multiple agencies. The rule was originally intended to close loopholes for those struggling to pass examinations, but the COVID situation presents additional reasons for taking examinations at multiple agencies.
    - Dr. Richman expressed her support for opening the rule for permanent rulemaking.
    - Dr. Carsten inquired about potential time or other limitations that would be included in the updated rule.
    - Ms. Santiago indicated that more detailed discussions could be held with the commission and stakeholders once the CR-101 is filed.
    - Dr. Stevens asked the commission if there were any opposed to opening the rule.
    - Dr. Marsh supports the rule and suggested time limit.
    - Dr. McClellan asked if this rule was the same rule as the DLOSCE rule that is already being opened, and if efforts could be combined.
    - Ms. Santiago indicated it is the same rule but in order to combine, the CR-101 would need to be modified because it includes a notice to the public.
    - Dr. Carsten inquired if modifying the CR-101 would it delay it.
    - Ms. Santiago indicated that the emergency rule is already in process, and modifying the CR-101 would delay permanent rulemaking.
    - Dr. Carsten expressed concerns that this would create a lapse when the 120 days of the emergency rule expired.
    - Ms. Santiago shared that the emergency rule could be refiled if needed while permanent rulemaking was in progress. Ms. Carter confirmed.
    - Dr. Richman moved to modify the CR-101 to include adding multiple testing agencies. Dr. Carsten seconded the motion. A vote was taken and the motion passed with none opposed.

#### 4. RULES

- 4.1. ESSB 1551 – Repeals AIDS education and training requirements for credentials
  - A CR-102 has been submitted and is awaiting approval. A hearing will be held in October for the repeal.
- 4.2. WAC 246-817-601 through 660 dental infection control rules
  - There was a delay in the CR-102 rules package due to COVID, but it is now in the system and being reviewed by the policy office.
- 4.3. WAC 246-817-701 through 790 Dental anesthesia rules
  - The Dental Anesthesia Rule Committee has been on hold due to the COVID response. A meeting is scheduled for July 23, 2020.
- 4.4. WAC 246-817-907 Patient notification, secure storage, and disposal for opioid prescribing
  - An update to the opioid prescribing rule was filed early this year and is in effect.
- 4.5. The commission received an update on rules in progress and list of priorities for rule modifications.

#### 5. PUBLIC DISCLOSURE

The commission discussed requests to be approved professional associations or educational organization to receive list and labels:

- The commission discussed a request from the Seattle Central Community College.
  - Dr. Carsten moved to approve the request. Dr. Richman seconded the motion. A vote was taken and the motion passed with none opposed.
  - The commission approved the request.
- The commission discussed a request from the Georgia Institute of Technology.
  - The organization had previously submitted a request, and the commission had requested more information.
  - This organization would not be not providing continuing education. It is unknown if they provide initial dental education. The information requested previously was not provided.
  - Ms. Carter recommended asking for more information or denying, or approving on the grounds that the organization could prepare students for initial licensure.
  - Dr. Carsten shared that this organization is more of an engineering school, not medical or dental. The primary reason for this request is likely for research.
  - Dr. Stevens suggested the commission deny the request. Georgia Institute of Technology could resubmit a request with more information in the future.
  - Dr. Richman expressed privacy concerns with sending out lists just for research.
  - Dr. Richman moved to deny the request. Dr. Clements seconded the motion. A vote was taken and the motion passed with none opposed.

#### 6. PROGRAM REPORT – Becky McElhiney, Jennifer Santiago and Trina Crawford

- 6.1. The commission received the budget report.

- Ms. Crawford shared that recent report is as of May 2020. The budget is slightly overspent for the biennium due to expert witness costs, increased investigations, and additional staff expenses due to the legislative cost of living salary increase. Overall there is a healthy fund balance, the spending is appropriate and Ms. Crawford has no major concerns.
- 6.2. The commission discussed commission member reappointments for 2020.
- Ms. Santiago shared that Drs. Richman, Carsten and Marsh were all reappointed by the governor this year.
- 6.3. The commission discussed 2021 meeting dates.
- Dr. Walia moved to approve the meeting dates. Dr. Carsten seconded the motion. A vote was taken and the motion passed with none opposed.
- 6.4. The commission received a list of active committees.
- Ms. Fulton will be replacing Ms. Briggs on the Educational Outreach Committee.

## **7. DENTAL CONTINUING COMPETENCY COMMITTEE**

- 7.1. Dr. Marsh reported to the commission on the committee meeting held July 8, 2020.
- The committee finalized the proposed specialty representation rule language, and is ready to present it to the commission. The committee has worked on the rule for over a year.
- 7.2. The commission considered proposed rule language for WAC 246-817-420 Specialty representation for approval.
- Ms. Santiago shared that the Washington State Dental Association (WSDA) and Washington State Society of Orthodontists (WSSO) support the proposed rule language.
  - Dr. Carsten moved to approve the rule language. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed. A CR-102 will be filed to schedule a hearing date.

## **8. DENTAL EDUCATIONAL OUTREACH COMMITTEE**

Dr. Stevens reported to the commission on the committee meeting held June 30, 2020.

- The committee has been working on the July 2020 newsletter. The committee decided to send the newsletter to the dental licensee distribution list. Dr. Stevens welcomed the new member of the committee, Ms. Fulton.

## **9. CORRESPONDENCE**

- 9.1. The commission discussed a letter received from American Academy of Dental Sleep Medicine (AADSM) on January 10, 2020 regarding dentists scope of practice associated to sleep apnea.
- The AADSM is asking if dentists can do sleep apnea testing at the request of a physician.
  - Dr. McClellan asked the public members on the commission if they would perceive it as a diagnosis and/or treatment if a dentist asked about sleep apnea.

- Ms. Briggs stated that she would take it into consideration, but would see a specialist for sleep apnea.
  - Ms. Fulton agreed with Ms. Briggs, and shared that knowing sleep apnea is a medical and not a dental condition, she would have some concerns.
  - Dr. Carsten inquired if it was analogous to screening for blood sugar or blood pressure.
  - Dr. Walia indicated that he would screen and refer to the appropriate medical professional for diagnosis and treatment.
  - Dr. Carsten shared that he sees no issue as long as they are not engaging in diagnosing or treatment.
  - Dr. Banda indicated that in his medical practice, he does not receive referrals from dentists that have directly and independently diagnosed their patients' sleep apnea. Rather, the referrals send patients over who have test-proven and been diagnosed with sleep apnea by a physician. If their diagnosis is questionable, Dr. Banda sends the patient directly to a sleep physician and sleep center for diagnosis, not to a dental provider. Dentists can be involved in the distribution of an oral appliance used to treat sleep apnea.
  - Dr. Richman shared that she has concerns and feels that sleep apnea should be medically managed.
  - Dr. Clements expressed that she has concerns as well.
  - Dr. Stevens suggested that the commission send the same response they typically do for issues related to sleep apnea.
  - Dr. Carsten moved to send the sleep apnea response. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed.
- 9.2. The commission discussed a letter received from Dr. Robert McCulloch on January 14, 2020 regarding accepting continuing education hours for teaching at hygiene schools.
- Dr. Carsten shared that intent for the dental rule allowing for continuing education hours for teaching at dental schools was to further dental education or teaching dentists. Teaching at a hygiene school is not furthering dental education specifically, but it meets intent of continuing competence in general.
  - Dr. Stevens expressed his position a dentist can do anything a hygienist can do, so he would support this, but is unsure if it would require a shift in the rule.
  - Ms. Santiago confirmed that the rule would have to be modified.
  - Dr. McClellan expressed concerns that if the commission opened the rule to include dental hygiene education, it would also have to include dental assisting schools, etc. It would be cleaner if it just included dental schools.
  - Dr. Stevens shared his opinion that it would benefit dentists to learn more about what hygienists do.
  - Dr. Carsten clarified that the intent is continuing competence, not education. This could align with the intent of the rule.
  - Ms. Carter clarified that creating or teaching a course is counted for credit but supervision in the clinic is not.
  - The commission agreed to not change the CE rule at this time and to send a letter clarifying supervision of students in a clinic vs teaching.

9.3. The commission discussed a letter received from Dr. Gary Heyamoto on May 18, 2020 regarding recognizing Washington Academy of General Dentistry (AGD) under RCW 18.32.030 Exemptions from chapter.

- Dr. Stevens shared that under statute, WSDA is exempt from licensure for continuing education purposes, but other entities are not.
- Ms. Carter clarified that the exemption applies to bringing in out of state licensed practitioners to practice clinically as part of continuing education. There is a provision in same law that includes “or other groups approved by the commission”. The commission adopted guidance for approving groups under this provision, such as for a dentist coming in for specific meeting or training.
- Dr. Bryan Edgar (WSDA) clarified that the addition of AGD to the statute is not the intent of this request. The intent is to consider adding AGD as approving organization. Approving one clinician for one course is not what WSDA does. When asking for approval, a clinician is provided guidance and approved on a yearly basis. AGD is asking for same consideration.
- Ms. Carter clarified that the existing guidance is specific to a particular meeting or course, and in order to do blanket approvals the guidance would need to be updated as to what would be required. Specific courses or providers could be approved right now, but changing the approval process would require updating the guidance first.
- Dr. Dzon Nguyen shared that AGD has a lot of hands-on participation courses and offer a variety of courses. They are trying to open up their options to have out of state licensed practitioners. The goal of this request is to allow AGD the same privilege as WSDA. AGD is strict about maintaining continuity of care of patients, and no out-of-state dentists provide care to in-state patients.
- Dr. Carsten suggested setting time limits to approvals.
- Bracken Killpack (WSDA) shared that WSDA would be fully supportive of the commission creating a pathway for out-of-state practitioners to provide continuing education.
- Dr. Edgar indicated that a rule update is not required because guidance from 10 years ago provides for this and AGD meets the requirements.
- Ms. Carter clarified that the guidance is non-binding, and approved through a vote. A few members of the commission could revise the guidance, and Ms. Carter offered to assist. The commission could ask AGD to submit information and evaluate the request. Rulemaking is not necessary.
- Dr. Carsten suggested the organizations be reviewed every three years to ensure they maintain the criteria outlined in the guidance. Dr. Carsten shared his opinion that it makes sense to accept AGD.
- Dr. Marsh agrees with Dr. Carsten’s assessment.
- Drs. Carsten and Marsh will work with Heather to update the guidance to be presented at the next commission meeting. The AGD request will be re-considered after the guidance has been updated.

9.4. The commission discussed a letter received from Dr. Chiodo, University of Washington (UW) School of Dentistry Dean on June 9, 2020 regarding supporting the school in a grant request for research of teledentistry.

- Dr. Stevens shared his opinion that in concept, most would support the grant.
- Ms. Carter expressed concerns about the commission taking a position on what could be competitive grant.
- Dr. Carsten shared that he would like the commission to consider it, or to table it for a future discussion.
- Dr. Richman shared that it was past the June 15 deadline for the grant request, so it may be a moot point.
- Dr. McClellan shared that while these grants are competitive, the competition is most likely with other institutions outside our state as this is a federal grant. UW could likely get support from many credible sources, so support from the commission would not make or break their chances. Dr. McClellan expressed concern that providing support could open the door to other future requests.
- Dr. Stevens shared his opinion that it is not the commission's purpose to support grants.
- Dr. Walia agreed that it is not the commission's position to support grants, but to protect the public and shared his opinion that this request has nothing to do with protecting the public.
- Dr. Carsten shared his opinion that it does have something to do with protecting public, and proposed tabling this item to hear more from Dr. Chiodo.
- Dr. Stevens recommended writing a letter to Dr. Chiodo.
- Dr. Carsten suggested including language clarifying that it is not the commission's purpose to support or not support grants, but the commission would like to know more about the research.
- Ms. Santiago will draft a letter to Dr. Chiodo.

## 10. DENTAL COVID-19 RESPONSE

10.1. The commission discussed Governor Proclamation 20.59 related to dentist temporary practice permits.

- Dr. Stevens stated that many organizations worked hard to make this workable for students, and acknowledges that it was not perfectly coordinated.
- Ms. Santiago clarified that the proclamation came directly from the governor's office. An updated proclamation recently came out extending it to August 1, 2020. Students who took the examination prior to applying for their license and prior to the temporary practice permit eligibility makes them ineligible for a temporary practice permit, which has made some students very unhappy.
- Dr. Stevens shared that most or all students will be able to obtain their license once results are in, and that this is a timing issue and inconvenient.
- Ms. Santiago shared that since there are new examinations this year, results are not available as quickly as they have been in the past.
- Dr. Walia shared his opinion that the proclamation is unfair to students who were proactive in taking the first available examination, since it specifies students are only eligible if they have not taken an examination. If the DLOSCE was available

to take and a student chose to wait for another examination, they would be eligible for a temporary practice permit.

- Dr. Stevens shared that the challenge is that the proclamation is from governor not the commission, so the commission can't change it. These concerns have been communicated to the governor's office.
- Ms. Crawford clarified that the DLOSCE was available, but it was three days prior to proclamation. When the proclamation came out, the DLOSCE had already taken place.
- Dr. Ryan Tam, one of the students who was affected by this proclamation, shared that there is a two-month delay in getting a license. The intent of the proclamation was to offset the burden on healthcare that is happening with COVID. Dr. Tam shared he works as an assistant in an understaffed clinic, and that it is frustrating to see classmates who took the examination at a different date allowed to get a temporary practice permit but he has to wait until September to practice dentistry and serve his community.
- Dr. Stevens agreed that it is not fair or convenient, but it is not in our purview. Dr. Stevens suggested addressing the governor's office.
- Mr. Killpack urged the commission to take a proactive position, and urge the governor to reconsider based on new information. He suggested the commission could send a letter to the governor and it would carry more weight.
- Ms. Crawford shared that the Department has communicated this to the governor's office, and they were not willing to make an amendment. The Department is continuing to have conversations and Ms. Crawford will continue to raise these concerns. The governor's office does not view waiting for results as a licensure barrier. The proclamation will likely be extended to September 19, 2020.
- Dr. Richman would like the commission to send a letter to the governor's office.
- Dr. Stevens would like a tone of gratitude for all the hard work to be included if the commission sends a letter.
- Dr. Marsh moved to send a letter to the governor's office. Dr. Richman seconded the motion. A vote was taken and the motion passed with none opposed.
- Dr. Carsten asked for clarification on what specifically the commission was requesting in the letter and if it was related to examination timing.
- Dr. Stevens confirmed that the letter will be requesting the proclamation be amended to allow students who have taken the examination and are awaiting examination results to be eligible for temporary practice permits.

10.2. The commission discussed RCW 18.32.020 an correspondence received related to scope of practice associated to COVID-19 testing.

- Dr. Stevens clarified the difference between testing as a diagnostic tool, which is not in scope, and screening for further medical referral, which is in scope. The challenge with screening is that most available testing is not fast enough to be used as screening, but faster tests may be available in the future. Dr. Stevens inquired if the commission was viewing COVID testing as screening or diagnostic testing.



- Dr. Carsten shared that the Oregon Board of Dentistry determined COVID testing was on same level as taking blood pressure and within scope and protect public, as long as there are rapid tests available.
- Dr. Stevens shared his opinion that once available, screening seems like it makes sense to protect the public.
- Dr. Richman shared that testing is required at the Puyallup tribe for all aerosol procedures, and expressed concerns about potential logistical issues that could occur when abnormal results of screenings require referrals, reporting and contact tracing. Dr. Richman also shared there is a rapid test available with approximately 45 minute wait time.
- Dr. Rolf Christensen shared that he has been COVID testing since the start at UW, and that he thinks it is critically important for dentists to be allowed to COVID test as it is a public safety issue.
- Dr. Stevens clarified that when dentists do screenings, they often make clinical decisions on them but that does not necessarily mean diagnosing or treating.
- Becky Glaze shared that dental staff are running the testing centers at community clinics. A dentist does the swab, which is ordered by a medical director. This is one of the ways they have been able to keep dental staff employed during the dental office shut down.
- Dr. Stevens indicated that for the bulk of dental offices, there is not a medical physician on staff to order.
- Dr. Carsten proposed creating guidance about what the commission expects.
- Dr. Stevens shared his opinion that guidance is appropriate. The guidance could include the difference between screening and testing, and responsibilities.
- Dr. Carsten inquired if there was existing guidance in place for health care providers about reporting for communicable diseases.
- Ms. Santiago indicated that there is existing guidance that positive tests are to be reported to the practitioner's local health jurisdiction (LHJ), which is responsible for notifying the state for contact tracing.
- Mr. Killpack suggested the commission develop guidance that clarifies the difference between screening and testing and that is in line with existing healthcare provider protocols and broad enough to accommodate for future rapid tests as they develop.
- Sophie Doumit (WSDA) asked if the commission would be considering existing Department guidance as well as WSDA proposed guidance.
- Dr. Gary Pickard (Pacific Dental Services) proposed the commission consider not just COVID, but other diagnostic testing as it would be a benefit to community at large. If limited to one type, the guidance would have to be revisited every time for future viruses. Dr. Pickard also suggested the commission should consider immunizations.
- Melissa Johnson (Washington Dental Hygienists' Association) requested the commission include information about delegating the test or screening to hygienists.

- Dr. Stevens asked what rule or statute allowed pharmacists to perform immunizations. Ms. Carter responded that pharmacists have a specific agreement.
- Ms. Carter advised focusing on COVID testing since it is the most immediate need. Vaccines are more challenging as they would have to fit within item 4 of the dental scope of practice statute and would require research.
- Dr. Carsten suggested compiling information the Department already has for healthcare providers dealing with this issue, and presenting the combined guidance to the commission.
- Dr. Stevens proposed that Dr. Carsten, Ms. Carter and himself put together guidance.
- Ms. Santiago indicated that the commission would have to approve the guidance, and would likely need to call a special meeting.
- Ms. Santiago will identify possible meeting times and present to the commission.
- Ms. Carter advised that it may be helpful to have the commission take a formal position on COVID screening prior to dental treatment before developing the guidance.
- Dr. Stevens suggested including that while screening is within scope, it is not necessarily required.
- Dr. Carsten moved for the commission agree that it's within the scope of practice to do COVID screening. Dr. Marsh seconded the motion.
- Dr. Richman suggested clarifying that it is within scope to both administer the test and order (purchase and/or prescribe) the test. It is within scope of practice for a dentist to administer the swab, purchase test materials, order tests through outside organizations such as medical laboratories, and to delegate.
- Dr. Stevens proposed adding language about referrals.
- Dr. Carsten proposed adding language about contact tracing, perhaps contacting the patient's primary care provider.
- Dr. Bass expressed concerns that in the community healthcare setting, a lot of patients do not have primary care providers. Dr. Bass would advocate for adding language about doing screenings prior to a dental appointment.
- Dr. Stevens offered to put together a summary for the commission's review, including language indicating that screening is within scope, dentists are able to purchase materials, order from a laboratory, administer, forward or refer results to appropriate parties, and delegate.
- Dr. Carsten advised that the commission would need to communicate to laboratories that dentists can order tests.
- Dr. Stevens, Dr. Carsten and Ms. Carter will work on guidance over the next week.
- Ms. Santiago will schedule a special meeting for the commission to review and approve the guidance.
- Dr. Marsh moved that the previously mentioned tasks (screening, purchasing, ordering, administering, delegating, and referring) are within the dental scope of practice. Dr. Carsten seconded the motion. A vote was taken and the motion passed with none opposed.

## 11. ADJOURN

The commission adjourned at 10:45 a.m.

Submitted By:

Commission Approval By:

Signature on file  
Jennifer Santiago, Program Manager

Signature on file  
Aaron Stevens, DMD, Chairperson