



STATE OF WASHINGTON

**DEPARTMENT OF HEALTH**

PO Box 47852 · Olympia Washington 98504-7852

**DENTAL QUALITY ASSURANCE COMMISSION  
SPECIAL BUSINESS MEETING MINUTES  
Friday, September 11, 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  
Sonia Pal, DDS  
Ronald Marsh, DDS  
Brian Macall, DDS  
Marlynne Fulton, Public Member  
Bree Kramer, EFDA  
Tiffany Bass, DDS  
Karen Clements, DDS  
John Liu, DDS  
Lyle McClellan, DDS

**MEMBERS ABSENT**

Abhishake Banda, DMD, MD

**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 8:34 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 July 17, 2020 Business Meeting Minutes as amended.
  - 1.4. The commission approved the August 6, 2020 Special Business Meeting Minutes as presented.
2. **RULES**
  - 2.1. The commission discussed WAC 246-817-120 Examination content
    - Emergency rule

- The emergency rule was filed and is valid until December 8, 2020 as it restarted the 120 days. The emergency rule allows for the use of the Dental Licensure Objective Structured Clinical Examination (DLOSCE) and more than one testing agency for dental licensure testing.
- CR101 for permanent rulemaking
  - The CR101 has been filed for permanent rulemaking allowing the DLOSCE and using multiple testing agencies for licensure examinations.
  - Ms. Santiago asked the commission if they wanted to allow multiple agencies long-term.
  - Dr. Carsten inquired about how many agencies would be allowed.
  - Dr. Stevens shared that using multiple agencies was prohibited in the past due to concerns it created loopholes for underperformers.
  - Ms. Santiago suggested adding a time frame for allowing multiple testing agencies, but cautioned it could cause issues for applicants that fall outside of the time frame.
  - Dr. Liu expressed his opinion that the rule should only allow for one testing agency, and that the allowance for multiple agencies was for a temporary accommodation.
  - Dr. Stevens agreed with Dr. Liu that the rule should allow for one agency.
  - Dr. Chiodo with the University of Washington (UW) School of Dentistry shared that the workaround was put into place because the Western Regional Examining Board (WREB) Comprehensive Treatment Planning (CTP) examination was not accepted by commission for periodontics, so The Central Regional Dental Testing Service (CRDTS) worked with WREB to provide their periodontics examination. This extended the examination by one day. Dr. Chiodo expressed concerns that, given the decision to not accept the CTP examination, students will be in the same position in the future. Dr. Chiodo suggested allowing two agencies at the same time.
  - Dr. Stevens inquired whether WREB and CRDTS would be considered one or two agencies when they administer the examination together.
  - Ms. Santiago clarified that the results came in as two separate examination results.
  - Dr. Stevens proposed crafting language that allows for multiple agencies if agencies administer the examination together.
  - The commission agreed to this language.
  - Ms. Carter and Ms. Santiago will work on draft language.
  - Dr. Marsh shared that WREB has plans to fix this within 18 months, and suggested passing another emergency rule this year without permanent rulemaking.
  - Ms. Santiago clarified that the commission cannot continue to file emergency rules without permanent rulemaking being considered.
- The commission discussed an email from Western Regional Examination Board (WREB).

- WREB has asked the commission if their CTP and manikin based examinations will be accepted next year.
  - Ms. Santiago shared that the commission did not approve their CTP examination in lieu of a periodontics examination previously. WREB has not submitted evidence of a substantive change. WREB is working on a manikin-based periodontics section, but does not offer it currently.
  - Dr. Stevens expressed his opinion that the commission should stay with their previous decision.
  - Dr. Marsh shared his opinion that the question is premature, and suggested the commission stay where they are and can reassess if WREB creates a manikin-based periodontics examination in the future.
  - Dr. McClellan shared that CRDTS has a manikin-based periodontics section that the commission approved. WREB contracted with CRDTS this year to run the periodontics portion for WREB at UW.
  - Dr. Richman stated that approving the WREB examination would have required a change to the dental rules.
  - Dr. Carsten questioned the utility of using manikins, and shared his opinion that the commission should stay with their previous decision.
  - The commission agreed to stay with their previous decision.
  - Ms. Santiago will draft a response for WREB.
- 2.2. The commission discussed proposed rules related to 2019 Substitute Senate Bill 5380:
- RCW 69.50.312 requires all prescribers to electronically prescribe schedule II through V.
    - Dr. Stevens shared that he has concerns with section A, subsection 4, because eliminating the requirement for low income clinics removes it from the clinics that need the protection the most.
    - Dr. Liu shared that medical practitioners do most of the prescribing. Dr. Liu does not prescribe these drugs often, and stated that he would be less likely to do it if the rules make prescribing more difficult. Dr. Liu shared his opinion that electronic prescribing will be easier for pharmacists.
    - Dr. Marsh expressed his opinion that this is a good idea and will cut down on fraud. He has no concerns.
    - Dr. Stevens shared his opinion that the process is easy and will improve security.
    - The commission had no formal comments to submit.
  - RCW 70.225 requires provider groups of ten or more to demonstrate they can integrate with the Prescription Monitoring Program (PMP).
    - Dr. Stevens inquired whether there would be a mechanism to verify whether or not providers have demonstrated their ability to integrate.
    - Ms. Santiago stated that there was an approved platform through the Secretary of Health. The PMP has been working hard in making sure that this is available for all providers. There will be a large cost for some providers and the Department is conducting a survey. Ms. Santiago clarified that the rule only applies for providers that have 10 or more prescribers in their facility.

- Dr. Stevens asked if there were dental rules that would have to be modified as a result of this new law. Ms. Santiago stated there were not.
  - The commission had no formal comments to submit.
- 2.3. The commission discussed ESSB 1551 repealing AIDS education and training requirements for credentials
- Dr. Stevens reported to the commission that the rule is in the process of being repealed.
  - Ms. Santiago shared that there will be a hearing to accept repeal language October 23, 2020.
- 2.4. The commission discussed WAC 246-817-601 through 660 dental infection control rules
- The CR102 was filed and a rule hearing is set for October 23, 2020.
  - The commission discussed an email from the Washington Dental Hygienists' Association (WDHA) expressing concerns and recommended changes to the proposed rules
    - The WDHA has concerns with a need to require high volume evacuation and specific face masks.
    - Dr. Carsten stated that the Infection Control Committee has spent almost four years on these rules. The rules have been reviewed by the Organization for Safety Asepsis and Prevention (OSAP), who view it as the best rule in the country. Dr. Carsten expressed concerns that changing any wording will delay the rulemaking process.
    - Dr. Bryan Edgar shared that concerns expressed by WDHA have been previously agreed upon as proposed.
    - Emily Lovell reiterated responses sent out by WDHA in their September 9, 2020 email. There have been a lot of modifications for COVID-19, but does not feel the modifications are appropriate to incorporate into permanent rules. Ms. Lovell has seen no data that these modifications need to be in place post-COVID. The language was negotiated for quite some time, and it would not be appropriate to renegotiate. WSDA opposes requiring the use of N95 masks post-COVID-19.
    - Dr. Geoffrey Greenlee with the Washington State Society of Orthodontists (WSSO) shared that the WSSO recommended the commission make no further changes.
    - Dr. Chiodo, speaking on behalf of the UW School of Dentistry, expressed his agreement with Ms. Lovell's comments. There are not enough available N95 masks.
    - Gary Pickard with Pacific Dental Services expressed his agreement with Ms. Lovell. He stated that N95 masks are difficult to procure and he has not seen one documented case of dental COVID-19 transmission.
    - Dr. Carsten shared that there was a case of dental COVID-19 transmission in Maryland.
    - Dr. Stevens suggested moving forward with the rules and revisiting in the future if needed. Dr. Stevens inquired what the next steps would be.

- Ms. Santiago shared that all comments received after August 27, 2020 will be included in official rule making file and will be provided at the hearing on October 23, 2020.
- 2.5. The commission discussed WAC 246-817-420 Specialty representation
  - Ms. Santiago reported to the commission that the proposed rule language was previously approved. Ms. Santiago is currently working on the CR102 to set a hearing date.
- 2.6. The commission received an update on rules in progress and list of priorities for rule modifications.

### **3. 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 Homestead Schools.
  - The organization had been previously approved by the commission.
  - Dr. Carsten moved to approve the request. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed.
  - Dr. Clements expressed concerns regarding educational organizations' understanding and advertising of continuing education (CE) rules as it relates to online vs. live credit hours.
  - Ms. Carter suggested attaching a copy of the CE rule to the letters sent to the organizations regarding their approval, disapproval or request for more information.
  - The commission approved the request.
- The commission discussed a request from the Institute for Natural Resources.
  - The organization had been previously approved by the commission.
  - Dr. Carsten moved to approve the request. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed.
  - The commission approved the request.

### **4. DENTAL ANESTHESIA COMMITTEE**

- 4.1. Dr. Liu reported to the commission on the committee meetings held July 23, August 20, and September 3, 2020.
  - The committee has had several webinars to discuss these rules and has made significant progress. There is another webinar scheduled for September 17, 2020.
- 4.2. The commission received a copy of current proposed rules for WAC 246-817-701 through 790 Dental anesthesia rules.

### **5. DENTAL EDUCATIONAL OUTREACH COMMITTEE**

- 5.1. Dr. Stevens reported to the commission on the committee meeting held on July 30, 2020.
- 5.2. The commission discussed whether to issue a COVID-19 recommendation list to dentists.

- Ms. Santiago shared that the committee had discussed issuing practice recommendations or a resource list for dental providers. The committee has already provided resource lists in the July newsletter and recent COVID-19 Screening statement.
- Dr. Stevens shared that the consensus of the committee was that a resource list would be more appropriate as it referred providers to other federal agencies that are experts on COVID-19 and their information is more frequently updated than the committee would be able to do.
- Dr. Marsh stated that the commission uses these resources when evaluating disciplinary cases.
- Dr. Liu shared that what the commission is seeing in discipline is that providers are not following the recommendations, and suggested a resource list with a note that providers need to follow recommendations and that the commission bases their disciplinary decisions on these recommendations.
- Dr. Carsten asked Mr. Kellington if it was a standard of care issue.
- Mr. Kellington shared that the recommendations are evidence of a growing standard of care. They are not setting a standard.
- Dr. Stevens asked the commission if they should provide practice recommendations or list of resources.
- Dr. Liu suggested a list of resources but adding verbiage about the importance of following recommendations and the commission basing discipline on the recommendations.
- Mr. Kellington advised against using verbiage stating the commission bases discipline on the recommendations because it could be considered rulemaking without following the standard rulemaking process, and suggested verbiage that states the recommendations will be considered when making disciplinary decisions.
- The commission agreed with Mr. Kellington's advice.

5.3. The commission received a copy of the July 2020 Commission Newsletter.

## 6. OTHER

- 6.1. The commission discussed the modified guideline in response to Dr. Gary Heyamoto request to recognize Washington Academy of General Dentistry (WAGD) under RCW 18.32.030 Exemptions from chapter.
- Drs. Carsten, Liu and Marsh expressed their support.
  - Dr. Edgar clarified it is Continuing Education Recognition Program (CERP) approval, not CERT. Dr. Edgar expressed concerns about the phrase "or accredited" because CERP approves, and does not accredit.
  - Ms. Santiago will update the language based on Dr. Edgar's comments.
  - Dr. Marsh moved to approve the policy. Dr. Carsten seconded. A vote was taken and the motion passed with no opposed.
- 6.2. The commission discussed approving WAGD as an approved group.

- Dr. Carsten moved to add WAGD as an approved group for three years. Dr. Richman seconded the motion. A vote was taken and the motion passed with no opposed.

## 7. CORRESPONDENCE

- 7.1. The commission discussed an email from Phil Harrington at Summus Medical Laser dated August 5, 2020 regarding delegating use of lasers to dental assistants for non-invasive and therapeutic treatment.
- Dr. Gordon shared that the user of lasers has not been proven or disproven as effective. The treatment is benign and Dr. Gordon is not aware of any adverse effects.
  - Dr. Emily Sabbagh submitted written concerns about delegating this task to dental assistants.
  - Dr. Stevens inquired whether the task was within scope for dental assistants, and suggested sending a response directing Dr. Harrington to the rule.
  - Dr. Carsten shared his opinion that the treatment is non-invasive and benign, and that he does not see a problem with dental assistants performing the task.
  - Dr. Stevens suggested a response pointing Dr. Harrington to the rule regarding prohibition is listed as invasive procedures.
  - Ms. Santiago shared that this approach is similar to what the commission has done in the past.
  - The commission agreed to provide response that non-invasive laser use is not prohibited.
- 7.2. The commission received a copy of response letter to American Academy of Dental Sleep Medicine regarding dentist scope of practice associated to sleep apnea.
- 7.3. The commission received a copy of response letter to Dr. Robert McCulloch regarding accepting continuing education hours for teaching at hygiene schools. The commission discussed additional correspondence from Dr. McCulloch.
- The commission agreed to send a similar response on the issue.
- 7.4. The commission received a copy of response letter to Dr. Chiodo, University of Washington, School of Dentistry Dean regarding supporting the school in a grant request for research of teledentistry.

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

- 8.1. The commission received the interim operating budget report.
- Ms. Santiago shared that the current spending is appropriate to reach the appropriate fund balance and that there are no major concerns. Dr. Stevens asked when the fund balance would reach an appropriate level. Trina Crawford will provide information at the next commission meeting.
- 8.2. The commission received a list of active committees.

## 9. DENTAL COVID-19 RESPONSE

9.1. The commission received a copy a copy of the COVID-19 screening statement approved on August 6, 2020.

- Dr. Richman suggested the statement be updated to clarify it is an antigen or point of care test, not an antibody test.
- Dr. Chiodo shared that the UW has a nasal swab test that is approximately \$11 per test and produces results in 15 minutes.
- Dr. Carsten shared his opinion that a dental hygienist and an EFDA could administer nasopharyngeal swabs. Drs. Stevens and Marsh agreed.
- Dr. Liu suggested that for tests that are nasal or oral swabs and clearly marked, dental assistants could perform them.
- Dr. Richman asked if there is potential for injury with nasopharyngeal swab or if it is just unpleasant.
- Dr. Chiodo clarified that there is potential for harm, as well as concerns that blood could interfere with the accuracy of the test.
- Dr. Stevens inquired what would happen if the commission did not address the issue.
- Ms. Carter stated that if the commission did not address the issue, it would imply it is not an allowed task. The commission could approve EFDAs and dental hygienists to perform the tests now, and address dental assistants at the October meeting as tests become less invasive.
- Dr. Stevens inquired whether the task would be allowed for EFDAs and dental hygienists under close or general supervision. The commission agreed the task would be delegated under close supervision.

9.2. The commission discussed whether to file an emergency rule to allow for delegation of COVID-19 screening.

- Dr. Marsh moved to file emergency rules to allow for delegation of COVID-19 screening to EFDAs and dental hygienists under close supervision. Dr. Carsten seconded the motion. A vote was taken and the motion passed with no opposed.
- Ms. Carter and Ms. Santiago will draft emergency rules.

9.3. The commission discussed continuing education and basic life support (BLS) extension statement approved on March 6, 2020.

- Dr. Richman shared that there are in-person BLS courses beginning to open up.
- Dr. Stevens asked if the commission needed to address this issue.
- Ms. Santiago clarified that the commission could choose not to address it. If the commission decides to take no action, the extension statement will expire on September 30, 2020.
- Ms. Lovell inquired whether there would be exceptions if there are no in-person courses nearby for rural providers.
- Dr. Stevens shared that he lives in a rural area and can find courses. Some providers may have issues with travel, especially in light of the current wildfires.
- Ms. Santiago reminded the commission that current rule does not prohibit online BLS.

- The commission agreed to take no further action at this time and may reassess in the future if needed.

## 10. ADJOURN

Dr. Stevens acknowledged Dr. Richman and a certificate of appreciation for chairperson during 2019-2020 and especially her work in addressing the COVID-19 situation. The commission adjourned at 10:18 a.m.

Submitted By:

Commission Approval By:

Signature on file

Jennifer Santiago, Program Manager

Signature on file

Aaron Stevens, DMD, Chairperson