



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

PO Box 47852 · Olympia Washington 98504-7852

**DENTAL QUALITY ASSURANCE COMMISSION
SPECIAL BUSINESS MEETING MINUTES
Friday, January 22, 2021**

MEMBERS PRESENT

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

MEMBERS ABSENT

Aaron Stevens, DMD, Chair
Brian Macall, DDS
Julia Richman, 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 – David Carsten, DDS, Vice-Chairperson, called the meeting to order at 8:31 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 December 11, 2020 Business Meeting Minutes as presented.
- 1.4. The commission approved the January 7, 2021 Special Business Meeting Minutes as presented.

2. PRESENTATION

Vincent DiCianni presented information regarding monitoring services offered by Affiliated Monitors.

- Affiliated Monitors is a remedial probational service that operates under a state board order agreement. They have seventeen years' experience and are currently provide services in 43 states. The monitoring services offer a variety of services, including

records and billing review, practice-based monitoring, clinical competency assessment, prescribing oversight, safety review, and boundaries oversight or chaperon. Monitoring services are billed at an hourly rate directly to the participant.

- Dr. Marsh stated that noncompliance is rare, but does happen at times, and asked if specialty services are provided. Mr. DiCianni confirmed that they are.
- Dr. Pal inquired whether monitoring services are local or outside sources. Mr. DiCianni stated they are local.
- Dr. Clements asked how monitors are explained to patients. Mr. DiCianni stated this is done in a variety of ways.

3. LEGISLATION

3.1. Ms. Fulton reported to the commission on the Department of Health weekly “Meet me call” conference calls.

3.2. The commission discussed 2021 legislation.

- The dental therapist bill was introduced as Senate Bill (SB) 5142, similar to previous years.
- House Bill (HB) 1056 and HB 1329 amends the Open Public Meetings Act to allow virtual meetings in certain scenarios and requires public comments prior to any action.
- SB 5229 requires health equity continuing education.

4. RULES

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

- The emergency rule extension was filed and effective through April 7, 2021
- The CR102 is in approval stage for filing and a rules hearing may be scheduled for March 2021.

4.2. WAC 246-817-580 COVID-19 screening delegation

- The emergency rule was filed and effective through April 29, 2021.
- The CR101 for permanent rule making is in approval stage for filing.

4.3. WAC 246-817-XXX COVID-19 vaccination

- The commission discussed dental hygiene delegation, how general supervision is provided, and definitions of general and close supervision. A dentist has a duty to diagnose.
- The commission is considering changing the rule from general supervision to close supervision.
- A dental hygienist expressed concern that not all hygienists work with one dentist.
- Ms. Lovell with the Washington State Dental Association (WSDA) expressed concerns that guidance was needed for dental hygienists with vaccinations, and inquired about next steps.
- Ms. Carter advised the commission with two options: #1 would be to rescind the emergency rule previously approved and consider new rule language, option #2 would be to proceed with previously approved language.

- Ms. Carter and Ms. Santiago prepared additional language for the commission to consider.
 - Drs. Marsh, Clements and McClellan shared their preference for option #2.
 - Mr. Kellington expressed concerns that the language dictating diagnosis and treatment may be unclear.
 - Ms. Carter stated there may have been some words unintentionally left out.
 - Mr. Kellington suggested adding into option #2, “For the purpose of administering vaccination for the novel coronavirus disease 2019, a dentist’s approval of the vaccination protocol and screening meets the dentist’s requirement to diagnose the condition to be treated and personal authorization of the procedure as required by WAC 246-817-510(1).” Mr. Kellington will email the recommended language to Ms. Santiago.
 - Dr. Joy McDaniel inquired whether hygienists could have to be delegated by a dentist only, or if it could be another medical provider.
 - Dr. Carsten stated it would have to be a dentist.
 - Ms. Santiago confirmed that it would have to be a dentist due to the hygienist delegation statute.
 - Dr. James Stevens proposed including a requirement that dentists contact a patient’s primary care physician regarding vaccinations in case of an adverse event. Dr. Stevens has concerns about liability.
 - Dr. Carsten clarified that there is a federal rule exempting dentists from liability.
 - Dr. Marsh motioned to keep current proposed rule language. Dentists would need to review and approve on-site protocols. Dr. Banda seconded the motion. After additional discussion, a vote was taken and the motion failed with one in favor.
 - Dr. Marsh motioned to withdraw current proposed rule language. Dr. McClellan seconded. A vote was taken and the motion passed with none opposed or abstained.
 - Dr. Marsh moved to approve the new proposed language using close supervision and clarity for dentist supervision. Dr. Clements seconded the motion. A vote was taken and the motion passed with none opposed or abstained.
 - Bracken Killpack with the Washington State Dental Association asked about the timeline for the emergency rule.
 - Ms. Santiago shared that a CR-103 would need to be filed after following the internal DOH process. Emergency rules take 4-6 weeks to be filed, potentially longer. Once filed, rule is effective for 120 days. Any emergency rule must be followed up with a permanent rule.
 - Ms. Carter clarified that the interpretive statement regarding dentists’ ability to administer vaccines has been approved and it has been determined vaccines are within scope for dentists. The rule is only regarding delegation to a dental hygienist.
- 4.4. WAC 246-817-420 Specialty representation
- The CR102 is in review, a hearing may be scheduled for April 2021.
- 4.5. WAC 246-817-440 Continuing education.

- The commission previously authorized opening the rule for potential modification regarding online continuing education. A CR101 is being drafted. Once the CR101 is filed, the Continuing Competency Committee will discuss.
- 4.6. Dental Infection Control rules.
- The CR103 was filed and rules are effective January 23, 2021.
- 4.7. Aids education and training repeal rules
- The CR103 was filed and rule repeal is effective January 23, 2021.
- 4.8. The commission received a summary of rules in progress.

5. DENTAL COLLABORATION COMMITTEE

- 5.1. Dr. McClellan reported to the commission on the committee meeting held December 18, 2020.
- A lot of discussion centered around the definition of removable. Dr. McClellan attended the Denturists' board meeting last week, and they have voted to create a committee on this issue. The committee will discuss how to prevent scope creep, define removeable, what CDT (billing) codes are being used, and the logistics of a dentist being on location for placement of abutments.
- 5.2. Ms. Santiago suggested tabling this item until the next meeting due to time constraints. Dr. Carsten agreed.

6. DENTAL INFECTION CONTROL COMMITTEE

- 6.1. Dr. Carsten reported to the commission on the committee meeting held December 23, 2020.
- The committee discussed frequently asked questions and the investigator checklist.
- 6.2. The commission received frequently asked questions for infection control rules.
- The commission did not have any comments or suggested edits.
 - Ms. Kramer moved to approve the frequently asked questions document. Dr. Bass seconded the motion. A vote was taken and the motion passed with none opposed or abstained.
- 6.3. The commission discussed the updated investigator infection control inspection checklist.
- Dr. Clements asked if the Governor's proclamations regarding masks and other measures related to the pandemic should be added to the checklist.
 - Ms. Santiago advised against adding temporary items to the checklist, but suggested additional guidance could be provided to inspectors.
 - Mr. Kellington clarified that inspectors are familiar with the requirements and report back when violations are noted.
 - Ms. Crawford stated that dental program staff could work with inspectors to include COVID-19 requirements in their inspections.
 - Dr. Carsten requested that dental staff hold this conversation with inspection staff.
 - Dr. McClellan moved to approve the investigator checklist. Ms. Kramer seconded the motion. A vote was taken and the motion passed with none opposed or abstained.

7. DENTAL ANESTHESIA COMMITTEE

- 7.1. Dr. Marsh reported to the commission on the committee meeting held January 15, 2021.
- The committee discussed a number of topics including on-site inspections.
- 7.2. The committee discussed WAC 246-817-701 through 790 Dental anesthesia rules.
- Dr. Marsh encouraged commissioners and stakeholders to review rules and participate in meetings.

8. OTHER

- 8.1. The commission discussed a letter to be used if multiple COVID-19 related complaints are received.
- Ms. Santiago shared that other health professions programs have adopted this letter as they receive multiple COVID-19 related complaints.
 - Dr. Clements expressed concern that more direction for practitioners may be needed. There may be confusion that only urgent procedures should be taking place at this time. Dr. Clements suggested adding screening and precautions statements, as well as updating links to the CDC webpage and dental specific guidance.
 - Ms. Santiago will update the letter to include Dr. Clements' suggestions.
 - Ms. Kramer moved to approve the letter as amended. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed or abstained.
- 8.2. The commission received a copy of the Western Regional Examining Board Dental Exam Review Board meeting minutes.

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

- 9.1. The commission received the interim operating budget report.
- Ms. Crawford shared that the current spending is appropriate to reach the appropriate fund balance and that there are no major concerns.
- 9.2. The commission received a list of licensing statistics.
- 9.3. The commission received a list of disciplinary statistics.
- 9.4. The commission received a list of active committees.

10. ADJOURN

The commission adjourned at 10:56 a.m.

Submitted By:

Commission Approval By:

Signature on file

Signature on file

Jennifer Santiago, Program Manager

Aaron Stevens, DMD, Chairperson