



STATE OF WASHINGTON

**DEPARTMENT OF HEALTH**

PO Box 47852 · Olympia Washington 98504-7852

**DENTAL QUALITY ASSURANCE COMMISSION  
BUSINESS MEETING MINUTES  
Friday, March 12, 2021**

**MEMBERS PRESENT**

Aaron Stevens, DMD, Chair  
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  
John Liu, DDS  
Marlynne Fulton, Public Member  
Julia Richman, DDS

**MEMBERS ABSENT**

Abhishake Banda, DMD, MD  
Brian Macall, DDS

**STAFF PRESENT**

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

**OPEN SESSION**

**1. CALL TO ORDER** – Aaron Stevens, DMD, Chairperson, called the meeting to order at 8:33 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 January 22, 2021 Business Meeting Minutes as presented.

**2. RULES HEARING**

The commission held a rule hearing to accept comment on the proposed rules WAC 246-817-120 Examination Content filed as WSR 21-04-024 on January 25, 2021.

- There were no comments from the public. Public hearing concluded at 8:42 am.
- Dr. Carsten stated that he reviewed the Dental Licensure Objective Structured Clinical Examination (DLOSCE) and the validity is working precisely. Students are doing well, and the test is performing as designed. Pass rates at the University of Washington and Oregon Health and Science University are high.

- Dr. Pal asked about concerns the Commission may have about the Western Regional Examining Board (WREB) examination being easy to pass, and possibly being a loophole to licensure. Would this be an opportunity for the Commission to try to address a loophole?
- Ms. Santiago clarified that other examination discussions would be addressed at another time as this rulemaking is only for consideration of DLOSCE and using two examination organizations to complete all sections.
- Dr. Marsh added that the DLOSCE is more rigorous than WREB.
- Dr. Carsten moved to adopt the rules as proposed. Dr. Marsh seconded the motion. A vote was taken and the motion passed with none opposed or abstained.

### 3. PRESENTATION

Chris Bundy, Medical Director, Washington Physicians Health Program (WPHP) provided information on the WPHP program and annual dentist statistics.

### 4. LEGISLATION

- 4.1. Dr. Richman reported to the commission on the Department of Health weekly “Meet me call” conference calls.
  - There were not many bills that impact the Commission. SB 5229 regarding health equity continuing education is still moving through the process. The commission can revisit SB 5229 at a future meeting.
- 4.2. The commission received a list of 2021 legislation that may affect dental laws or dental commission work

### 5. RULES

- 5.1. WAC 246-817-580 COVID-19 screening delegation.
  - Dr. Stevens shared his support of the proposed rule language. The primary point of debate was whether it should be allowed under close or general supervision.
  - The commission motioned and seconded to approve the proposed rule language. A vote was taken and the motion passed with none opposed or abstained.
- 5.2. WAC 246-817-581 COVID-19 vaccination delegation.
  - The emergency rule was filed February 19, 2021.
  - Dr. Carsten stated that general supervision presented too many logistical challenges, so the commission chose close supervision. Chapter 18.29 RCW, Dental hygienist law, does not authorize supervision by medical doctors.
  - Pixie Needham, dental hygienist, inquired why close supervision was chosen over general supervision. Ms. Needham suggested a lease agreement or other similar agreement could be utilized, and expressed concerns that the close supervision requirement could create barriers to dental hygienists who want to participate in mass vaccination sites. Ms. Needham proposed creating a new WAC or modifying the general supervision definition to accommodate this.

- Dr. Carsten clarified that the change to general supervision would need to be done in statute, and expressed concerns about the administration of vaccinations under general supervision due to risks of adverse reactions.
  - Ms. Needham expressed concerns that the rule would be ineffective at mass vaccination sites due to the requirement of dentists to be on-site.
  - Ms. Carter clarified that RCW 18.29.056 is a provision for specific tasks in specific settings for dental hygienists. The definition of general supervision is in statute, RCW 18.260.010 and repeated in WAC. The scope of supervision is limited by who can supervise dental hygienists.
  - Kathy Story, dental hygienist, asked why the Commission is discussing rules for dental hygienists since hygienists are not under the authority of the Commission.
  - Ms. Carter agreed that hygienists are under the authority of the Secretary of Health, and the rules in question are in regard to what dentists can delegate and the level of supervision required.
  - Ms. Story inquired why the Commission has not requested a statute change to address this issue.
  - Ms. Carter stated that there are federal and state elements to the state of emergency. The Secretary could potentially request a change. The Commission or another organization could put the issue forward to the Secretary.
  - Dr. McClellan shared his view that the limiting factor seems to be vaccine supply, and not personnel available to administer the vaccine.
  - Dr. Liu agreed with Dr. McClellan and shared his experience that dentists have been signing up to administer vaccines but not been utilized.
  - Dr. Richman stated her opinion that it would be more appropriate for the Washington Dental Hygienist's Association (WDHA) to approach the legislature with this request.
  - Gay Jensen asked if one dentist being present at a mass vaccination site would fulfill the requirement for close supervision so that dental hygienists without their regular supervising dentist present could participate.
  - Ms. Needham expressed concerns that by the time the request happens it will be too late.
  - Lori Angdahl, President of WDHA, shared that WDHA has been working closely with Seattle and King County to assist with mass vaccination sites.
  - The CR101 was filed on March 8, 2021 and has been shared with the public. Comments are being received. The commission will address comment at their next meeting.
- 5.3. WAC 246-817-420 Specialty representation.
- Ms. Santiago shared that the CR-102 was filed on March 3, 2021, and a rules hearing is scheduled for April 30, 2021. No comments have been received.
- 5.4. WAC 246-817-440 Continuing education.
- Ms. Santiago shared that the CR-101 has been submitted in the rules system and is going through review and approval with the Department of Health.
- 5.5. WAC 246-817-701 through 790 Dental anesthesia rules.

- An Anesthesia Committee meeting is scheduled for March 25, 2021. There are no updates at this time.

5.6. The commission received a summary of rules in progress and list of priorities for rule modifications.

## 6. DENTAL EDUCATIONAL OUTREACH COMMITTEE

Dr. Stevens reported to the commission on the committee meeting held February 3, 2021.

- The committee has been working on the March newsletter, which will be published soon.

## 7. DENTAL JURISPRUDENCE EXAMINATION COMMITTEE MEETING

Ms. Kramer reported to the commission on the committee meeting held February 5, 2021.

- Examination questions were updated to address recent infection control rule changes and botox questions were removed.
- Department of Health staff are working on updating the examination and are hoping to have the updated examination published on the website by the end of this month.

## 8. CORRESPONDENCE

The commission discussed correspondence from Dr. Vic Barry regarding license renewal.

- Dr. Stevens summarized that Barry feels it is burdensome to pay license renewals on time due to insurance challenges related to late renewals.
- Dr. Marsh shared that the Washington State Dental Association (WSDA) has been sending out license renewal reminders to dental providers.
- Dr. Carsten inquired when WSDA sends these reminders.
- Dr. Bryan Edgar with the WSDA shared that the reminder is sent approximately two months prior to renewal due date. Dr. Edgar clarified that Dr. Barry does not feel it is burdensome to pay renewal on time, but the concern is related to errors causing delays and ensuing issues related to late renewals.
- Dr. Clements suggested offering a one-month grace period.
- Ms. Carter clarified that there is no provision in statute that would allow for a grace period. Licensees are sent a notification 90 days before renewals are due, and renewals are always due on the provider's birthday. All other professions have the same renewal process and due date is the provider's birthday.
- Dr. Carsten proposed moving the due date to 30 days prior to the provider's birthday.
- Dr. Richman shared concerns that moving the deadline would not solve the issue because there would still be providers who would miss the deadline for various reasons. A birthday is easier to remember.
- Dr. Barry clarified his position is that the penalty for late renewals should be a fine, not a lapse in licensure. When a dentist is practicing without a license during this

gap, the patient is at risk of having an injury with no malpractice insurance or losing their dental benefits.

- Dr. Marsh asked whether the dental program would be the only profession to add a provision about renewals.
- Ms. Crawford confirmed that dental would be the only profession and that it would require a legislative change.
- Dr. Richman inquired if WSDA is pursuing this or has made this a legislative priority.
- Emily Lovell with the WSDA stated that this issue has been on their agenda, but the timing has not been right to actively pursue it yet.
- Dr. Edgar encouraged the Commission to consider the issue further, and suggested allowing a one-time “pass” or offering a hearing for licensure lapses due to late renewals. A heavy fine for late renewals may be enough incentive to renew on time.
- Ms. Carter clarified that the statute that addresses this encompasses all health professions, and would need to be a legislative change.
- Dr. Edgar shared he would support a legislative change.
- Dr. Liu suggested providing information about the law and potential ramifications about this issue to the dental community via a newsletter or other educational resource.
- The commission agreed no formal response to Dr. Barry is necessary at this time.

## 9. OTHER

9.1. Dr. McClellan reported to the commission on the American Association of Dental Boards (AADB) meeting held on February 27-28, 2021.

- AADB tries to present both sides of an argument and let attendees decide their position for themselves.
- The American Dental Education Association (ADEA) sponsors composite products. Meeting sponsors are usually given time to present at the AADB meetings.
- Continuing education has also been previously allowed when sponsoring organizations provide CE.
- There were presentations by sponsors, and by SmileDirectClub.
- SmileDirectClub’s pending litigations with other states were not hidden.
- Ms. Carter shared she is not aware of any potential litigation between SmileDirectClub and Washington State or the Commission. If an unlicensed practice complaint came in, it would go through the Secretary’s office and not the Commission.
- Dr. McClellan asked if individual dental providers could be sued.
- Ms. Carter stated individual providers are sometimes involved in litigation, but if a dentist were sued while acting in the capacity of the Commission they would be represented by the Attorney General’s office.
- Dr. Carsten asked about AADB by-laws and supporters.

- Dr. McClellan not aware of any by-laws regarding sponsorships, this is a long-standing standard that predates his membership with AADB.
  - Dr. Marsh expressed concerns about ethical issues and predicted the Commission will have to address this topic in the future.
- 9.2. The commission discussed whether non-credentialed personnel may shock water lines.
- Dr. Stevens shared that his understanding was that this task was part of sterilization that could be delegated to dental assistants, but it is not clearly defined in rule.
  - Dr. Liu expressed concerns about getting too far into the details, and suggested it be left to the discretion of each dentist.
  - Dr. Liu stated that the dentist is responsible for infection control.
  - Ms. Elling shared her opinion that the task should go to someone with some training and understanding of infection control.
  - Dr. Liu agreed and stated that the dentist should ensure the staff is trained for any delegated task.
  - Ms. Kramer predicted that because of the expense and responsibility on the practitioner, they will likely make sure staff is appropriately trained.
  - The commission agreed to leave this task to the discretion of the dentist.

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

- 10.1. The commission received the interim operating budget report.
- Ms. Crawford shared that the current spending is exceeding revenue, but it is not concerning at this point.
- 10.2. The commission discussed the commission member recruitment.
- Ms. Santiago sent out the recruitment in January. The Commission has multiple positions to fill, two dentists, (one from eastern Washington), a licensed EFDA, and a public member. The deadline for applications is March 30, 2021.
- 10.3. The commission received updates on the dental web page.
- Ms. Santiago has been working on web updates, including “Rules in Progress”, “Licensing Requirements” and the main dental page.
- 10.4. The commission received updates on the American Association of Dental Administrators meeting March 2, 2021. AADA discussed COVID-19 related issues, teledentistry, and dental licensing compacts.
- 10.5. The commission received a list of active committees.
- Ms. Santiago will update the list to reflect Dr. Marsh as chair of the Anesthesia Committee.

## 11. ADJOURN

The commission adjourned at 10:36 a.m.

Submitted By:

Commission Approval By:

Signature on file

Signature on file

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Jennifer Santiago, Program Manager

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Aaron Stevens, DMD, Chairperson