



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
PO Box 47852 · Olympia Washington 98504-7852

DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Friday, September 10, 2021
(subject to approval)

MEMBERS PRESENT

David Carsten, DDS, Chair
Lyle McClellan, DDS, Vice Chair
Aaron Stevens, DMD
McKinley Rainey, Public Member
Ronald Marsh, DDS
Miryam Nossa, EFDA
Tiffany Bass, DDS
Karen Clements, DDS
Marlynn Fulton, Public Member
Kathleen Elling, EFDA
Joy McDaniel, DMD
Julia Richman, DDS
Samantha Kofler, DDS

MEMBERS ABSENT

Abhishake Banda, DMD, MD
Sonia Pal, DDS
Kunal Walia, DDS

STAFF PRESENT

Jennifer Santiago, Interim Executive
Director
Bruce Bronoske, Jr., 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, Chairperson, called the meeting to order at 8:30 a.m.

- 1.1. The commission and staff introduced themselves.
- 1.2. The new commission members introduced themselves.
- 1.3. The commission approved the agenda as presented.
- 1.4. The commission approved the July 30, 2021 Business Meeting Minutes as presented.

2. RULES

- 2.1. WAC 246-817-581 COVID-19 vaccination delegation.
 - The emergency rule will be expiring in October 2021. A CR102 has been filed, and a hearing is set for October 22, 2021. The commission can choose to renew the emergency rule or not renew.

- The commission agreed to renew the emergency rule.
 - Dr. Carsten asked if the commission would like to pursue permanent rulemaking.
 - Dr. McDaniel expressed her support for permanent rulemaking.
 - Dr. Marsh expressed concerns that there may not be enough data yet to pursue permanent rulemaking.
 - The commission agreed to move forward with the hearing as planned and decide whether to adopt the rule or not adopt at that time.
- 2.2. WAC 246-817-440 Dentist continuing education (CE).
- The CR102 has been filed, and a hearing is set for October 22, 2021. A question arose whether the commission would allow live webinar CE hours retroactively.
 - Dr. Marsh expressed his support for the retroactive CE so long as the transcript clearly states the training was a live, interactive webinar.
 - Dr. McDaniel asked if there was a mechanism to verify the interactivity component.
 - Dr. Richman shared that many have a post test.
 - Lauren Johnson with the Washington State Dental Association (WSDA) shared WSDA is supportive of this rule.
 - Dr. Richman moved to adopt interactive, pre-recorded webinars retroactively. A vote was taken and the motion passed with none abstained or opposed.
 - Dr. Richman moved to approve the FAQ. A vote was taken and the motion passed with none abstained or opposed.
- 2.3. WAC 246-817-195 Licensure requirements for expanded function dental auxiliaries (EFDAs).
- A CR101 was filed and the EFDA committee will be meeting soon to begin rule writing.
- 2.4. WAC 246-817-230 Dentist retired active status
- The CR102 was filed, and a hearing is set for October 22, 2021
- 2.5. The commission received a summary of rules in progress and list of priorities for rule modifications.

3. OTHER

- 3.1. The commission discussed the August 9, 2021 Governor proclamation 21-14 regarding required vaccinations.
- Dr. Carsten asked Ms. Carter to summarize what the proclamation means for providers. Ms. Carter shared that all healthcare providers and staff are required to be vaccinated by October 18, 2021, there are religious and medical exemptions. The commission could take a similar approach to other COVID-19 requirement related complaints and offer technical assistance as a first step.
 - Dr. Richman asked if the proclamation includes contractors working on-site.
 - Ms. Carter answered that she would look into Dr. Richman's question and get back to the commission.

- Dr. Marsh asked if legal action would need to be taken, since violation of the proclamation could be considered a gross misdemeanor.
 - Ms. Carter responded that the commission could refer to law enforcement, but has not generally done so in the past.
 - Dr. Richman asked whether the proclamation applied to telehealth providers practicing out of state.
 - Ms. Carter stated that the proclamation does apply to telehealth providers.
 - Dr. McDaniel asked if the Department had a mechanism for verifying vaccination status.
 - Ms. Carter shared that the Department is not requiring an application or vaccination card, and that the responsibility for ensuring compliance is the responsibility of the employer or individual provider.
 - Dr. Carsten expressed concerns about the religious exemption, and asked whether there was a way to ensure they were reasonable.
 - Ms. Carter responded that the Department would not likely get very deep into the details of the exemptions, as that is usually considered an employer/employee issue.
 - Dr. Bass inquired if an exemption would require the provider to be removed from face to face interaction with patients.
 - Ms. Carter clarified that there were options for accommodation that are an extension of the exemptions.
 - Dr. Carsten asked if there were a second complaint and it was considered a gross misdemeanor, how the commission should proceed.
 - Ms. Carter shared that the commission does not have legal jurisdiction to pursue a misdemeanor, and the Department may be issuing guidance on this topic soon. Complaints should be evaluated on a case by case basis.
 - Dr. Clements inquired if in this situation, the Department could request vaccination cards in the second letter sent to the respondent.
 - Ms. Carter clarified that asking for vaccination cards would require an investigation, and if the case were being closed with a letter, documentation would not be able to be requested.
- 3.2. The commission received a copy of 2021 Annual report provided to Washington State Dental Association.
- 3.3. The commission received a copy of the Department of Health proposed 2022 legislation regarding enhancing capacity of Health Profession Board and Commission
- The Department is pursuing legislation to expand capacity of several boards and commissions. With the legislation, the dental commission would be adding a public member. The requirement to prove US citizenship would also be removed for board and commission membership.

4. CORRESPONDENCE

- 4.1. The commission discussed a letter from American TeleDentistry Association (ATDA) dated August 16, 2021 regarding their organizational policy, ethics, and practice guidelines.
 - Ms. Santiago shared that this correspondence was received and appeared to be informational about the ATDA. Since then, additional correspondence has been received that appears to be the American Association of Orthodontist's concerns about direct-to-consumer orthodontic treatment.
 - Dr. Clements expressed concerns about the lack of a physical examination in direct-to-consumer treatment.
 - The commission agreed the correspondence does not ask anything specific from the commission and a response is not necessary.
- 4.2. The commission received a of response letter to Kate Christian regarding orofacial pain specialty related to new rule WAC 246-817-420 Specialty representation.

5. PROGRAM REPORT – Becky McElhiney, Bruce Bronoske, Jr., and Jennifer Santiago.

- 5.1. The commission received the interim operating budget report.
 - Ms. Santiago shared that due to the end of the fiscal year in June, there is no current accurate budget report. The budget office has indicated the report should be available soon, so the commission's budget report should be available at the October 22, 2021 business meeting.
- 5.2. The commission discussed the October 21, 2021 training retreat.
 - Mr. Bronoske, Jr. shared that the Department has sent additional direction that there will be no travel through January 2022. The commission could choose to cancel the planned training retreat, or move it to a webinar format.
 - Dr. Carsten expressed his opinion that with new commission members, holding a training would be beneficial regardless of format.
 - The commission agreed to hold the retreat in an online format.
 - Ms. Santiago asked what time limit the commission would like to place on this retreat.
 - Dr. Stevens shared that 2.5 hours seemed to be an appropriate length for a webinar format, and suggested the commission could plan an in-person training in early 2022 after restrictions are lifted.
 - Dr. McClellan recommended going through the basic workflow for mock cases during a webinar for the October 2021 retreat since the time is limited, and then do an expanded version walking a case through the steps from beginning to end if the commission can do a longer, in-person training in early 2022.
- 5.3. The commission received a list of active committees.
 - Ms. Nossa has indicated she would like to participate in the Infection Control and Educational Outreach committees.
 - Dr. Richman shared that the Anesthesia Rules Committee has lost some members recently and could benefit from any commission members that would like to join the committee.

- Mr. Bronoske shared that Kim Dinsmore-Underberg, compliance officer with the Department, will be retiring after 25 years with the Department. The commission agreed to send her a letter thanking her for her service.

6. REGIONAL/NATIONAL ORGANIZATIONS

- 6.1. Dr. Marsh reported to the commission on the Western Regional Examining Board (WREB) and Commission on Dental Competency Assessments (CDCA) meeting held August 17, 2021.
- WREB updated their full examination in 2019, and are moving to an objective structured clinical examination.
 - WREB/CDCA will be implementing a new American Board of Dental Examiners (ADEX) examination in 2023.
 - Dr. Marsh shared his opinion that the patient and manikin typodont sections were impressive.
- 6.2. Dr. McClellan reported to the commission on the Central Regional Dental Testing Service (CRDTS) annual meeting held August 26-28, 2021.
- CRDTS has been partnering with Promethian on their endodontic and periodontic sections.
 - CRDTS will be performing fewer tests on manikins and more simulated examinations because simulated testing capabilities have advanced and become much more robust.
 - CRDTS is also working on a way for the commission to be able to test respondents on certain areas depending on their specific disciplinary sanctions, and at any time instead of waiting for a school to be offering the examination.
 - These options are tentatively expected to be available next year.
- 6.3. Dr. Pal was unable to join the meeting today to report on the Commission on Dental Accreditation (CODA) site visit of Providence St. Peter Hospital general practice residency. The commission will table this item until the October 22, 2021 business meeting.

7. ADJOURN

Mr. Kellington shared that the Department's staff attorneys have seen some staffing changes recently, and up to nine new attorneys will be assigned to the commission to more evenly distribute the workload.

The commission adjourned at 9:37 a.m.

Submitted By:

Commission Approval By:

Bruce Bronoske, Jr., Program Manager

David Carsten, DDS, Chairperson

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