CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1099

Chapter 269, Laws of 2007

60th Legislature
2007 Regular Session

DENTAL PROFESSIONALS

EFFECTIVE DATE: 07/22/07 - Except section 16, which becomes effective 07/01/09.

Passed by the House April 16, 2007
Yeas 95  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 44  Nays 0

BRAD OWEN
President of the Senate

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1099 as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER
Chief Clerk

FILED

May 3, 2007

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to dental professionals; amending RCW 18.32.030, 18.32.0351, and 18.130.040; adding a new section to chapter 18.29 RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision" means that a supervising dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervising dentist is continuously on-site and physically present in the treatment facility while the procedures are performed by the assistive personnel and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist to be physically present in the operatory.

(2) "Commission" means the Washington state dental quality assurance commission created in chapter 18.32 RCW.

(3) "Dental assistant" means a person who is registered by the
commission to provide supportive services to a licensed dentist to the
extent provided in this chapter and under the close supervision of a
dentist.

(4) "Dentist" means an individual who holds a license to practice
dentistry under chapter 18.32 RCW.

(5) "Department" means the department of health.

(6) "Expanded function dental auxiliary" means a person who is
licensed by the commission to provide supportive services to a licensed
dentist to the extent provided in this chapter and under the specified
level of supervision of a dentist.

(7) "General supervision" means that a supervising dentist has
examined and diagnosed the patient and provided subsequent instructions
to be performed by the assistive personnel, but does not require that
the dentist be physically present in the treatment facility.

(8) "Secretary" means the secretary of health.

(9) "Supervising dentist" means a dentist licensed under chapter
18.32 RCW that is responsible for providing the appropriate level of
supervision for dental assistants and expanded function dental
auxiliaries.

NEW SECTION. Sec. 2. (1) No person may practice or represent
himself or herself as a registered dental assistant by use of any title
or description without being registered by the commission as having met
the standards established for registration under this chapter unless he
or she is exempt under section 11 of this act.

(2) No person may practice or represent himself or herself as a
licensed expanded function dental auxiliary by use of any title or
description without being licensed by the commission under this chapter
unless he or she is exempt under section 11 of this act.

NEW SECTION. Sec. 3. The commission shall issue a registration to
practice as a dental assistant to any applicant who pays any applicable
fees, as established by the secretary in accordance with RCW 43.70.110
and 43.70.250, and submits, on forms provided by the secretary, the
applicant's name, address, and other information as determined by the
secretary.
NEW SECTION. Sec. 4. (1) The commission shall issue a license to practice as an expanded function dental auxiliary to any applicant who:

(a) Pays any applicable fees as established by the secretary in accordance with RCW 43.70.110 and 43.70.250;

(b) Submits, on forms provided by the secretary, the applicant's name, address, and other applicable information as determined by the secretary; and

(c) Demonstrates that the following requirements have been met:

(i) Successful completion of a dental assisting education program approved by the commission. The program may be an approved on-line education program;

(ii) Successful completion of an expanded function dental auxiliary education program approved by the commission; and

(iii) Successful passage of both a written examination and a clinical examination in restorations approved by the commission.

(2)(a) An applicant that holds a limited license to practice dental hygiene under chapter 18.29 RCW is considered to have met the dental assisting education program requirements of subsection (1)(c)(i) of this section.

(b) An applicant that holds a full license to practice dental hygiene under chapter 18.29 RCW is considered to have met the requirements of subsection (1)(c) of this section upon demonstrating the successful completion of training in taking final impressions as approved by the commission.

NEW SECTION. Sec. 5. (1) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants. All dental services performed by dental assistants must be performed under the close supervision of a supervising dentist as the dentist may allow.

(2) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

(a) Any scaling procedure;

(b) Any oral prophylaxis, except coronal polishing;

(c) Administration of any general or local anesthetic, including intravenous sedation;
(d) Any removal of or addition to the hard or soft tissue of the oral cavity;

(e) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth, jaw, or adjacent structures; and

(f) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

(3) A dentist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

NEW SECTION. Sec. 6. (1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

(2) The scope of expanded function dental auxiliary services that the commission identifies in subsection (1) of this section includes:

(a) In addition to the dental assisting services that a dental assistant may perform under the close supervision of a supervising dentist, the performance of the following services under the general supervision of a supervising dentist as the dentist may allow:

(i) Performing coronal polishing;

(ii) Giving fluoride treatments;

(iii) Applying sealants;

(iv) Placing dental x-ray film and exposing and developing the films;

(v) Giving patient oral health instruction; and

(b) Notwithstanding any prohibitions in section 5 of this act, the performance of the following services under the close supervision of a supervising dentist as the dentist may allow:

(i) Placing and carving direct restorations; and

(ii) Taking final impressions.

(3) A dentist may not assign an expanded function dental auxiliary to perform services until the expanded function dental auxiliary has demonstrated skills necessary to perform competently all assigned duties and responsibilities.
NEW SECTION. Sec. 7. A supervising dentist is responsible for:
(1) Maintaining the appropriate level of supervision for dental assistants and expanded function dental auxiliaries; and
(2) Ensuring that the dental assistants and expanded function dental auxiliaries that the dentist supervises are able to competently perform the tasks that they are assigned.

NEW SECTION. Sec. 8. The commission shall issue an initial credential or renewal credential to an applicant who has met the requirements for a credential or deny an initial credential or renewal credential based upon failure to meet the requirements for a credential or unprofessional conduct or impairment governed by chapter 18.130 RCW.

NEW SECTION. Sec. 9. An applicant holding a license in another state may be licensed as an expanded function dental auxiliary in this state without examination if the commission determines that the other state's licensing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 10. (1) The commission may approve a written examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements under section 4 of this act. The requirement that the examination be written does not exclude the use of computerized test administration.
(2) The commission, upon consultation with the dental hygiene examining committee, may approve a clinical examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements under section 4 of this act.

NEW SECTION. Sec. 11. Nothing in this chapter may be construed to prohibit or restrict:
(1) The practice of a dental assistant in the discharge of official duties by dental assistants in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs; or
(2) Expanded function dental auxiliary education and training programs approved by the commission and the practice as an expanded function dental auxiliary by students in expanded function dental auxiliary education and training programs approved by the commission, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW.

**NEW SECTION.** Sec. 12. The commission may adopt rules under chapter 34.05 RCW as required to implement this chapter.

**NEW SECTION.** Sec. 13. Chapter 18.130 RCW governs unregistered or unlicensed practice, the issuance and denial of credentials, and the discipline of those credentialed under this chapter. The commission is the disciplining authority under this chapter.

**NEW SECTION.** Sec. 14. A new section is added to chapter 18.29 RCW to read as follows:

A person who holds a license under this chapter and who has met the requirements under section 4 of this act and has been issued a license to practice as an expanded function dental auxiliary may perform those expanded function dental auxiliary services identified in section 6 of this act under the specified supervision of a supervising dentist.

**Sec. 15.** RCW 18.32.030 and 2003 c 282 s 1 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;
(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in accredited dental schools or colleges approved by the commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) The performing of dental operations or services by ((persons not licensed under this chapter)) registered dental assistants and licensed expanded function dental auxiliaries holding a credential issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this act) when performed under the supervision of a licensed dentist, or by other persons not licensed under this chapter if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, each
while acting within the scope of the person's permitted practice under the person's license: PROVIDED HOWEVER, That such ((nonlicensed)) persons shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, ((and)) 18.79 as it applies to registered nurses and advanced registered nurse practitioners, and 18.-- (sections 1 through 13 and 18 of this act) RCW ((as it applies to registered nurses and advanced registered nurse practitioners)):

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;
(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;
(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;
(d) Any oral prophylaxis;
(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Sec. 16. RCW 18.32.0351 and 1994 sp.s. c 9 s 204 are each amended to read as follows:
The Washington state dental quality assurance commission is established, consisting of ((fourteen)) sixteen members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and committees regulating these professions be appointed to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be expanded function dental auxiliaries licensed under chapter 18.-- RCW (sections 1 through 13 and 18 of this act), and two members must be public members.
Sec. 17. RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
(ii) Naturopaths licensed under chapter 18.36A RCW;
(iii) Midwives licensed under chapter 18.50 RCW;
(iv) Ocularists licensed under chapter 18.55 RCW;
(v) Massage operators and businesses licensed under chapter 18.108 RCW;
(vi) Dental hygienists licensed under chapter 18.29 RCW;
(vii) Acupuncturists licensed under chapter 18.06 RCW;
(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
(x) Persons registered under chapter 18.19 RCW;
(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
(xiv) Health care assistants certified under chapter 18.135 RCW;
(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
(xix) Denturists licensed under chapter 18.30 RCW;
(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
(xxi) Surgical technologists registered under chapter 18.215 RCW; and

(xxii) Recreational therapists.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this act);

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 18. By November 15, 2012, the department, in consultation with the commission and the dental hygiene examining committee, shall conduct a review of the effectiveness of the creation of the dental assistant and expanded function dental auxiliary professions as related to:

(1) Increasing professional standards in dental practices;
(2) Increasing efficiency in dental practices and community health clinics;
(3) Promoting career ladders in the dental professions; and
(4) Recommendations for expanding or contracting the practice of dental assistants and expanded function dental auxiliaries.

NEW SECTION. Sec. 19. Sections 1 through 13 and 18 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 20. Section 16 of this act takes effect July 1, 2009.

NEW SECTION. Sec. 21. (1) The provisions of this act apply to registered dental assistants effective July 1, 2008.
(2) The provisions of this act apply to expanded function dental auxiliaries effective December 1, 2008.
NEW SECTION. Sec. 22. The secretary of health and the Washington state dental quality assurance commission may take the necessary steps to ensure that this act is implemented on its effective date.

Passed by the Senate April 11, 2007.
Approved by the Governor May 2, 2007.
Filed in Office of Secretary of State May 3, 2007.