Washington State Register

WSR 23-23-053 PROPOSED RULES DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission) [Filed November 7, 2023, 9:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-16-100. Title of Rule and Other Identifying Information: Dental school faculty member licenses. The dental quality assurance commission (commission) is proposing amending $W\overline{AC}$ 246-817-150 to remove specific references about granting licenses to University of Washington faculty

and replacing this with a reference to a faculty of any institution of higher education in Washington state accredited by the Commission on Dental Accreditation (CODA).

Hearing Location(s): On January 19, 2024, at 10:00 a.m., at the Department of Health, 111 Israel Road S.E., Building TC2, Room 167, Tumwater, WA 98501; or via Zoom webinar at https://us02web.zoom.us/ webinar/register/WN W 6t4kTbQzyGG-PWl8u9og.

Date of Intended Adoption: January 19, 2024.

Submit Written Comments to: Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, email dental@doh.wa.gov, fax 360-236-2901, https://fortress.wa.gov/doh/policyreview/, by January 15, 2024.

Assistance for Persons with Disabilities: Contact Amber Freeberg, phone 360-236-4893, fax 360-236-2901, TTY 711, email dental@doh.wa.gov, by January 15, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2023, the Washington state legislature passed SB 5113 (chapter 89, Laws of 2023), amending RCW 18.32.195 to include any institution of higher education in Washington state accredited by the CODA for faculty licensure.

The commission is proposing an amendment to WAC 246-817-150 to align with the recent statutory changes. The proposed amendment will remove specific references about granting licenses to University of Washington faculty and replace this with a reference to faculty of any institution of higher education in Washington state accredited by CO-DA. The proposed rule also amends existing language to a gender-neutral format.

Reasons Supporting Proposal: Prior to the passing of SB 5113, license barriers were removed only for the University of Washington faculty. The proposed rule amendments implement changes in statute that will allow the commission to provide licensure through an academic pathway using a temporary permit without requiring an exam for dental practice while being employed by a Washington state CODA accredited dental school.

Statutory Authority for Adoption: RCW 18.32.002 and 18.32.0365. Statute Being Implemented: RCW 18.32.195.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Dental quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amber Freeberg, 111 Israel Road S.W., Tumwater, WA 98501, 360-236-4893.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is exempt under RCW 34.05.328 (5)(b)(iii) and (iv). The proposed rule is mirroring language from the statute and adjusting gender-neutral language.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule is exempt under RCW 34.05.328 (5)(b)(iii) and (iv). The proposed rule is mirroring lanquage from the statute and adjusting gender-neutral language.

Scope of exemption for rule proposal: Is fully exempt.

> November 7, 2023 David L. Carsten, DDS, Chair Dental Quality Assurance Commission

OTS-4952.1

AMENDATORY SECTION (Amending WSR 16-05-083, filed 2/16/16, effective 3/18/16)

- WAC 246-817-150 Licenses—Persons licensed or qualified out-ofstate who are faculty at school of dentistry—Conditions. (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the ((University of Washington, School of Dentistry)) school of dentistry of any institution of higher education in Washington state accredited by the commission on dental accreditation.
- (2) Applicants for faculty licensure shall submit a signed application, including applicable fees, and other documentation as required by the DOAC.
- (3) The dean of the ((University of Washington, School of Dentistry, or his)) school of dentistry of any higher education in Washington state accredited by the commission on dental accreditation, or their designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.