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HOUSE BILL 1743

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Dyer, Cody, Thibaudeau, Campbell, Morris, Veloria, Dickerson, Costa and Chopp

Read first time 02/07/95. Referred to Committee on Health Care.

1 AN ACT Relating to licensed dental hygienists; adding new sections  
2 to chapter 18.29 RCW; creating new sections; providing an effective  
3 date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that present law  
6 results in restricting the public's access to services provided by  
7 licensed dental hygienists as defined in chapter 18.29 RCW. The  
8 legislature finds it necessary to eliminate restrictions in current law  
9 to promote public access to services provided by licensed dental  
10 hygienists.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.29 RCW  
12 to read as follows:

13 A dental hygienist licensed under this chapter, who has two years'  
14 practical clinical experience with a licensed dentist within the  
15 preceding five years, may perform dental hygiene services without the  
16 supervision of a dentist. These services shall be limited to removal  
17 of deposits and stains from the surfaces of the teeth, application of  
18 topical preventive or prophylactic agents, polishing and smoothing of

1 restorations, assessment and treatment planning for dental hygiene  
2 services, and root planing and soft tissue curettage. For dental  
3 planning and dental treatment, dental hygienists shall refer patients  
4 to licensed dentists.

5 Dental hygienists authorized for unsupervised practice pursuant to  
6 this chapter may perform injections of local anaesthetic agents for  
7 dental hygiene treatment upon the prior approval of the primary dentist  
8 sponsor, or dentist of record if practicing in a health facility.

9 A dental hygienist performing dental hygiene services without  
10 supervision as authorized in this section shall notify the patient on  
11 forms adopted by the secretary in conjunction with the dental hygiene  
12 examining committee that the services being provided are not dental  
13 services.

14 A dental hygienist authorized to perform dental hygiene services  
15 under this section shall require that each patient for whom the dental  
16 hygienist performs dental hygiene service establish a dentist of record  
17 within twelve months of the first appointment with the dental  
18 hygienist.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.29 RCW  
20 to read as follows:

21 Dental hygienists qualifying for practice without dental  
22 supervision pursuant to section 2 of this act may apply for a license  
23 endorsement by the department of health for unsupervised practice. The  
24 department shall issue an endorsement subject to a verification of the  
25 qualifications specified in section 2 of this act, and submission of an  
26 acceptable practice protocol required pursuant to section 4 of this  
27 act, and payment of a fee determined by the secretary pursuant to law.

28 An endorsement for unsupervised practice is subject to the  
29 provisions of the uniform disciplinary act, chapter 18.130 RCW, on the  
30 same grounds as a license for practice. However, any action taken by  
31 the secretary with regard to an endorsement for unsupervised practice  
32 shall not affect the license to practice, unless there is a separate  
33 action taken with regard to the license.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.29 RCW  
35 to read as follows:

36 (1) A dental hygienist receiving an endorsement for unsupervised  
37 practice shall establish a practice protocol with one or more dentists

1 licensed in this state, one of which shall be designated as the primary  
2 dentist sponsor, and which establishes the parameters of unsupervised  
3 practice. The practice parameters shall include mechanisms involving  
4 the following:

5 (a) Consultation;

6 (b) Deferral to a dentist for dental care;

7 (c) Chart review;

8 (d) Emergency procedures;

9 (e) Identification of dental disease;

10 (f) Premedication; and

11 (g) Other matters adopted by rule by the secretary.

12 (2) The practice protocol entered into by the dental hygienist and  
13 a dentist shall be signed by both practitioners, and filed with the  
14 secretary and with the dental disciplinary board or its successor.

15 (3) A dental hygienist who performs any service in violation of the  
16 practice parameters of the protocol is deemed to commit unprofessional  
17 conduct and is subject to the sanctions and procedures of the uniform  
18 disciplinary act, chapter 18.130 RCW, notwithstanding the fact that  
19 such service may be within the scope of practice of dental hygiene.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.29 RCW  
21 to read as follows:

22 The secretary shall adopt such rules as are necessary for the  
23 implementation of sections 1 through 4 of this act. The secretary is  
24 authorized to appoint a joint advisory subcommittee to meet on the call  
25 of the secretary and to advise and assist the secretary in the  
26 implementation and administration of chapter . . . , Laws of 1995 (this  
27 act). If convened, the secretary shall serve ex officio as chair and  
28 designate members of the subcommittee from the membership of the dental  
29 hygiene examining committee and dental disciplinary board composed of  
30 an equal number of dental hygienists and dentists respectively; the  
31 secretary shall also include a member representing the public who is  
32 not a member of any health board or committee and who presents no  
33 conflicts of interest. Members of the joint subcommittee may be  
34 removed by the secretary for cause. In the conduct of subcommittee  
35 business, members shall receive reimbursement as if engaged as members  
36 of their respective board or committee, and the public member shall  
37 receive reimbursement equal to a public member of the dental  
38 disciplinary board.

1        NEW SECTION.    **Sec. 6.**    The secretary of health shall review and  
2 make recommendations on the administration and operation of the  
3 provisions of this act and report to the legislature by December 31,  
4 1995, on the sufficiency of safeguards to protect the health and safety  
5 of patients, and its effect on patient access to dental hygiene  
6 services and dental care.

7        NEW SECTION.    **Sec. 7.**    This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect July 1, 1995.

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