

SHB 1099 - S AMD 372

By Senators Keiser, Pflug

ADOPTED 04/12/2007

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

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

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

1 (9) "Supervising dentist" means a dentist licensed under chapter
2 18.32 RCW that is responsible for providing the appropriate level of
3 supervision for dental assistants and expanded function dental
4 auxiliaries.

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

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

14 NEW SECTION. **Sec. 3.** The commission shall issue a registration to
15 practice as a dental assistant to any applicant who pays any applicable
16 fees, as established by the secretary in accordance with RCW 43.70.110
17 and 43.70.250, and submits, on forms provided by the secretary, the
18 applicant's name, address, and other information as determined by the
19 secretary.

20 NEW SECTION. **Sec. 4.** (1) The commission shall issue a license to
21 practice as an expanded function dental auxiliary to any applicant who:

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

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

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

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

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

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

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

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

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

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

18 (a) Any scaling procedure;

19 (b) Any oral prophylaxis, except coronal polishing;

20 (c) Administration of any general or local anesthetic, including
21 intravenous sedation;

22 (d) Any removal of or addition to the hard or soft tissue of the
23 oral cavity;

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

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

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

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

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

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

7 (i) Performing coronal polishing;

8 (ii) Giving fluoride treatments;

9 (iii) Applying sealants;

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

12 (v) Giving patient oral health instruction; and

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

16 (i) Placing and carving direct restorations; and

17 (ii) Taking final impressions.

18 (3) A dentist may not assign an expanded function dental auxiliary
19 to perform services until the expanded function dental auxiliary has
20 demonstrated skills necessary to perform competently all assigned
21 duties and responsibilities.

22 NEW SECTION. **Sec. 7.** A supervising dentist is responsible for:

23 (1) Maintaining the appropriate level of supervision for dental
24 assistants and expanded function dental auxiliaries; and

25 (2) Ensuring that the dental assistants and expanded function
26 dental auxiliaries that the dentist supervises are able to competently
27 perform the tasks that they are assigned.

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

33 NEW SECTION. **Sec. 9.** An applicant holding a license in another
34 state may be licensed as an expanded function dental auxiliary in this

1 state without examination if the commission determines that the other
2 state's licensing standards are substantially equivalent to the
3 standards in this state.

4 NEW SECTION. **Sec. 10.** (1) The commission may approve a written
5 examination prepared or administered by a private testing agency or
6 association of licensing agencies for use by an applicant in meeting
7 the licensing requirements under section 4 of this act. The
8 requirement that the examination be written does not exclude the use of
9 computerized test administration.

10 (2) The commission, upon consultation with the dental hygiene
11 examining committee, may approve a clinical examination prepared or
12 administered by a private testing agency or association of licensing
13 agencies for use by an applicant in meeting the licensing requirements
14 under section 4 of this act.

15 NEW SECTION. **Sec. 11.** Nothing in this chapter may be construed to
16 prohibit or restrict:

17 (1) The practice of a dental assistant in the discharge of official
18 duties by dental assistants in the United States federal services on
19 federal reservations, including but not limited to the armed services,
20 coast guard, public health service, veterans' bureau, or bureau of
21 Indian affairs; or

22 (2) Expanded function dental auxiliary education and training
23 programs approved by the commission and the practice as an expanded
24 function dental auxiliary by students in expanded function dental
25 auxiliary education and training programs approved by the commission,
26 when acting under the direction and supervision of persons licensed
27 under chapter 18.29 or 18.32 RCW.

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

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

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

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

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

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

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

18 (2) The practice of dentistry in the discharge of official duties
19 by dentists in the United States federal services on federal
20 reservations, including but not limited to the armed services, coast
21 guard, public health service, veterans' bureau, or bureau of Indian
22 affairs;

23 (3) Dental schools or colleges approved under RCW 18.32.040, and
24 the practice of dentistry by students in accredited dental schools or
25 colleges approved by the commission, when acting under the direction
26 and supervision of Washington state-licensed dental school faculty;

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

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

35 (6) The making, repairing, altering, or supplying of artificial
36 restorations, substitutions, appliances, or materials for the
37 correction of disease, loss, deformity, malposition, dislocation,

1 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
2 associated tissues or parts; providing the same are made, repaired,
3 altered, or supplied pursuant to the written instructions and order of
4 a licensed dentist which may be accompanied by casts, models, or
5 impressions furnished by the dentist, and the prescriptions shall be
6 retained and filed for a period of not less than three years and shall
7 be available to and subject to the examination of the secretary or the
8 secretary's authorized representatives;

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

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

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

32 (a) Any removal of or addition to the hard or soft tissue of the
33 oral cavity;

34 (b) Any diagnosis of or prescription for treatment of disease,
35 pain, deformity, deficiency, injury, or physical condition of the human
36 teeth or jaws, or adjacent structure;

37 (c) Any administration of general or injected local anaesthetic of

1 any nature in connection with a dental operation, including intravenous
2 sedation;

3 (d) Any oral prophylaxis;

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

7 **Sec. 16.** RCW 18.32.0351 and 1994 sp.s. c 9 s 204 are each amended
8 to read as follows:

9 The Washington state dental quality assurance commission is
10 established, consisting of (~~fourteen~~) sixteen members each appointed
11 by the governor to a four-year term. No member may serve more than two
12 consecutive full terms. In appointing the initial members of the
13 commission, it is the intent of the legislature that, to the extent
14 possible, members of the previous boards and committees regulating
15 these professions be appointed to the commission. Members of the
16 commission hold office until their successors are appointed. The
17 governor may appoint members of the initial commission to staggered
18 terms of from one to four years. Thereafter, all members shall be
19 appointed to full four-year terms. Twelve members of the commission
20 must be dentists, two members must be expanded function dental
21 auxiliaries licensed under chapter 18.-- RCW (sections 1 through 13 and
22 18 of this act), and two members must be public members.

23 **Sec. 17.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
24 as follows:

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

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

- 32 (i) Dispensing opticians licensed and designated apprentices under
33 chapter 18.34 RCW;
- 34 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 35 (iii) Midwives licensed under chapter 18.50 RCW;
- 36 (iv) Ocularists licensed under chapter 18.55 RCW;

1 (v) Massage operators and businesses licensed under chapter 18.108
2 RCW;

3 (vi) Dental hygienists licensed under chapter 18.29 RCW;

4 (vii) Acupuncturists licensed under chapter 18.06 RCW;

5 (viii) Radiologic technologists certified and X-ray technicians
6 registered under chapter 18.84 RCW;

7 (ix) Respiratory care practitioners licensed under chapter 18.89
8 RCW;

9 (x) Persons registered under chapter 18.19 RCW;

10 (xi) Persons licensed as mental health counselors, marriage and
11 family therapists, and social workers under chapter 18.225 RCW;

12 (xii) Persons registered as nursing pool operators under chapter
13 18.52C RCW;

14 (xiii) Nursing assistants registered or certified under chapter
15 18.88A RCW;

16 (xiv) Health care assistants certified under chapter 18.135 RCW;

17 (xv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;

19 (xvi) Chemical dependency professionals certified under chapter
20 18.205 RCW;

21 (xvii) Sex offender treatment providers and certified affiliate sex
22 offender treatment providers certified under chapter 18.155 RCW;

23 (xviii) Persons licensed and certified under chapter 18.73 RCW or
24 RCW 18.71.205;

25 (xix) Denturists licensed under chapter 18.30 RCW;

26 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

27 (xxi) Surgical technologists registered under chapter 18.215 RCW;

28 and

29 (xxii) Recreational therapists.

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

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

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

36 (iii) The dental quality assurance commission as established in
37 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and

1 licenses and registrations issued under chapter 18.-- RCW (sections 1
2 through 13 and 18 of this act);

3 (iv) The board of hearing and speech as established in chapter
4 18.35 RCW;

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

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

9 (vii) The board of osteopathic medicine and surgery as established
10 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
11 18.57A RCW;

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

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

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

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

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

24 (xiii) The examining board of psychology and its disciplinary
25 committee as established in chapter 18.83 RCW; and

26 (xiv) The veterinary board of governors as established in chapter
27 18.92 RCW.

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

36 (4) All disciplining authorities shall adopt procedures to ensure
37 substantially consistent application of this chapter, the Uniform

1 Disciplinary Act, among the disciplining authorities listed in
2 subsection (2) of this section.

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

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

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

16 NEW SECTION. **Sec. 20.** Section 16 of this act takes effect July 1,
17 2009.

18 NEW SECTION. **Sec. 21.** (1) The provisions of this act apply to
19 registered dental assistants effective July 1, 2008.

20 (2) The provisions of this act apply to expanded function dental
21 auxiliaries effective December 1, 2008.

22 NEW SECTION. **Sec. 22.** The secretary of health and the Washington
23 state dental quality assurance commission may take the necessary steps
24 to ensure that this act is implemented on its effective date."

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By Senators Keiser, Pflug

ADOPTED 04/12/2007

25 On page 1, line 1 of the title, after "professionals;" strike the

1 remainder of the title and insert "amending RCW 18.32.030, 18.32.0351,
2 and 18.130.040; adding a new section to chapter 18.29 RCW; adding a new
3 chapter to Title 18 RCW; creating new sections; and providing an
4 effective date."

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