

**SHB 1317 - H AMD 965**

By Representative Cody

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that good oral  
4 health is an integral piece of overall health and well-being. Without  
5 treatment, dental disease compromises overall health and requires  
6 increasingly costly interventions. However, most dental disease can  
7 be prevented at little cost through routine dental care and disease  
8 prevention.

9 Dental-related issues are a leading reason that Washingtonians  
10 seek care in hospital emergency departments, which has become the  
11 source of care for many, especially uninsured and low-income  
12 populations.

13 It is the intent of the legislature to expand access to oral  
14 health care for all Washingtonians through an evidence-based mid-  
15 level dental provider called a dental therapist. Dental therapy is a  
16 strategy to address racial and ethnic disparities in health and rural  
17 health care access gaps. Dental therapists are also a strategy to  
18 increase workforce diversity in health care and expand career  
19 opportunities for existing members of the dental care workforce such  
20 as dental hygienists.

21 It is the legislature's intent that dental therapists will meet  
22 the needs of local communities as they work under the direction of a  
23 licensed Washington dentist. The legislature intends for dental  
24 therapists to be incorporated into the dental care workforce and used  
25 to effectively treat more patients.

26 It is the intent of the legislature to follow the national  
27 commission on dental accreditation's standards for dental therapy  
28 education. This will ensure that dental therapists are trained to the  
29 highest quality standards and provide state-to-state consistency. It  
30 is the intent of the legislature that incorporating the commission on  
31 dental accreditation's standards for dental therapy education will

1 pave the way for Washington education institutions to become  
2 accredited programs and for students to qualify for financial aid.

3 It is also the intent of the legislature to provide an efficient  
4 and reasonable pathway, through a limited license, for federally  
5 certified dental health aide therapists or tribally licensed dental  
6 therapists to become a Washington state licensed dental therapist.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires  
9 otherwise.

10 (1) "Close supervision of a dentist" means that a supervising  
11 dentist:

12 (a) Has personally examined and diagnosed the patient and has  
13 personally authorized the procedures to be performed;

14 (b) Is continuously on-site while the procedure in question is  
15 being performed; and

16 (c) Is capable of responding immediately in the event of an  
17 emergency.

18 (2) "Committee" means the dental hygiene examining committee  
19 established in chapter 18.29 RCW.

20 (3) "Dental therapist" means a person licensed to practice dental  
21 therapy under this chapter.

22 (4) "Dental therapy" means the services and procedures specified  
23 in section 5 of this act.

24 (5) "Dentist" means a person licensed to practice dentistry under  
25 chapter 18.32 RCW.

26 (6) "Department" means the department of health.

27 (7) "Off-site supervision" means supervision that does not  
28 require the dentist to be physically present or to personally examine  
29 or diagnose the patient.

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

31 NEW SECTION. **Sec. 3.** No person may practice dental therapy or  
32 represent himself or herself as a dental therapist without being  
33 licensed by the department under this chapter. Every person licensed  
34 to practice dental therapy in this state shall renew their license  
35 and comply with administrative procedures, administrative  
36 requirements, continuing education requirements, and fees provided in  
37 RCW 43.70.250 and 43.70.280.

1        NEW SECTION.    **Sec. 4.**    (1) The department shall issue a license  
2 to practice as a dental therapist to any applicant who:

3        (a) Pays any applicable fees established by the secretary under  
4 RCW 43.70.110 and 43.70.250;

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

8        (c) Completes a preceptorship of at least four hundred hours  
9 under the close supervision of a dentist;

10       (d) Passes an examination approved by the committee; and

11       (e) Successfully completes a dental therapist program that is  
12 accredited, or has received initial accreditation, by the commission  
13 on dental accreditation.

14       (2) (a) The secretary shall establish the date and location of the  
15 examination. Applicants who meet the education requirements for  
16 licensure must be scheduled for the next examination following the  
17 filing of the application. The secretary shall establish by rule the  
18 examination application deadline.

19       (b) The examination must contain subjects appropriate to the  
20 scope of practice and questions on laws in the state of Washington  
21 regulating dental therapy practice.

22       (c) The committee shall establish by rule the requirements for a  
23 reexamination if the applicant has failed the examination.

24       (d) The committee may approve an examination prepared or  
25 administered by a private testing agency or association of licensing  
26 authorities.

27       (3) The secretary in consultation with the committee may  
28 establish by rule the procedures to implement this section.

29       NEW SECTION.    **Sec. 5.**    (1) Subject to the limitations in this  
30 section and section 6 of this act, a dental therapist may provide the  
31 following services and procedures:

32       (a) Oral health instruction and disease prevention education,  
33 including nutritional counseling and dietary analysis;

34       (b) Preliminary charting of the oral cavity;

35       (c) Making radiographs;

36       (d) Mechanical polishing;

37       (e) Prophylaxis;

38       (f) Periodontal scaling and root planing;

- 1 (g) Application of topical preventative or prophylactic agents,  
2 including fluoride varnishes and pit and fissure sealants;
- 3 (h) Pulp vitality testing;
- 4 (i) Application of desensitizing medication or resin;
- 5 (j) Fabrication of athletic mouth guards;
- 6 (k) Placement of temporary restorations;
- 7 (l) Fabrication of soft occlusal guards;
- 8 (m) Tissue conditioning and soft reline;
- 9 (n) Atraumatic restorative therapy and interim restorative  
10 therapy;
- 11 (o) Dressing changes;
- 12 (p) Tooth reimplantation;
- 13 (q) Administration of local anesthetic;
- 14 (r) Administration of nitrous oxide;
- 15 (s) Emergency palliative treatment of dental pain;
- 16 (t) The placement and removal of space maintainers;
- 17 (u) Cavity preparation;
- 18 (v) Restoration of primary and permanent teeth;
- 19 (w) Placement of temporary crowns;
- 20 (x) Preparation and placement of preformed crowns;
- 21 (y) Pulpotomies on primary teeth;
- 22 (z) Indirect and direct pulp capping on primary and permanent  
23 teeth;
- 24 (aa) Stabilization of reimplanted teeth;
- 25 (bb) Extractions of primary teeth;
- 26 (cc) Suture placement and removal;
- 27 (dd) Brush biopsies;
- 28 (ee) Repair of defective prosthetic devices;
- 29 (ff) Recementing of permanent crowns;
- 30 (gg) Oral evaluation and assessment of dental disease and the  
31 formulation of an individualized treatment plan;
- 32 (hh) The supervision of expanded function dental auxiliaries and  
33 dental assistants. However, a dental therapist may supervise no more  
34 than a total of four expanded function dental auxiliaries and dental  
35 assistants at any one time in any one practice setting. A dental  
36 therapist may not supervise an expanded function dental auxiliary or  
37 dental assistant with respect to tasks that the dental therapist is  
38 not authorized to perform;
- 39 (ii) Nonsurgical extractions of periodontally diseased permanent  
40 teeth with tooth mobility of plus 3 to plus 4 if the teeth are not

1 unerupted, are not impacted, are not fractured, and do not need to be  
2 sectioned for removal; and

3 (jj) The dispensation and oral administration of drugs pursuant  
4 to subsection (2) of this section.

5 (2)(a) A dental therapist may dispense and orally administer the  
6 following drugs within the parameters of the practice plan contract  
7 established in section 6 of this act: Nonnarcotic analgesics, anti-  
8 inflammatories, preventive agents, and antibiotics.

9 (b) The authority to dispense and orally administer drugs extends  
10 only to the drugs identified in this subsection and may be further  
11 limited by the practice plan contract.

12 (c) The authority to dispense includes the authority to dispense  
13 sample drugs within the categories established in this subsection if  
14 the dispensing is permitted under the practice plan contract.

15 (d) A dental therapist may not dispense or administer narcotic  
16 drugs as defined in chapter 69.50 RCW.

17 NEW SECTION. **Sec. 6.** (1) A dental therapist may only practice  
18 dental therapy under the supervision of a dentist licensed under  
19 chapter 18.32 RCW and pursuant to a written practice plan contract  
20 with the supervising dentist. In circumstances authorized by the  
21 supervising dentist in the written practice plan contract, a dental  
22 therapist may provide services without the prior examination or  
23 diagnosis of a dentist and without the dentist being personally on  
24 site when services are provided. The contract must, at a minimum,  
25 contain the following elements:

26 (a) The level of supervision required and circumstances when the  
27 prior knowledge and consent of the supervising dentist is required;

28 (b) Practice settings where services and procedures may be  
29 provided;

30 (c) Any limitations on the services or procedures the dental  
31 therapist may provide;

32 (d) Age and procedure-specific practice protocols, including case  
33 selection criteria, assessment guidelines, and imaging frequency;

34 (e) Procedures for creating and maintaining dental records for  
35 patients treated by the dental therapist;

36 (f) A plan to manage medical emergencies in each practice setting  
37 where the dental therapist provides care;

1 (g) A quality assurance plan for monitoring care provided by the  
2 dental therapist or, including patient care review, referral follow-  
3 up, and a quality assurance chart review;

4 (h) Protocols for administering and dispensing medications,  
5 including the specific circumstances under which the medications may  
6 be dispensed and administered;

7 (i) Criteria relating to the provision of care to patients with  
8 specific medical conditions or complex medical histories, including  
9 requirements for consultation prior to the initiation of care; and

10 (j) Specific written protocols governing situations where the  
11 dental therapist encounters a patient requiring treatment that  
12 exceeds the dental therapist's scope of practice or capabilities and  
13 protocols for referral of patients requiring evaluation and treatment  
14 by dentists, physicians, advanced registered nurse practitioners, or  
15 other health care providers.

16 (2) The dental therapist shall accept responsibility for all  
17 services and procedures provided by the dental therapist or any  
18 auxiliary dental providers the dental therapist is supervising  
19 pursuant to the practice plan contract.

20 (3) A supervising dentist who knowingly permits a dental  
21 therapist to provide a service or procedure that is not authorized in  
22 the practice plan contract, or any dental therapist who provides a  
23 service or procedure that is not authorized in the practice plan  
24 contract, commits unprofessional conduct for purposes of chapter  
25 18.130 RCW.

26 (4) A dentist who enters into a written practice plan contract  
27 with a dental therapist shall:

28 (a) Directly provide or arrange for another dentist or specialist  
29 to provide any necessary advanced procedures or services needed by  
30 the patient or any treatment that exceeds the dental therapist's  
31 scope of practice or capabilities;

32 (b) Ensure that he or she or another dentist is available to the  
33 dental therapist for timely communication during treatment if needed.

34 (5) A dental therapist shall perform only those services  
35 authorized by the supervising dentist and written practice plan  
36 contract and shall maintain an appropriate level of contact with the  
37 supervising dentist.

38 (6) Practice plan contracts must be signed and maintained by both  
39 the supervising dentist and the dental therapist.

1 (7) A supervising dentist may supervise no more than a total of  
2 five dental therapists at any one time.

3 NEW SECTION. **Sec. 7.** Nothing in this chapter prohibits or  
4 affects:

5 (1) The practice of dental therapy by an individual otherwise  
6 licensed under this title and performing services within his or her  
7 scope of practice;

8 (2) The practice of dental therapy in the discharge of official  
9 duties on behalf of the United States government, including, but not  
10 limited to, the armed forces, coast guard, public health service,  
11 veterans' bureau, or bureau of Indian affairs;

12 (3) The practice of dental therapy pursuant to an education  
13 program described in section 4 of this act;

14 (4) The practice of dental therapy under the supervision of a  
15 dentist necessary to meet the clinical experience or preceptorship  
16 requirements of section 4 of this act; or

17 (5) The practice of federally certified dental health aide  
18 therapists or tribally licensed dental therapists practicing in  
19 clinics operated by an Indian health service, Indian health service  
20 direct, tribal 638, or an urban Indian health program system of care,  
21 as those terms are defined in the Indian health care improvement act,  
22 Title 25 U.S.C. Sec. 1603(12), (25) and (29).

23 NEW SECTION. **Sec. 8.** A dental therapist may practice only in  
24 the following settings:

25 (1) Federally qualified health centers;

26 (2) Clinics operated by accredited schools of dentistry or dental  
27 hygiene;

28 (3) Clinics operated by an Indian health service, Indian health  
29 service direct, tribal 638, or an urban Indian health program system  
30 of care, as those terms are defined in the Indian health care  
31 improvement act, Title 25 U.S.C. Sec. 1603(12), (25) and (29); or

32 (4) Any other clinic or practice setting, including mobile or  
33 temporary dental clinics, in which at least thirty-five percent of  
34 the total patient base of the dental therapist consists of patients  
35 who:

36 (a) Are enrolled in a Washington state medicaid program;

37 (b) Have a medical disability or chronic condition that creates a  
38 significant barrier to receiving dental care; or

1 (c) Have annual incomes of less than one hundred thirty-three  
2 percent of the federal poverty level calculated using modified annual  
3 gross income as defined in section 2002 of P.L. 111-148, as amended,  
4 and do not have dental coverage, either through medicaid or private  
5 insurance.

6 NEW SECTION. **Sec. 9.** Chapter 18.130 RCW governs the unlicensed  
7 practice, the issuance and denial of licenses, and the discipline of  
8 persons licensed under this chapter. The dental quality assurance  
9 commission is the disciplining authority under this chapter.

10 NEW SECTION. **Sec. 10.** (1) The department shall issue a limited  
11 license to any applicant who, as determined by the secretary:

12 (a) Holds a valid license, certification, or recertification in  
13 another state, Canadian province, or has been certified or licensed  
14 by a federal or tribal governing board in the previous two years,  
15 that allows a substantively equivalent, but not the entire scope of  
16 practice in section 5 of this act;

17 (b) Is currently engaged in active practice in another state,  
18 Canadian province, or tribe;

19 (c) Files with the secretary documentation certifying that the  
20 applicant:

21 (i) Has graduated from a dental therapy school accredited by the  
22 commission on dental accreditation;

23 (ii) Has successfully completed the national dental therapy  
24 examination, or until such time that that exam is developed, the  
25 national dental hygiene examination; and

26 (iii) Is licensed or certified to practice in another state or  
27 Canadian province, or has been certified or licensed by a federal or  
28 tribal governing board in the previous two years;

29 (d) Provides such information as the secretary deems necessary  
30 pertaining to the conditions and criteria of the uniform disciplinary  
31 act, chapter 18.130 RCW;

32 (e) Demonstrates to the secretary knowledge of Washington state  
33 law pertaining to the practice of dental therapy;

34 (f) Pays any required fees; and

35 (g) Meets requirements for AIDS education.

36 (2) The term of the limited license issued under this section is  
37 eighteen months.



1 (3) A person practicing with a limited license granted under this  
2 section has the authority to perform only those dental therapy  
3 procedures in section 5 of this act that he or she was licensed or  
4 certified to practice in their previous state, tribe, or Canadian  
5 province.

6 (4) Upon demonstration of competency in all procedures in section  
7 5 of this act, the limited license holder may apply for licensure as  
8 a dental therapist under section 4 of this act.

9 (5) For the purposes of this section, "active practice" means  
10 five hundred sixty hours of practice in the preceding twenty-four  
11 months.

12 **Sec. 11.** RCW 18.32.030 and 2017 c 5 s 5 are each amended to read  
13 as follows:

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

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

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

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

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

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

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

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

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

20 (9) The performing of dental operations or services by registered  
21 dental assistants and licensed expanded function dental auxiliaries  
22 holding a credential issued under chapter 18.260 RCW when performed  
23 under the supervision of a licensed dentist, by dental therapists  
24 licensed under chapter 18.--- RCW (the new chapter created in section  
25 22 of this act), or by other persons not licensed under this chapter  
26 if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or  
27 18.79 RCW as it applies to registered nurses and advanced registered  
28 nurse practitioners, each while acting within the scope of the  
29 person's permitted practice under the person's license: PROVIDED  
30 HOWEVER, That such persons shall in no event perform the following  
31 dental operations or services unless permitted to be performed by the  
32 person under this chapter or chapters 18.29, 18.57, 18.71, 18.79 as  
33 it applies to registered nurses and advanced registered nurse  
34 practitioners, and 18.260 RCW:

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

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

1 (c) Any administration of general or injected local anaesthetic  
2 of any nature in connection with a dental operation, including  
3 intravenous sedation;

4 (d) Any oral prophylaxis;

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

8 (10) The performing of dental services described in RCW  
9 18.350.040 by dental anesthesia assistants certified under chapter  
10 18.350 RCW when working under the supervision and direction of an  
11 oral and maxillofacial surgeon or dental anesthesiologist; and

12 (11) The performance of dental health aide therapist services to  
13 the extent authorized under chapter 70.350 RCW.

14 **Sec. 12.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to  
15 read as follows:

16 The Washington state dental quality assurance commission is  
17 established, consisting of (~~sixteen~~) eighteen members each  
18 appointed by the governor to a four-year term. No member may serve  
19 more than two consecutive full terms. In appointing the initial  
20 members of the commission, it is the intent of the legislature that,  
21 to the extent possible, members of the previous boards and committees  
22 regulating these professions be appointed to the commission. Members  
23 of the commission hold office until their successors are appointed.  
24 The governor may appoint members of the initial commission to  
25 staggered terms of from one to four years. Thereafter, all members  
26 shall be appointed to full four-year terms. Twelve members of the  
27 commission must be dentists, two members must be dental therapists  
28 licensed under chapter 18.--- RCW (the new chapter created in section  
29 22 of this act), two members must be expanded function dental  
30 auxiliaries licensed under chapter 18.260 RCW, and two members must  
31 be public members.

32 **Sec. 13.** RCW 18.120.020 and 2019 c 308 s 17 are each amended to  
33 read as follows:

34 The definitions in this section apply throughout this chapter  
35 unless the context clearly requires otherwise.

36 (1) "Applicant group" includes any health professional group or  
37 organization, any individual, or any other interested party which  
38 proposes that any health professional group not presently regulated

1 be regulated or which proposes to substantially increase the scope of  
2 practice of the profession.

3 (2) "Certificate" and "certification" mean a voluntary process by  
4 which a statutory regulatory entity grants recognition to an  
5 individual who (a) has met certain prerequisite qualifications  
6 specified by that regulatory entity, and (b) may assume or use  
7 "certified" in the title or designation to perform prescribed health  
8 professional tasks.

9 (3) "Grandfather clause" means a provision in a regulatory  
10 statute applicable to practitioners actively engaged in the regulated  
11 health profession prior to the effective date of the regulatory  
12 statute which exempts the practitioners from meeting the prerequisite  
13 qualifications set forth in the regulatory statute to perform  
14 prescribed occupational tasks.

15 (4) "Health professions" means and includes the following health  
16 and health-related licensed or regulated professions and occupations:  
17 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
18 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
19 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
20 dental anesthesia assistants under chapter 18.350 RCW; dispensing  
21 opticians under chapter 18.34 RCW; hearing instruments under chapter  
22 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
23 funeral directing under chapter 18.39 RCW; midwifery under chapter  
24 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
25 optometry under chapters 18.53 and 18.54 RCW; ocularists under  
26 chapter 18.55 RCW; osteopathic medicine and surgery under chapters  
27 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;  
28 medicine under chapters 18.71 and 18.71A RCW; emergency medicine  
29 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;  
30 practical nurses under chapter 18.79 RCW; psychologists under chapter  
31 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational  
32 therapists licensed under chapter 18.59 RCW; respiratory care  
33 practitioners licensed under chapter 18.89 RCW; veterinarians and  
34 veterinary technicians under chapter 18.92 RCW; massage therapists  
35 under chapter 18.108 RCW; acupuncturists or acupuncture and Eastern  
36 medicine practitioners licensed under chapter 18.06 RCW; persons  
37 registered under chapter 18.19 RCW; persons licensed as mental health  
38 counselors, marriage and family therapists, and social workers under  
39 chapter 18.225 RCW; dietitians and nutritionists certified by chapter  
40 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing

1 assistants registered or certified under chapter 18.88A RCW;  
2 reflexologists certified under chapter 18.108 RCW; medical  
3 assistants-certified, medical assistants-hemodialysis technician,  
4 medical assistants-phlebotomist, forensic phlebotomist, ((and))  
5 medical assistants-registered certified and registered under chapter  
6 18.360 RCW; and licensed behavior analysts, licensed assistant  
7 behavior analysts, and certified behavior technicians under chapter  
8 18.380 RCW and dental therapists licensed under chapter 18.--- RCW  
9 (the new chapter created in section 22 of this act).

10 (5) "Inspection" means the periodic examination of practitioners  
11 by a state agency in order to ascertain whether the practitioners'  
12 occupation is being carried out in a fashion consistent with the  
13 public health, safety, and welfare.

14 (6) "Legislative committees of reference" means the standing  
15 legislative committees designated by the respective rules committees  
16 of the senate and house of representatives to consider proposed  
17 legislation to regulate health professions not previously regulated.

18 (7) "License," "licensing," and "licensure" mean permission to  
19 engage in a health profession which would otherwise be unlawful in  
20 the state in the absence of the permission. A license is granted to  
21 those individuals who meet prerequisite qualifications to perform  
22 prescribed health professional tasks and for the use of a particular  
23 title.

24 (8) "Practitioner" means an individual who (a) has achieved  
25 knowledge and skill by practice, and (b) is actively engaged in a  
26 specified health profession.

27 (9) "Professional license" means an individual, nontransferable  
28 authorization to carry on a health activity based on qualifications  
29 which include: (a) Graduation from an accredited or approved program,  
30 and (b) acceptable performance on a qualifying examination or series  
31 of examinations.

32 (10) "Public member" means an individual who is not, and never  
33 was, a member of the health profession being regulated or the spouse  
34 of a member, or an individual who does not have and never has had a  
35 material financial interest in either the rendering of the health  
36 professional service being regulated or an activity directly related  
37 to the profession being regulated.

38 (11) "Registration" means the formal notification which, prior to  
39 rendering services, a practitioner shall submit to a state agency  
40 setting forth the name and address of the practitioner; the location,

1 nature and operation of the health activity to be practiced; and, if  
2 required by the regulatory entity, a description of the service to be  
3 provided.

4 (12) "Regulatory entity" means any board, commission, agency,  
5 division, or other unit or subunit of state government which  
6 regulates one or more professions, occupations, industries,  
7 businesses, or other endeavors in this state.

8 (13) "State agency" includes every state office, department,  
9 board, commission, regulatory entity, and agency of the state, and,  
10 where provided by law, programs and activities involving less than  
11 the full responsibility of a state agency.

12 **Sec. 14.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,  
13 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

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

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

21 (i) Dispensing opticians licensed and designated apprentices  
22 under chapter 18.34 RCW;

23 (ii) Midwives licensed under chapter 18.50 RCW;

24 (iii) Ocularists licensed under chapter 18.55 RCW;

25 (iv) Massage therapists and businesses licensed under chapter  
26 18.108 RCW;

27 (v) Dental hygienists licensed under chapter 18.29 RCW;

28 (vi) Acupuncturists or acupuncture and Eastern medicine  
29 practitioners licensed under chapter 18.06 RCW;

30 (vii) Radiologic technologists certified and X-ray technicians  
31 registered under chapter 18.84 RCW;

32 (viii) Respiratory care practitioners licensed under chapter  
33 18.89 RCW;

34 (ix) Hypnotherapists and agency affiliated counselors registered  
35 and advisors and counselors certified under chapter 18.19 RCW;

36 (x) Persons licensed as mental health counselors, mental health  
37 counselor associates, marriage and family therapists, marriage and  
38 family therapist associates, social workers, social work associates—

1 advanced, and social work associates—independent clinical under  
2 chapter 18.225 RCW;

3 (xi) Persons registered as nursing pool operators under chapter  
4 18.52C RCW;

5 (xii) Nursing assistants registered or certified or medication  
6 assistants endorsed under chapter 18.88A RCW;

7 (xiii) Dietitians and nutritionists certified under chapter  
8 18.138 RCW;

9 (xiv) Substance use disorder professionals, substance use  
10 disorder professional trainees, or co-occurring disorder specialists  
11 certified under chapter 18.205 RCW;

12 (xv) Sex offender treatment providers and certified affiliate sex  
13 offender treatment providers certified under chapter 18.155 RCW;

14 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
15 RCW 18.71.205;

16 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
17 RCW;

18 (xviii) Surgical technologists registered under chapter 18.215  
19 RCW;

20 (xix) Recreational therapists under chapter 18.230 RCW;

21 (xx) Animal massage therapists certified under chapter 18.240  
22 RCW;

23 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

24 (xxii) Home care aides certified under chapter 18.88B RCW;

25 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

26 (xxiv) Reflexologists certified under chapter 18.108 RCW;

27 (xxv) Medical assistants-certified, medical assistants-  
28 hemodialysis technician, medical assistants-phlebotomist, forensic  
29 phlebotomist, and medical assistants-registered certified and  
30 registered under chapter 18.360 RCW; and

31 (xxvi) Behavior analysts, assistant behavior analysts, and  
32 behavior technicians under chapter 18.380 RCW.

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

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

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

39 (iii) The dental quality assurance commission as established in  
40 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,

1 licenses and registrations issued under chapter 18.260 RCW, licenses  
2 issued under chapter 18.--- RCW (the new chapter created in section  
3 22 of this act), and certifications issued under chapter 18.350 RCW;

4 (iv) The board of hearing and speech as established in chapter  
5 18.35 RCW;

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

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

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

13 (viii) The pharmacy quality assurance commission as established  
14 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
15 and 18.64A RCW;

16 (ix) The Washington medical commission as established in chapter  
17 18.71 RCW governing licenses and registrations issued under chapters  
18 18.71 and 18.71A RCW;

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

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

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

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

28 (xiv) The veterinary board of governors as established in chapter  
29 18.92 RCW;

30 (xv) The board of naturopathy established in chapter 18.36A RCW;  
31 and

32 (xvi) The board of denturists established in chapter 18.30 RCW.

33 (3) In addition to the authority to discipline license holders,  
34 the disciplining authority has the authority to grant or deny  
35 licenses. The disciplining authority may also grant a license subject  
36 to conditions.

37 (4) All disciplining authorities shall adopt procedures to ensure  
38 substantially consistent application of this chapter, the uniform  
39 disciplinary act, among the disciplining authorities listed in  
40 subsection (2) of this section.



1       **Sec. 15.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

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

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

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

22       (4) "Dental therapist" means an individual who holds a license to  
23 practice as a dental therapist under chapter 18.--- RCW (the new  
24 chapter created in section 22 of this act).

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

27       (~~(5)~~) (6) "Department" means the department of health.

28       (~~(6)~~) (7) "Expanded function dental auxiliary" means a person  
29 who is licensed by the commission to provide supportive services to a  
30 licensed dentist or dental therapist to the extent provided in this  
31 chapter and under the specified level of supervision of a dentist or  
32 dental therapist.

33       (~~(7)~~) (8) "General supervision" means that a supervising  
34 dentist or dental therapist has examined and diagnosed the patient  
35 and provided subsequent instructions to be performed by the assistive  
36 personnel, but does not require that the dentist or dental therapist  
37 be physically present in the treatment facility.

38       (~~(8)~~) (9) "Secretary" means the secretary of health.

39       (~~(9)~~) (10) "Supervising dental therapist" means a dental  
40 therapist licensed under chapter 18.--- RCW (the new chapter created

1 in section 22 of this act) who is responsible for providing the  
2 appropriate level of supervision for dental assistants and expanded  
3 function dental auxiliaries.

4 (11) "Supervising dentist" means a dentist licensed under chapter  
5 18.32 RCW that is responsible for providing the appropriate level of  
6 supervision for dental assistants and expanded function dental  
7 auxiliaries.

8 **Sec. 16.** RCW 18.260.040 and 2015 c 120 s 3 are each amended to  
9 read as follows:

10 (1) (a) The commission shall adopt rules relating to the scope of  
11 dental assisting services related to patient care and laboratory  
12 duties that may be performed by dental assistants.

13 (b) In addition to the services and duties authorized by the  
14 rules adopted under (a) of this subsection, a dental assistant may  
15 apply topical anesthetic agents.

16 (c) All dental services performed by dental assistants under (a)  
17 or (b) of this subsection must be performed under the close  
18 supervision of a supervising dentist or supervising dental therapist  
19 as the dentist or dental therapist may allow.

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

23 (a) Any scaling procedure;

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

25 (c) Administration of any general or local anesthetic, including  
26 intravenous sedation;

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

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

32 (f) The taking of any impressions of the teeth or jaw or the  
33 relationships of the teeth or jaws, for the purpose of fabricating  
34 any intra-oral restoration, appliance, or prosthesis, other than  
35 impressions allowed as a delegated duty for dental assistants  
36 pursuant to rules adopted by the commission.

37 (3) A dentist or dental therapist may not assign a dental  
38 assistant to perform duties until the dental assistant has

1 demonstrated skills necessary to perform competently all assigned  
2 duties and responsibilities.

3 **Sec. 17.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to  
4 read as follows:

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

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

11 (a) In addition to the dental assisting services that a dental  
12 assistant may perform under the close supervision of a supervising  
13 dentist or supervising dental therapist, the performance of the  
14 following services under the general supervision of a supervising  
15 dentist or supervising dental therapist as the dentist or dental  
16 therapist may allow:

- 17 (i) Performing coronal polishing;
- 18 (ii) Giving fluoride treatments;
- 19 (iii) Applying sealants;
- 20 (iv) Placing dental X-ray film and exposing and developing the  
21 films;

22 (v) Giving patient oral health instruction; and

23 (b) Notwithstanding any prohibitions in RCW 18.260.040, the  
24 performance of the following services under the close supervision of  
25 a supervising dentist or supervising dental therapist as the dentist  
26 or dental therapist may allow:

- 27 (i) Placing and carving direct restorations; and
- 28 (ii) Taking final impressions.

29 (3) A dentist or dental therapist may not assign an expanded  
30 function dental auxiliary to perform services until the expanded  
31 function dental auxiliary has demonstrated skills necessary to  
32 perform competently all assigned duties and responsibilities.

33 **Sec. 18.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to  
34 read as follows:

35 A supervising dentist or supervising dental therapist is  
36 responsible for:

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

1 (2) Ensuring that the dental assistants and expanded function  
2 dental auxiliaries that the dentist or dental therapist supervises  
3 are able to competently perform the tasks that they are assigned.

4 **Sec. 19.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23  
5 are each reenacted and amended to read as follows:

6 As used in this chapter, the following terms have the meanings  
7 indicated unless the context clearly requires otherwise:

8 (1) "Administer" means the direct application of a legend drug  
9 whether by injection, inhalation, ingestion, or any other means, to  
10 the body of a patient or research subject by:

11 (a) A practitioner; or

12 (b) The patient or research subject at the direction of the  
13 practitioner.

14 (2) "Commission" means the pharmacy quality assurance commission.

15 (3) "Community-based care settings" include: Community  
16 residential programs for persons with developmental disabilities,  
17 certified by the department of social and health services under  
18 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
19 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
20 Community-based care settings do not include acute care or skilled  
21 nursing facilities.

22 (4) "Deliver" or "delivery" means the actual, constructive, or  
23 attempted transfer from one person to another of a legend drug,  
24 whether or not there is an agency relationship.

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

26 (6) "Dispense" means the interpretation of a prescription or  
27 order for a legend drug and, pursuant to that prescription or order,  
28 the proper selection, measuring, compounding, labeling, or packaging  
29 necessary to prepare that prescription or order for delivery.

30 (7) "Dispenser" means a practitioner who dispenses.

31 (8) "Distribute" means to deliver other than by administering or  
32 dispensing a legend drug.

33 (9) "Distributor" means a person who distributes.

34 (10) "Drug" means:

35 (a) Substances recognized as drugs in the official United States  
36 pharmacopoeia, official homeopathic pharmacopoeia of the United  
37 States, or official national formulary, or any supplement to any of  
38 them;

1 (b) Substances intended for use in the diagnosis, cure,  
2 mitigation, treatment, or prevention of disease in human beings or  
3 animals;

4 (c) Substances (other than food, minerals or vitamins) intended  
5 to affect the structure or any function of the body of human beings  
6 or animals; and

7 (d) Substances intended for use as a component of any article  
8 specified in (a), (b), or (c) of this subsection. It does not include  
9 devices or their components, parts, or accessories.

10 (11) "Electronic communication of prescription information" means  
11 the transmission of a prescription or refill authorization for a drug  
12 of a practitioner using computer systems. The term does not include a  
13 prescription or refill authorization transmitted verbally by  
14 telephone nor a facsimile manually signed by the practitioner.

15 (12) "In-home care settings" include an individual's place of  
16 temporary and permanent residence, but does not include acute care or  
17 skilled nursing facilities, and does not include community-based care  
18 settings.

19 (13) "Legend drugs" means any drugs which are required by state  
20 law or regulation of the pharmacy quality assurance commission to be  
21 dispensed on prescription only or are restricted to use by  
22 practitioners only.

23 (14) "Legible prescription" means a prescription or medication  
24 order issued by a practitioner that is capable of being read and  
25 understood by the pharmacist filling the prescription or the nurse or  
26 other practitioner implementing the medication order. A prescription  
27 must be hand printed, typewritten, or electronically generated.

28 (15) "Medication assistance" means assistance rendered by a  
29 nonpractitioner to an individual residing in a community-based care  
30 setting or in-home care setting to facilitate the individual's self-  
31 administration of a legend drug or controlled substance. It includes  
32 reminding or coaching the individual, handing the medication  
33 container to the individual, opening the individual's medication  
34 container, using an enabler, or placing the medication in the  
35 individual's hand, and such other means of medication assistance as  
36 defined by rule adopted by the department. A nonpractitioner may help  
37 in the preparation of legend drugs or controlled substances for self-  
38 administration where a practitioner has determined and communicated  
39 orally or by written direction that such medication preparation  
40 assistance is necessary and appropriate. Medication assistance shall

1 not include assistance with intravenous medications or injectable  
2 medications, except prefilled insulin syringes.

3 (16) "Person" means individual, corporation, government or  
4 governmental subdivision or agency, business trust, estate, trust,  
5 partnership or association, or any other legal entity.

6 (17) "Practitioner" means:

7 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
8 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
9 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
10 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern  
11 medicine practitioner to the extent authorized under chapter 18.06  
12 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian  
13 under chapter 18.92 RCW, a registered nurse, advanced registered  
14 nurse practitioner, or licensed practical nurse under chapter 18.79  
15 RCW, an optometrist under chapter 18.53 RCW who is certified by the  
16 optometry board under RCW 18.53.010, an osteopathic physician  
17 assistant under chapter 18.57A RCW, a physician assistant under  
18 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a  
19 licensed athletic trainer to the extent authorized under chapter  
20 18.250 RCW, a pharmacist under chapter 18.64 RCW, (~~(or)~~) when acting  
21 under the required supervision of a dentist licensed under chapter  
22 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, or a  
23 dental therapist licensed under chapter 18.--- RCW (the new chapter  
24 created in section 22 of this act);

25 (b) A pharmacy, hospital, or other institution licensed,  
26 registered, or otherwise permitted to distribute, dispense, conduct  
27 research with respect to, or to administer a legend drug in the  
28 course of professional practice or research in this state; and

29 (c) A physician licensed to practice medicine and surgery or a  
30 physician licensed to practice osteopathic medicine and surgery in  
31 any state, or province of Canada, which shares a common border with  
32 the state of Washington.

33 (18) "Secretary" means the secretary of health or the secretary's  
34 designee.

35 **Sec. 20.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to  
36 read as follows:

37 (1) It shall be unlawful for any person to sell, deliver, or  
38 possess any legend drug except upon the order or prescription of a  
39 physician under chapter 18.71 RCW, an osteopathic physician and

1 surgeon under chapter 18.57 RCW, an optometrist licensed under  
2 chapter 18.53 RCW who is certified by the optometry board under RCW  
3 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician  
4 and surgeon under chapter 18.22 RCW, a veterinarian under chapter  
5 18.92 RCW, a commissioned medical or dental officer in the United  
6 States armed forces or public health service in the discharge of his  
7 or her official duties, a duly licensed physician or dentist employed  
8 by the veterans administration in the discharge of his or her  
9 official duties, a registered nurse or advanced registered nurse  
10 practitioner under chapter 18.79 RCW when authorized by the nursing  
11 care quality assurance commission, a pharmacist licensed under  
12 chapter 18.64 RCW to the extent permitted by drug therapy guidelines  
13 or protocols established under RCW 18.64.011 and authorized by the  
14 commission and approved by a practitioner authorized to prescribe  
15 drugs, an osteopathic physician assistant under chapter 18.57A RCW  
16 when authorized by the board of osteopathic medicine and surgery, a  
17 physician assistant under chapter 18.71A RCW when authorized by the  
18 Washington medical commission, or a dental therapist licensed under  
19 chapter 18.--- RCW (the new chapter created in section 22 of this  
20 act), or any of the following professionals in any province of Canada  
21 that shares a common border with the state of Washington or in any  
22 state of the United States: A physician licensed to practice medicine  
23 and surgery or a physician licensed to practice osteopathic medicine  
24 and surgery, a dentist licensed to practice dentistry, a podiatric  
25 physician and surgeon licensed to practice podiatric medicine and  
26 surgery, a licensed advanced registered nurse practitioner, a  
27 licensed physician assistant, a licensed osteopathic physician  
28 assistant, or a veterinarian licensed to practice veterinary  
29 medicine: PROVIDED, HOWEVER, That the above provisions shall not  
30 apply to sale, delivery, or possession by drug wholesalers or drug  
31 manufacturers, or their agents or employees, or to any practitioner  
32 acting within the scope of his or her license, or to a common or  
33 contract carrier or warehouse operator, or any employee thereof,  
34 whose possession of any legend drug is in the usual course of  
35 business or employment: PROVIDED FURTHER, That nothing in this  
36 chapter or chapter 18.64 RCW shall prevent a family planning clinic  
37 that is under contract with the health care authority from selling,  
38 delivering, possessing, and dispensing commercially prepackaged oral  
39 contraceptives prescribed by authorized, licensed health care  
40 practitioners: PROVIDED FURTHER, That nothing in this chapter

1 prohibits possession or delivery of legend drugs by an authorized  
2 collector or other person participating in the operation of a drug  
3 take-back program authorized in chapter 69.48 RCW.

4 (2) (a) A violation of this section involving the sale, delivery,  
5 or possession with intent to sell or deliver is a class B felony  
6 punishable according to chapter 9A.20 RCW.

7 (b) A violation of this section involving possession is a  
8 misdemeanor.

9 **Sec. 21.** RCW 70.350.020 and 2017 c 5 s 2 are each amended to  
10 read as follows:

11 (1) Dental health aide therapist services are authorized by this  
12 chapter under the following conditions:

13 (a) The person providing services is certified as a dental health  
14 aide therapist by:

15 (i) A federal community health aide program certification board;  
16 or

17 (ii) A federally recognized Indian tribe that has adopted  
18 certification standards that meet or exceed the requirements of a  
19 federal community health aide program certification board;

20 (b) All services are performed:

21 (i) In a practice setting (~~within the exterior boundaries of a~~  
22 ~~tribal reservation~~) and operated by an Indian health (~~program~~)  
23 service, Indian health service direct, tribal 638, or an urban Indian  
24 health program system of care, as those terms are defined in the  
25 Indian health care improvement act, Title 25 U.S.C. Sec. 1603(12),  
26 (25) and (29);

27 (ii) In accordance with the standards adopted by the certifying  
28 body in (a) of this subsection, including scope of practice,  
29 training, supervision, and continuing education;

30 (iii) Pursuant to any applicable written standing orders by a  
31 supervising dentist; and

32 (iv) On persons who are members of a federally recognized tribe  
33 or otherwise eligible for services under Indian health service  
34 criteria, pursuant to the Indian health care improvement act, Title  
35 25 U.S.C. Sec. 1601 et seq.

36 (2) The performance of dental health aide therapist services is  
37 authorized for a person when working within the scope, supervision,  
38 and direction of a dental health aide therapy training program that



1 is certified by an entity described in subsection (1) of this  
2 section.

3 (3) All services performed within the scope of subsection (1) or  
4 (2) of this section, including the employment or supervision of such  
5 services, are exempt from licensing requirements under chapters  
6 18.29, 18.32, 18.260, and 18.350 RCW.

7 NEW SECTION. **Sec. 22.** Sections 1 through 10 of this act  
8 constitute a new chapter in Title 18 RCW.

9 NEW SECTION. **Sec. 23.** The department of health and the dental  
10 quality assurance commission shall adopt any rules necessary to  
11 implement this act.

12 NEW SECTION. **Sec. 24.** Sections 1 through 21 of this act take  
13 effect July 1, 2021."

14 Correct the title.

EFFECT: Updates the effective date and underlying provisions of  
the bill to account for changes in statute made by legislation that  
passed in the previous session.

--- END ---