

WSR 23-19-091

PROPOSED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed September 20, 2023, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-04-096.

Title of Rule and Other Identifying Information: Dental provider health equity continuing education (CE) requirements. WAC 246-817-440 Dental continuing education requirements and 246-817-445 Dental anesthesia assistant continuing education requirements. The dental quality assurance commission (commission) is proposing an amendment of rule to establish health equity CE requirements to implement ESSB 5229.

Hearing Location(s): On October 27, 2023, at 10:00 a.m., at Labor and Industries, Room S117, 7273 Linderson Way S.W., Tumwater, WA 98501; or via webinar, registration [https://us02web.zoom.us/webinar/register/WN\\_Hno7Shc2TweFzTASAKLoEA](https://us02web.zoom.us/webinar/register/WN_Hno7Shc2TweFzTASAKLoEA).

Date of Intended Adoption: October 27, 2023.

Submit Written Comments to: Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by October 16, 2023.

Assistance for Persons with Disabilities: Contact Amber Freeberg, phone 360-236-4893, fax 360-236-2901, TTY 711, email [dental@doh.wa.gov](mailto:dental@doh.wa.gov), by October 16, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 43.70.613 (3)(b) directs the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directs the department of health (department) to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules adopted by the commission must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The commission is proposing an amendment to WAC 246-817-440 and 246-817-445 to implement ESSB 5229. The commission is proposing to adopt the health equity model rules, WAC 246-12-800 through 246-12-830, for dentists and dental anesthesia assistants to comply with RCW 43.70.613.

The proposed rule for dentists adds two hours of health equity education, as required in the model rules, to be completed as part of the current CE requirements every three years. The model rules require two hours every four years. The proposed rule does not change total dentist CE hours, but requires two hours in health equity CE every three years, which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for dentists.

The proposed rule for dental anesthesia assistants adopts the model health equity CE rules, requiring two hours in health equity CE every three years. In doing so, the commission is proposing to increase the total number of existing CE hours to include the health equity CE courses. The requirement for training every three years rather than four is consistent with the existing CE requirements.

Reasons Supporting Proposal: The goal of health equity CE is to equip health care workers with the skills to recognize and reduce

health inequities in their daily work. The content of health equity trainings includes implicit bias instruction to identify strategies to reduce bias during assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Two hours of training allows individuals to gain a foundation in health equity that can have an immediate positive impact on the professional's interaction with those receiving care. Health equity training enables health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity.

Statutory Authority for Adoption: RCW 18.32.002, 18.32.0365, 18.32.180, 18.350.030, 18.130.040, and 43.70.613.

Statute Being Implemented: RCW 43.70.613.

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.E., Tumwater, WA 98501, 360-236-2985.

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

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 711, email dental@doh.wa.gov.

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(4).

Scope of exemption for rule proposal:

Is fully exempt.

September 20, 2023

David L. Carsten, DDS, Chair  
Dental Quality Assurance Commission

## OTS-4884.2

AMENDATORY SECTION (Amending WSR 22-02-022, filed 12/28/21, effective 1/28/22)

**WAC 246-817-440 Dentist continuing education requirements.** The goal of continuing education is to encourage the lifetime professional development of the licensed dentist, and to enhance the clinical and overall skills needed to protect the health and safety of all patients.

(1) A licensed dentist shall complete a minimum of (~~sixty-three~~) 63 hours of continuing education every three years.

(a) The three-year continuing education reporting period for a dentist licensed in Washington before 2019 begins January 1, 2019, and verification of completion of continuing education hours will be due

on the dentist's annual license renewal date in 2022, and every three years thereafter. The three-year continuing education reporting period for a dentist initially licensed in Washington in 2019 or later begins upon date of licensure.

(b) A licensed dentist shall attest to the completion of (~~sixty-three~~) 63 hours of continuing education every three years as a part of their license renewal requirement.

(c) The dental quality assurance commission (commission) may randomly audit up to (~~twenty-five~~) 25 percent of licensed dentists every three years for compliance after the license is renewed as allowed by (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.

(d) A licensed dentist shall comply with the requirements of (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.

(e) The commission will not authorize or approve specific continuing education courses.

(2) A licensed dentist shall complete the commission approved dental jurisprudence examination once every three years. One hour of continuing education will be granted toward the (~~sixty-three~~) 63-hour requirement.

(3) A licensed dentist must complete a minimum of two hours of commission approved health equity training every three years. Two hours of continuing education will be granted towards the 63-hour requirement. An approved program providing health equity continuing education training must meet the requirements listed in WAC 246-12-830. For purposes of this rule, health equity has the same meaning as defined in WAC 246-12-810.

(4) Continuing education must contribute to the professional knowledge and development of the licensed dentist or enhance services provided to patients. Continuing education must be completed in one or more of the following subject categories:

(a) Education courses relating to the practice of dentistry;

(b) Emergency management, advanced cardiac life support (ACLS), and pediatric advanced life support (PALS);

(c) Health care provider basic life support (BLS). BLS certification is required in WAC 246-817-720. One hour of continuing education for each BLS certification course will be granted. A licensed dentist may not count more than three hours every three years in this category;

(d) Infection control, federal/state safety standards, and radiation protection;

(e) Pharmacology, prescribing practices, and pain management;

(f) Ethics;

(g) Patient care related education including risk management, methods of health delivery, multicultural, and suicide prevention education;

(h) Washington state dentistry law;

(i) Practice management and billing practices. A licensed dentist may not count more than (~~twenty-one~~) 21 hours every three years in this category.

(~~(4)~~) (5) Continuing education in subject categories identified in subsection (~~(3)~~) (4) of this section may be completed using any of the following activities or methods:

(a) Attendance at local, state, national, or international continuing education courses, live interactive webinars, dental study clubs, postdoctoral education, and dental residencies;

(b) Self-study by various means, relevant to dentistry, without an instructor physically present.

(i) Self-study can be continuing education provided online or through the mail provided by a continuing education provider. Thirty minutes will count for every one hour completed for this activity, except for live or recorded interactive webinars;

(ii) Self-study can be reading a book that contributes to the professional knowledge and development of the licensed dentist, or enhance services provided to patients. A two-page synopsis of what was learned written by the licensed dentist is required. Two hours of continuing education for each book and synopsis will be granted. A licensed dentist may not count more than six hours every three years for this activity.

(c) Teaching, presenting, or lecturing in a course, only if the presentation or lecture is created or authored by the dentist claiming the continuing education hours. A licensed dentist may not count more than ~~((twenty-one))~~ 21 hours every three years in this activity;

(d) Direct clinical supervision of dental students and dental residents. A licensed dentist may not count more than ~~((twenty-one))~~ 21 hours every three years in this activity;

(e) Publishing a paper in a peer review journal. A licensed dentist may count ~~((fifteen))~~ 15 hours the year the paper is published and may not count more than a total of ~~((thirty))~~ 30 hours every three years in this activity. A copy of the publication is required;

(f) Reading and critically evaluating any hypothesis-driven scientific journal article on a topic that has relevance to dentistry and is published in a peer-reviewed journal devoted to dentistry, medicine, or useful to dentistry. A licensed dentist may not count more than ~~((twenty-one))~~ 21 hours every three years.

(i) Before completing this activity, the licensed dentist must complete at least four hours of education in evidence-based dentistry or medicine that includes journal article evaluation. The four-hour education may count toward the required ~~((sixty-three))~~ 63-hour requirement. The four-hour education is a one-time requirement. A licensed dentist may not count more than four hours every three years.

(ii) A licensed dentist may count one hour for each article that the dentist completes a "Critical Evaluation of a Journal Article" questionnaire. The questionnaire may be obtained from the commission. The completed questionnaire is required;

(g) Volunteer dental patient care. A licensed dentist may not count more than ~~((twenty-one))~~ 21 hours every three years; and

(h) The commission will accept a current certification or recertification from any specialty board approved and recognized by the American Dental Association (ADA), the American Board of Dental Specialties (ABDS), or other specialty board certification or recertification approved by the commission as ~~((sixty-two))~~ 62 hours of continuing education. The commission will also accept the award of Fellow of the Academy of General Dentistry, Master of the Academy of General Dentistry, or the Lifelong Learning and Service Recognition Award as ~~((sixty-two))~~ 62 hours of continuing education. The certification, recertification, or award must be obtained in the three-year reporting period.

~~((+5))~~ (6) Proof of continuing education is a certificate of completion, letter, or other documentation verifying or confirming attendance or completion of continuing education hours. Documentation must be from the organization that provided the activity, except in subsection ~~((+4))~~ (5)(b)(ii), (e), and (f)(ii) of this section, and must contain at least the following:

(a) Date of attendance or completion;

- (b) Hours earned; and
- (c) Course title or subject.

[Statutory Authority: RCW 18.32.0357, 18.32.0365, and 18.32.180. WSR 22-02-022, § 246-817-440, filed 12/28/21, effective 1/28/22. Statutory Authority: RCW 18.32.002 and 18.32.0365. WSR 18-12-116, § 246-817-440, filed 6/6/18, effective 1/1/19. Statutory Authority: Chapter 18.350 RCW, RCW 18.32.0365, 18.32.640, 18.130.050(14), and 18.260.120. WSR 13-15-144, § 246-817-440, filed 7/23/13, effective 8/23/13. Statutory Authority: RCW 18.32.002 and 18.32.0365. WSR 06-07-036, § 246-817-440, filed 3/8/06, effective 4/8/06. Statutory Authority: RCW 18.32.0365. WSR 01-16-007, § 246-817-440, filed 7/19/01, effective 8/19/01.]

AMENDATORY SECTION (Amending WSR 13-15-144, filed 7/23/13, effective 8/23/13)

**WAC 246-817-445 Dental anesthesia assistant continuing education requirements.** (1) To renew a certification a certified dental anesthesia assistant must complete a minimum of (~~twelve~~) 14 hours of continuing education every three years and follow the requirements of (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.

(2) A certified dental anesthesia assistant must complete a minimum of two hours of approved health equity training every three years. Two hours of continuing education will be granted towards the 14-hour requirement. An approved program providing health equity continuing education training must meet the requirements listed in WAC 246-12-830. For purposes of this rule, health equity has the same meaning as defined in WAC 246-12-810.

(3) Continuing education must involve direct application of dental anesthesia assistant knowledge and skills in one or more of the following categories:

- (a) General anesthesia;
- (b) Moderate sedation;
- (c) Physical evaluation;
- (d) Medical emergencies;
- (e) Health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS);
- (f) Monitoring and use of monitoring equipment;
- (g) Pharmacology of drugs; and agents used in sedation and anesthesia.

(~~(3)~~) (4) Continuing education is defined as any of the following activities:

- (a) Attendance at local, state, national, or international continuing education courses;
- (b) Health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS), or emergency related classes;
- (c) Self-study through the use of multimedia devices or the study of books, research materials, or other publications.
  - (i) Multimedia devices. The required documentation for this activity is a letter or other documentation from the organization. A maximum of two hours is allowed per reporting period.
  - (ii) Books, research materials, or other publications. The required documentation for this activity is a two-page synopsis of what

was learned written by the credential holder. A maximum of two hours is allowed per reporting period.

(d) Distance learning. Distance learning includes, but is not limited to, correspondence course, webinar, print, audio/video broadcasting, audio/video teleconferencing, computer aided instruction, e-learning/on-line-learning, or computer broadcasting/webcasting. A maximum of four hours of distance learning is allowed per reporting period.

[Statutory Authority: Chapter 18.350 RCW, RCW 18.32.0365, 18.32.640, 18.130.050(14), and 18.260.120. WSR 13-15-144, § 246-817-445, filed 7/23/13, effective 8/23/13.]