

HOUSE BILL REPORT

SHB 1099

As Amended by the Senate

Title: An act relating to dental professionals.

Brief Description: Regulating certain dental professions.

Sponsors: By House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller).

Brief History:

Committee Activity:

Health Care & Wellness: 1/18/07, 1/25/07 [DPS];

Appropriations: 2/5/07, 2/6/07 [DPS(HCW)].

Floor Activity:

Passed House: 2/21/07, 96-0.

Senate Amended.

Passed Senate: 4/12/07, 44-0.

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Establishes dental assistants and expanded function dental auxiliaries as new health professions to be regulated by the Dental Quality Assurance Commission.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, Curtis, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

Staff: Chris Blake (786-7392).

HOUSE COMMITTEE ON APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Staff: Bernard Dean (786-7130).

Background:

Dentists may allow unlicensed individuals to perform certain dental care functions when supervised by a dentist. The Dental Quality Assurance Commission has adopted rules to define the scope of services that these unlicensed personnel may provide and the level of supervision necessary. The services they may provide under the close supervision of a dentist generally include performing oral inspections, providing patient education, conducting certain duties related to impressions, performing coronal polishing, placing temporary fillings, placing topical anesthetics, placing and exposing dental x-ray film, applying sealants, and assisting in the administration of nitrous oxide analgesia or sedation.

These unlicensed dental personnel may be trained through on the job experience or they may be trained through a dental assistant education program. Nationally, there are approximately 265 dental assisting training programs approved by the American Dental Association's Commission on Dental Accreditation. As of 2004, Washington had the second highest number of dental assistants per dentist in the nation.

Summary of Substitute Bill:

Dental assistants are defined as individuals who provide supportive services to dentists under the close supervision of a dentist. "Close supervision" requires that a supervising dentist be present at the treatment facility while procedures are being performed and able to respond to an emergency, however, it does not require the supervising dentist to be physically present in the operatory. Dental assistants may perform patient care and laboratory duties as defined by the Dental Quality Assurance Commission (Commission). A dental assistant must demonstrate to a dentist that he or she is capable of competently performing any assigned services.

Dental assistants are required to be registered by the Commission. The Commission shall issue a registration to any individual who submits an application and pays the appropriate fee. Expanded function dental auxiliaries are defined as individuals who provide supportive services to dentists under either close or general supervision of a dentist. "General supervision" requires that a supervising dentist have examined and diagnosed the patient, however, it does not require the dentist to be physically present in the treatment facility. In addition to the duties that a dental assistant may perform under close supervision, an expanded function dental auxiliary may perform certain procedures under general supervision, including performing coronal polishing, giving fluoride treatments, applying sealants, placing and

exposing x-ray film, and giving patient oral health instruction. In addition, an expanded function dental auxiliary may place and carve direct restorations and take final impressions under close supervision. An expanded function dental auxiliary must demonstrate to a dentist that he or she is capable of competently performing any assigned services.

Expanded function dental auxiliaries are required to be licensed by the Commission. The Commission shall issue a license to any individual who: (1) submits an application; (2) pays the appropriate fee; (3) completes a dental assisting education program; (4) completes an expanded function dental auxiliary education program; and (5) passes both a written and clinical examination.

A dental hygienist with a limited license who applies for a license to practice as an expanded function dental auxiliary shall be considered to have met the requirement to complete a dental assisting education program. A dental hygienist with a full license who applies for a license to practice as an expanded function dental auxiliary shall be considered to have met the requirements for a license upon completing training in taking final impressions. Upon obtaining a license to practice as an expanded function dental auxiliary, a dental hygienist may perform the additional duties provided by an expanded function dental auxiliary.

Supervising dentists are responsible for maintaining the appropriate level of supervision over dental assistants and expanded function dental auxiliaries and ensuring that those personnel are able to competently perform their tasks.

Two expanded function dental auxiliaries are added to the Commission.

By November 15, 2012, the Department of Health, in consultation with the Commission and the Dental Hygiene Examining Committee, shall review the effectiveness of the dental assistant and expanded function dental auxiliary professions as related to increasing professional standards, increasing efficiency in dental practices and community clinics, and promoting career ladders in the dental professions. In addition, the review shall make any recommendation for adjusting the practices of dental assistants and expanded function dental auxiliaries.

EFFECT OF SENATE AMENDMENT(S):

Specifies that the exemption from the dental regulations applies to licensed dental hygienists, osteopathic physicians, physicians, registered nurses, and advanced registered nurse practitioners while acting within the scope of practice of their licenses.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 16, relating to the Dental Quality Assurance Commission, which takes effect July 1, 2009.

Staff Summary of Public Testimony: (Health Care & Wellness)

(In support) Establishing these professions will expand the capacity of dentists in private practices and community clinics which will increase access to dental care. Public protections are enhanced by requiring regulation of these professionals and establishing standards. Dental offices will be able to see more patients and offer more routine services to children and adults. The Expanded Function Dental Auxiliary model already exists in 11 other states and is used by the United States military and many Indian health clinics. This bill creates a new career path for dental professionals. Expanded function dental auxiliaries will free up the time of dentists in community clinics and allow for them to practice more efficiently.

(Neutral) There should be education requirements for dental assistants in infection control and x-ray responsibilities. Dental hygienists who are trained to do restoratives should be used more broadly to provide that service.

(Opposed) None.

Staff Summary of Public Testimony: (Appropriations)

(In Support) This bill is the result of 15 years of work between dentists and dental assistants and is an attempt to meet a couple of objectives. First, the bill will help to increase the capacity of dental clinics by allowing dentists to delegate certain functions, and second, it addresses a concern that dental assistants are the last remaining health care profession that is not regulated.

This bill is another tool to expand dental access for children and adults. By freeing up the time for dentists to focus on more complex procedures, we can use the full spectrum of dental assistants in a much more efficient and wise way.

(Opposed) None.

Persons Testifying: (Health Care & Wellness) (In support) Linda Hull and Dr. Rhonda Savage, Washington State Dental Association; Dr. Chris Delecki, Odessa Brown Clinic; Karen Davidson, Jackie Kulbel, and Joan Martin, American Dental Assistant Association; and Sharon Case, Washington Association of Community and Migrant Health Services.

(Neutral) Melissa Johnson, Colleen Gaylord, and Mona Groesback, Washington State Dental Hygienists' Association.

Persons Testifying: Linda Hull, Washington State Dental Association and Washington State Dental Assistants' Association; and Sharon Case, Washington Association of Community and Migrant Health Centers.

Persons Signed In To Testify But Not Testifying: (Health Care & Wellness) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.