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**SENATE BILL 5159**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators McCoy, Frockt, Hasegawa, Fraser, Chase, and Keiser

AN ACT Relating to Indian tribes and dental health aide therapy services; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that American Indians and Alaska Natives have very limited access to health care services and are disproportionately affected by oral health disparities. These disparities are directly attributed to the lack of dental health professionals in Indian communities. This has caused a serious access issue and backlog of dental treatment among American Indians and Alaska Natives. The legislature also finds that tribal leaders face a significant challenge in recruiting dental health professionals to work in Indian communities that results in further challenges in ensuring oral health care for tribal members.

(2) The legislature finds further that there is a strong history of government-to-government efforts with tribes in Washington to improve oral health among tribal members and to reduce the disproportionate number of American Indians and Alaska Natives affected by oral disease. One of the goals in the 2010-2013 American Indian health care delivery plan developed jointly by the department of health and the American Indian health commission is to improve the oral health of tribal members and the ability of tribes to provide comprehensive dental services in their communities. A critical objective to achieving that goal is "to explore options for the use of trained/certified expanded function personnel in order to increase oral health care services in tribal communities."

(3) The legislature finds further that sovereign tribal governments are in the best position to determine which strategies can effectively extend the ability of dental health professionals to provide care for children and others at risk of oral disease and increase access to oral health care for tribal members. The legislature therefore intends to authorize dental health aide services, including those of dental health aide therapists, by Indian tribes, tribal organizations, and urban Indian organizations to promote increased dental care access for persons served in these practice settings in accord with the Indian health care improvement act (25 U.S.C. Sec. 1616l).

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

(1) A federally recognized Indian tribe, tribal organization, or urban Indian organization is authorized to train, employ, or contract with or for the services of a dental health aide, including a dental health aide therapist. Any dental health aide, including a dental health aide therapist, employed or contracted to perform services under this section must be certified by either a federal community health aide program certification board or an Indian tribe that has adopted equivalent or higher standards than those imposed by a federal community health aide program certification board regarding curriculum, training, scope of practice, continuing education, and supervision requirements. A federally recognized Indian tribe, tribal organization, or urban Indian organization is also authorized to supervise a dental health aide, including a dental health aide therapist, trained, employed, or contracted to perform services under this section.

(2) A dental health aide, including a dental health aide therapist, employed or contracted to perform services under this section may perform only those procedures permitted under standards adopted by a federal community health aide program certification board or an Indian tribe that has adopted equivalent or higher standards than those imposed by a federal community health aide program certification board regarding scope of practice, continuing education, and supervision requirements. A dental health aide, including a dental health aide therapist, is subject to any service limitations provided by the Indian health care improvement act (25 U.S.C. Sec. 1616l). A dental health aide, including a dental health aide therapist, is also subject to any applicable limitations written by the supervising dentist of the dental health aide in standing orders.

(3) A dental health aide, including a dental health aide therapist, employed or contracted to perform services under this section may do so only in practice settings operated by an Indian health program or an urban Indian organization.

(4) For purposes of this section, the terms "Indian tribe," "Indian health program," "tribal organization," and "urban Indian organization" shall have the meaning given them in the Indian health care improvement act (25 U.S.C. Sec. 1603).

NEW SECTION. **Sec.**  A new section is added to chapter 74.09 RCW to read as follows:

The health care authority is directed to coordinate with the centers for medicare and medicaid services to ensure the dental health aide services authorized in section 2 of this act are eligible for maximum federal funding of up to one hundred percent. It is the intent of the legislature to ensure dental health aide services, including those of dental health aide therapists, by Indian tribes, tribal organizations, and urban Indian organizations are eligible for medicaid funding to promote increased dental care access for persons served in these practice settings in accord with the Indian health care improvement act (25 U.S.C. Sec. 1616l).

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