

WSR 21-12-107

PERMANENT RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed June 2, 2021, 10:31 a.m., effective July 3, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-817-420 Specialty representation, the dental quality assurance commission (commission) adopted rule amendments to clarify dental specialty areas of practice and requirements for those who want to represent themselves as a specialist. The adopted rule offers two options to obtain recognized specialty designation and provides requirements for representation of themselves.

The commission received a petition for rule making in July 2017 requesting the commission recognize American Board of Dental Specialties (ABDS) boards/areas of practice specialty in WAC 246-817-420. The current rule lists American Dental Association recognized specialties only. The commission determined ABDS certifying criteria did not meet minimum education and training standards nationally recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards. Although the commission did not add ABDS to the proposed rule, the commission recognizes there are additional specialty areas in dentistry that could be considered. The adopted rule offers an additional method to obtain specialty training by completing a commission on dental accreditation advanced educational program or program of any other accreditors recognized by the United States Department of Education which is at least two years in length in a special interest area of dentistry not recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards.

To ensure proper representation, effective July 1, 2022, the adopted rule will also require a licensed dentist in a group practice that includes two or more dentists to identify themselves as a general dentist or a specialist. If the provider is a specialist, the adopted rule then requires the provider to include the area of their specialty. In addition, the adopted rule clarifies the licensed dentist must now provide qualifications of specialty to a patient if requested.

This adopted rule will provide the public with information to prevent fraud or deceiving advertisements related to the skills or method of practice of the dentist. Advertising of dental specialty provides the public with perception related to the education and skill of the dentist.

Citation of Rules Affected by this Order: Amending WAC 246-817-420.

Statutory Authority for Adoption: RCW 18.32.0365 and 18.32.665.

Other Authority: RCW 18.32.002.

Adopted under notice filed as WSR 21-06-105 on March 3, 2021.

A final cost-benefit analysis is available by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 711, email jennifer.santiago@doh.wa.gov, website www.doh.wa.gov/dental, dental@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: April 30, 2021.

Aaron Stevens, DMD, Chairperson
Dental Quality Assurance Commission

OTS-2147.4

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-420 Specialty representation. (~~((1) It shall be misleading, deceptive or improper conduct for a dentist to represent or imply that he/she is a specialist or use any of the terms to designate a dental specialty such as:~~

- ~~(a) Endodontist~~
- ~~(b) Oral or maxillofacial surgeon~~
- ~~(c) Oral pathologist~~
- ~~(d) Orthodontist~~
- ~~(e) Pediatric dentist~~
- ~~(f) Periodontist~~
- ~~(g) Prosthodontist~~
- ~~(h) Public health~~

~~or any derivation of these specialties unless he/she is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association, or such guidelines or requirements as subsequently amended and approved by the DQAC, or other such organization recognized by the DQAC.~~

~~(2) A dentist not currently entitled to such specialty designation shall not represent that his/her practice is limited to providing services in a specialty area without clearly disclosing in the representation that he/she is a general dentist. A specialist who represents services in areas other than his/her specialty is considered a general dentist.)~~ In order to protect the public from inherently misleading claims of specialty expertise by dentists who are not adequately trained and experienced, a licensed dentist must comply with the requirements in this section to avoid deception of the public with accurate advertising and representation.

(1) A licensed dentist has the legal authority to practice in all areas of dentistry as defined in RCW 18.32.020 and also the authority to confine their practice in areas within the scope of their education, training, and experience and in accordance with chapters 18.32 RCW and 246-817 WAC.

(2) A licensed dentist may advertise or represent themselves as a specialist if the dentist meets the standards listed in subsection (4) of this section.

(3) A licensed dentist who does not meet the standards listed in subsection (4) of this section is considered a general dentist. A general dentist is permitted to render specialty services but shall not advertise or represent themselves as a specialist in the areas listed in subsection (4) of this section.

(4) A licensed dentist must comply with one of the following requirements before advertising or representing themselves as a specialist in Washington:

(a) Successfully complete a Commission on Dental Accreditation postdoctoral education program at least two years in length, and is recognized by the National Commission on Recognition of Dental Specialties and Certifying Boards in one of the following specialty areas:

- (i) Dental anesthesiology;
- (ii) Dental public health;
- (iii) Endodontics;
- (iv) Oral and maxillofacial pathology;
- (v) Oral and maxillofacial radiology;
- (vi) Oral and maxillofacial surgery;
- (vii) Oral medicine;
- (viii) Orofacial pain;
- (ix) Orthodontics and dentofacial orthopedics;
- (x) Pediatric dentistry;
- (xi) Periodontics; or
- (xii) Prosthodontics.

(b) Successfully complete a Commission on Dental Accreditation advanced educational program or program of any other accreditors recognized by the United States Department of Education which is at least two years in length in a special interest area of dentistry not listed in (a) of this subsection.

(5) It is misleading, deceptive, or unprofessional conduct for a licensed dentist to advertise or represent themselves by adopting or using any title to the public as a dental specialist, expert, board certified, or diplomate practicing in an area when they have not successfully completed the requirements specified for the dental specialty listed in subsection (4) of this section.

(a) Effective July 1, 2022, a licensed dentist in a group practice that includes two or more dentists must be identified as a general dentist or a specialist as listed in subsection (4) of this section.

(b) A licensed dentist in a group practice who meets the standards listed in subsection (4) of this section shall include the area of their specialty.

(c) Qualifications of any licensed dentist must be made available to the public upon request.

[Statutory Authority: RCW 18.32.035. WSR 95-21-041, § 246-817-420, filed 10/10/95, effective 11/10/95.]