

WSR 21-18-005

PROPOSED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed August 18, 2021, 3:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-020.

Title of Rule and Other Identifying Information: WAC 246-817-581 Novel coronavirus disease 2019 vaccination. The dental quality assurance commission (commission) is proposing to adopt a new rule to allow dentists to delegate administration of novel coronavirus disease 2019 (COVID-19) vaccination to licensed dental hygienists with close supervision and demonstration of competency.

Hearing Location(s): On October 22, 2021, at 8:35 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the dental quality assurance commission will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without physical meeting space, will be held instead. To access the meeting: Please join the meeting from your computer, tablet, or smartphone. Please register for the dental quality assurance commission meeting to be held on October 22, 2021, at 8:30 a.m. PDT at <https://attendee.gotowebinar.com/register/5843394544406820366>.

Date of Intended Adoption: October 22, 2021.

Submit Written Comments to: Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, dental@doh.wa.gov, by October 11, 2021.

Assistance for Persons with Disabilities: Contact Jennifer Santiago, phone 360-236-4893, fax 360-236-2901, TTY 711, email [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov), dental@doh.wa.gov, by October 11, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission-proposed rule allows dentists to delegate administration of COVID-19 vaccination to licensed dental hygienists with close supervision and demonstration of competency. The proposed rule also provides for acceptance of approved vaccination protocols and screening to meet the dentist's requirement to diagnose and authorize treatment.

Reasons Supporting Proposal: In response to the COVID-19 pandemic, dentists are among the essential health providers who can safely administer vaccinations and help address this public health emergency. Mass vaccination across the state has taken cooperation and coordination across the entire health system. Dentists and delegated dental hygienists can increase capacity for priority populations who may not otherwise be connected to the traditional health care system and will establish additional avenues and opportunities for future need. Permanent rule making allows dentists to continue delegating COVID-19 vaccinations to dental hygienists after the governor ends the state of emergency. Vaccinations and potential booster vaccinations will be necessary to prevent another outbreak. Efforts to prevent another outbreak, including increased health care worker capacity and vaccination availability in new settings, need to continue to preserve public health, safety, and the general welfare of patients and dental staff.

The commission filed emergency rule making as WSR 21-06-012 on February 19, 2021, and extended emergency rule making as WSR 21-13-091 on June 18, 2021, for COVID-19 vaccination delegation. The commission

intends for the emergency rule to be in place until the permanent rule is adopted.

Statutory Authority for Adoption: RCW 18.29.050 and 18.32.0365.

Statute Being Implemented: RCW 18.32.002.

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: Jennifer Santiago, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4893.

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 Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 711, email jennifer.santiago@doh.wa.gov, dental@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. A small business economic impact statement was not prepared. A significant cost analysis has been completed. The proposed rule does not impose costs to businesses or to licensed dentists or licensed dental hygienists. Licensed dentists are not required to vaccinate or delegate to dental hygienists COVID-19 vaccinations. Dental hygienists are not required to perform administration of COVID-19 vaccinations.

August 18, 2021

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

#### **OTS-2845.4**

#### NEW SECTION

##### **WAC 246-817-581 Novel coronavirus disease 2019 vaccination. (1)**

A supervising dentist may delegate the administration of a vaccination of novel coronavirus disease 2019 to a licensed dental hygienist under the dentist's close supervision, provided the licensed dental hygienist has demonstrated skills necessary to perform the task competently.

(2) For the purpose of administering vaccination for the novel coronavirus disease 2019, a dentist's approval of the vaccination protocol and screening meets the dentist's requirement to diagnose the condition to be treated and personal authorization of the procedure as required by close supervision under WAC 246-817-510(1).

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