

WSR 21-18-074

PROPOSED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed August 26, 2021, 7:17 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 246-817-230 Dentist retired active status. The dental quality assurance commission (commission) is proposing amendments to WAC 246-817-230 to incorporate dental continuing education requirements from WAC 246-817-440 and to update the reference to chapter 246-12 WAC, Part 5 to specific required rules.

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 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. Please join meeting from your computer, tablet, or smartphone. Please register for commission meeting October 22, 2021, 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](mailto: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](mailto:dental@doh.wa.gov), by October 11, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission is proposing amendments to update requirements in WAC 246-817-230 Dentist retired active status, to align with WAC 246-817-440 Dentist continuing education requirements. Proposed changes include updating continuing education hours from 21 hours annually to 63 hours every three years as currently required in WAC 246-817-440. Additional proposed amendments include replacing reference to chapter 246-12 WAC, Part 5 with the specific references to WAC 246-12-120, 246-12-130, and 246-12-140, excluding WAC 246-12-120 (2)(c) and (d).

Reasons Supporting Proposal: In 2019, the commission changed continuing education hours listed in WAC 246-817-440 from 21 continuing education hours annually to 63 continuing education hours every three years. WAC 246-817-230 currently requires compliance with WAC 246-817-440 but references 21 continuing education hours annually. Amendments are necessary to correctly reference the 63 continuing education hours every three years and align requirements for dentists with active licenses. Additionally, the commission is proposing amendments to more accurately reference WAC 246-12-120, 246-12-130, and 246-12-140, excluding WAC 246-12-120 (2)(c) and (d) instead of the reference to chapter 246-12 WAC, Part 5. Anticipated future changes to chapter 246-12 WAC will change the subtitles (i.e. Part 5) in the chapter. It is necessary to accurately reflect the subsections that must be complied with.

Statutory Authority for Adoption: RCW 18.32.0365, 18.32.0357, and 18.130.250.

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 not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

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(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed rule is exempt under RCW 34.05.310 (4)(c) and (d) because the dentist continuing education rule was amended in 2019 to 63 hours of continuing education every three years. The proposed amendment incorporates this change into this rule. Proposed amendments also incorporate correct references to chapter 246-12 WAC.

August 26, 2021

David Carsten, DDS, Chairperson  
Dental Quality Assurance Commission

## OTS-3243.1

AMENDATORY SECTION (Amending WSR 15-12-092, filed 6/2/15, effective 7/3/15)

**WAC 246-817-230 Dentist retired active status.** (1) To obtain a retired active status license, a licensed dentist must comply with ~~((chapter 246-12 WAC, Part 5))~~ WAC 246-12-120, 246-12-130, and 246-12-140, excluding WAC 246-12-120 (2)(c) and (d).

(2) A licensed dentist with a retired active status license may practice under the following conditions:

- (a) In emergent circumstances calling for immediate action; or
- (b) In intermittent circumstances on a nonpermanent basis.

(3) A licensed dentist with a retired active license may not receive compensation for dental services.

(4) A licensed dentist with a retired active status license must renew every year on or before the practitioner's birthday according to WAC 246-12-130 and 246-817-990 and must complete (~~twenty-one~~) sixty-three hours of continuing education as required in WAC 246-817-440 every three years (~~with renewal~~).

[Statutory Authority: RCW 18.32.065 and 18.130.250. WSR 15-12-092, § 246-817-230, filed 6/2/15, effective 7/3/15.]