

WSR 22-02-023

PERMANENT RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed December 28, 2021, 9:15 a.m., effective January 28, 2022]

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

Purpose: WAC 246-817-230 Dental retired active. The dental quality assurance commission (commission) adopted amendments to WAC 246-817-230 to incorporate requirements from WAC 246-817-440 Dentist continuing education, and to update reference of chapter 246-12 WAC, Part 5, to specific WAC citations.

In 2019, WAC 246-817-440 was changed from 21 continuing education hours annually to 63 continuing education hours every three years. WAC 246-817-230 currently references 21 continuing education hours annually. The adopted amendment is necessary to meet current standard of 63 continuing education hours every three years. Additionally, the adopted amendment is necessary to list specific rules rather than general reference of chapter 246-12 WAC, Part 5.

The commission is mandated under RCW 18.32.002 to regulate the competency and quality of professional health care providers, including but not limited to continuing education. RCW 18.32.0357 authorizes the commission to establish continuing dental education requirements. RCW 18.130.250 allows the commission to set continuing education requirements for renewal. Amending WAC 246-817-230 to incorporate reference of WAC 246-817-440 is the best approach to ensure dentists with retired active status have clear continuing education requirements. RCW 18.32.002 states in relevant part, "The legislature further finds that requiring continuing dental education for all licensed dentists in the state is an important component of providing high quality dentistry for the people of this state."

Citation of Rules Affected by this Order: Amending WAC 246-817-230.

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

Other Authority: RCW 18.32.002.

Adopted under notice filed as WSR 21-18-074 on August 26, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, 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: October 22, 2021.

David L. 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.]