

WSR 23-22-030  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)  
[Filed October 23, 2023, 8:31 a.m.]

Subject of Possible Rule Making: Adding facility types to the list of opioid prescribing exclusions for dentists. The dental quality assurance commission (commission) is considering adding residential habilitation centers, nursing homes, and long-term hospitals to the list of opioid prescribing exclusions in WAC 246-817-905 Exclusions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.32.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On March 1, 2022, the commission received a rule-making petition requesting adding residential habilitation centers (RHC) to the list of exclusions for the opioid prescribing rules. The Washington medical commission received a similar petition and recently completed rule amendments to exempt patients in RHCs, nursing homes, and long-term hospitals to allow physicians and physician assistants in these facilities to continue a patient's pain medications without having to perform a history and physical or wait for the history and physical to be completed on the patient. The commission is considering adding similar rule language to the exclusions section of the opioid prescribing provisions for dentists to encourage cross-profession cohesion and improve patient safety.

The commission previously filed a CR-101 as WSR 22-20-011 to consider this issue relating to residential habilitation centers only. The commission has withdrawn and is replacing the previous one with this new CR-101 to include exclusions for nursing homes and long-term care hospitals in addition to residential habilitation centers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 771 [711], email dental@doh.wa.gov, website doh.wa.gov/dental.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the button titled "Sign up for Updates From DOH" at the bottom of the page. After signing in, select "Health Systems Quality Assurance," "Health Professions," and "Dental." You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

October 23, 2023  
David L. Carsten, DDS, Chair  
Dental Quality Assurance Commission