

WSR 25-05-022

PROPOSED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed February 10, 2025, 8:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-16-138.

Title of Rule and Other Identifying Information: Dental assistant registration; adding minimum age requirements. The dental quality assurance commission (commission) is proposing amending WAC 246-187-190 to include a minimum age requirement for dental assistant registration.

Hearing Location(s): On April 25, 2025, at 10:00 a.m., at the Washington State Department of Health, TC2 Room 166, 111 Israel Road S.E., Tumwater, WA 98501; or via Zoom. Please follow this link to register for the virtual hearing, which will give you instructions to either join the meeting on a device or to call in to the meeting on the phone, https://us02web.zoom.us/webinar/register/WN_Bp7HbhbsRZOWffQyZ6rW-A. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: April 25, 2025.

Submit Written Comments to: Debbie Gardner, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, <https://fortress.wa.gov/doh/policyreview>, beginning the date and time of this filing, by April 15, 2025, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Debbie Gardner, program manager, phone 360-236-4893, TTY 711, email dental@doh.wa.gov, by April 15, 2025, at 11:59 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission is proposing amending WAC 246-817-190 to include a minimum age requirement for dental assistant registration by citing WAC 246-125-030.

The commission has been receiving an increased number of minors applying for dental assistant registration. Applicants as young as age 12 have applied for dental assistant registration. Each of these applications must be reviewed on an individual basis by the commission, which increases the workload for commission panel reviews. Establishing a minimum age requirement would allow the commission to focus their time on other tasks.

Dental assistant positions are often in areas where there is a risk of exposure to bloodborne pathogens. Aligning this rule with the department of labor and industries (L&I) WAC 296-125-030 Prohibited and hazardous employment—All minors, allows the commission to enforce prohibiting minors from working in environments where there is the potential for exposure to bloodborne pathogens, unless the minor is a student in a bona fide health care career training or vocational education program. A minor is defined by L&I in WAC 296-125-015 as a person under the age of 18.

Reasons Supporting Proposal: Rule making is necessary to set clear expectations for dental assistant registration applicants and to comply with the rules and statutes regulated by L&I. The proposed rule amendments meet the intent of the underlying statutes by establishing clear and consistent licensure requirements for dental assistant registration in WAC 246-817-190.

Statutory Authority for Adoption: RCW 18.32.002, 18.32.0365, and 18.260.040.

Statute Being Implemented: RCW 18.32.0365 and 18.260.020.

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: Debbie Gardner, 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. This rule is exempt under RCW 34.05.328 (5)(b)(iii). The proposed rule references the rules of another Washington state agency, L&I, WAC 296-125-030 Prohibited and hazardous employment—All minors.

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.

Explanation of exemptions: This rule only applies to individual professional licenses and not businesses.

Scope of exemption for rule proposal:

Is fully exempt.

February 7, 2025

Bryan Swanson, DDS, Chair
Dental Quality Assurance Commission

OTS-5918.2

AMENDATORY SECTION (Amending WSR 21-01-215, filed 12/23/20, effective 1/23/21)

WAC 246-817-190 Dental assistant registration. To be eligible for registration as a dental assistant (~~((you must))~~) the applicant shall:

- (1) Provide to the department a completed application on forms provided by the (~~((secretary))~~) department;
- (2) Pay applicable fees as defined in WAC 246-817-99005; (~~((and))~~)
- (3) Provide to the department any other information determined by the (~~((secretary))~~) department; and
- (4) Meet the age requirements of WAC 296-125-030.