
HOUSE BILL 1099

State of Washington 60th Legislature 2007 Regular Session

By Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller

Read first time 01/10/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to dental professionals; amending RCW 18.32.030,
2 18.32.0351, and 18.130.040; adding a new section to chapter 18.29 RCW;
3 adding a new chapter to Title 18 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Close supervision" means that a supervising dentist whose
8 patient is being treated has personally diagnosed the condition to be
9 treated and has personally authorized the procedures to be performed.
10 The supervising dentist is continuously on-site and physically present
11 in the treatment facility while the procedures are performed by the
12 assistive personnel and capable of responding immediately in the event
13 of an emergency. The term does not require a supervising dentist to be
14 physically present in the operatory.

15 (2) "Commission" means the Washington state dental quality
16 assurance commission created in chapter 18.32 RCW.

17 (3) "Dental assistant" means a person who is registered by the
18 secretary to provide supportive services to a licensed dentist to the

1 extent provided in this chapter and under the close supervision of a
2 dentist.

3 (4) "Dentist" means an individual who holds a license to practice
4 dentistry under chapter 18.32 RCW.

5 (5) "Department" means the department of health.

6 (6) "Expanded function dental auxiliary" means a person who is
7 licensed by the secretary to provide supportive services to a licensed
8 dentist to the extent provided in this chapter and under the specified
9 level of supervision of a dentist.

10 (7) "General supervision" means that a supervising dentist has
11 examined and diagnosed the patient and provided subsequent instructions
12 to be performed by the assistive personnel, but does not require that
13 the dentist be physically present in the treatment facility.

14 (8) "Secretary" means the secretary of health.

15 (9) "Supervising dentist" means a dentist licensed under chapter
16 18.32 RCW that is responsible for providing the appropriate level of
17 supervision for dental assistants and expanded function dental
18 auxiliaries.

19 NEW SECTION. **Sec. 2.** (1) No person may practice or represent
20 himself or herself as a registered dental assistant by use of any title
21 or description without being registered by the commission as having met
22 the standards established for registration under this chapter unless he
23 or she is exempt under section 11 of this act.

24 (2) No person may practice or represent himself or herself as a
25 licensed expanded function dental auxiliary by use of any title or
26 description without being licensed by the commission under this chapter
27 unless he or she is exempt under section 11 of this act.

28 NEW SECTION. **Sec. 3.** The commission shall issue a registration to
29 practice as a dental assistant to any applicant who pays any applicable
30 fees, as established by the secretary in accordance with RCW 43.70.110
31 and 43.70.250, and submits, on forms provided by the secretary, the
32 applicant's name, address, and other information as determined by the
33 secretary.

34 NEW SECTION. **Sec. 4.** (1) The commission shall issue a license to
35 practice as an expanded function dental auxiliary to any applicant who:

1 (a) Pays any applicable fees as established by the secretary in
2 accordance with RCW 43.70.110 and 43.70.250;

3 (b) Submits, on forms provided by the secretary, the applicant's
4 name, address, and other applicable information as determined by the
5 secretary; and

6 (c) Demonstrates that the following requirements have been met:

7 (i) Successful completion of a dental assisting education program
8 approved by the commission. The program may be an approved on-line
9 education program;

10 (ii) Successful completion of an expanded function dental auxiliary
11 education program approved by the commission; and

12 (iii) Successful passage of both a written examination and a
13 clinical examination approved by the commission.

14 (2) An applicant that holds a current license to practice dental
15 hygiene under chapter 18.29 RCW is considered to have met the dental
16 assisting education program requirements of subsection (1)(c)(i) of
17 this section.

18 NEW SECTION. **Sec. 5.** (1) The commission shall adopt rules
19 relating to the scope of dental assisting services related to patient
20 care and laboratory duties that may be performed by dental assistants.
21 All dental services performed by dental assistants must be performed
22 under the close supervision of a supervising dentist as the dentist may
23 allow.

24 (2) In addition to any other limitations established by the
25 commission, dental assistants may not perform the following procedures:

26 (a) Any scaling procedure;

27 (b) Any oral prophylaxis, except coronal polishing;

28 (c) Administration of any general or local anesthetic;

29 (d) Any removal of or addition to the hard or soft tissue of the
30 oral cavity;

31 (e) Any diagnosis of or prescription for treatment of disease,
32 pain, deformity, deficiency, injury, or physical condition of the human
33 teeth, jaw, or adjacent structures; and

34 (f) The taking of any impressions of the teeth or jaw or the
35 relationships of the teeth or jaws, for the purpose of fabricating any
36 intra-oral restoration, appliance, or prosthesis.

1 (3) A dentist may not assign a dental assistant to perform duties
2 until the dental assistant has demonstrated skills necessary to perform
3 competently all assigned duties and responsibilities.

4 NEW SECTION. **Sec. 6.** (1) The commission shall adopt rules
5 relating to the scope of expanded function dental auxiliary services
6 related to patient care and laboratory duties that may be performed by
7 expanded function dental auxiliaries.

8 (2) The scope of expanded function dental auxiliary services that
9 the commission identifies in subsection (1) of this section includes:

10 (a) In addition to the dental assisting services that a dental
11 assistant may perform under the close supervision of a supervising
12 dentist, the performance of the following services under the general
13 supervision of a supervising dentist as the dentist may allow:

14 (i) Performing coronal polishing;

15 (ii) Giving fluoride treatments;

16 (iii) Applying sealants;

17 (iv) Placing dental x-ray film and exposing and developing the
18 films;

19 (v) Giving patient oral health instruction; and

20 (b) Notwithstanding any prohibitions in section 5 of this act, the
21 performance of the following services under the close supervision of a
22 supervising dentist as the dentist may allow:

23 (i) Placing and carving direct restorations; and

24 (ii) Taking final impressions.

25 (3) A dentist may not assign an expanded function dental auxiliary
26 to perform services until the expanded function dental auxiliary has
27 demonstrated skills necessary to perform competently all assigned
28 duties and responsibilities.

29 NEW SECTION. **Sec. 7.** A supervising dentist is responsible for:

30 (1) Maintaining the appropriate level of supervision for dental
31 assistants and expanded function dental auxiliaries; and

32 (2) Ensuring that the dental assistants and expanded function
33 dental auxiliaries that the dentist supervises are able to competently
34 perform the tasks that they are assigned.

1 NEW SECTION. **Sec. 8.** The commission shall issue an initial
2 credential or renewal credential to an applicant who has met the
3 requirements for a credential or deny an initial credential or renewal
4 credential based upon failure to meet the requirements for a credential
5 or unprofessional conduct or impairment governed by chapter 18.130 RCW.

6 NEW SECTION. **Sec. 9.** An applicant holding a license in another
7 state may be licensed as an expanded function dental auxiliary in this
8 state without examination if the commission determines that the other
9 state's licensing standards are substantially equivalent to the
10 standards in this state.

11 NEW SECTION. **Sec. 10.** (1) The commission may approve a written
12 examination prepared or administered by a private testing agency or
13 association of licensing agencies for use by an applicant in meeting
14 the licensing requirements under section 4 of this act. The
15 requirement that the examination be written does not exclude the use of
16 computerized test administration.

17 (2) The commission, upon consultation with the dental hygiene
18 examining committee, may approve a clinical examination prepared or
19 administered by a private testing agency or association of licensing
20 agencies for use by an applicant in meeting the licensing requirements
21 under section 4 of this act.

22 NEW SECTION. **Sec. 11.** Nothing in this chapter may be construed to
23 prohibit or restrict:

24 (1) The practice of a dental assistant in the discharge of official
25 duties by dental assistants in the United States federal services on
26 federal reservations, including but not limited to the armed services,
27 coast guard, public health service, veterans' bureau, or bureau of
28 Indian affairs; or

29 (2) Expanded function dental auxiliary education and training
30 programs approved by the commission and the practice as an expanded
31 function dental auxiliary by students in expanded function dental
32 auxiliary education and training programs approved by the commission,
33 when acting under the direction and supervision of persons licensed
34 under chapter 18.29 or 18.32 RCW.

1 NEW SECTION. **Sec. 12.** The commission may adopt rules under
2 chapter 34.05 RCW as required to implement this chapter.

3 NEW SECTION. **Sec. 13.** Chapter 18.130 RCW governs unregistered or
4 unlicensed practice, the issuance and denial of credentials, and the
5 discipline of those credentialed under this chapter. The commission is
6 the disciplining authority under this chapter.

7 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.29 RCW
8 to read as follows:

9 A person who holds a license under this chapter and who has met the
10 requirements under section 4 of this act and has been issued a license
11 to practice as an expanded function dental auxiliary may perform those
12 expanded function dental auxiliary services identified in section 6 of
13 this act under the specified supervision of a supervising dentist.

14 **Sec. 15.** RCW 18.32.030 and 2003 c 282 s 1 are each amended to read
15 as follows:

16 The following practices, acts, and operations are excepted from the
17 operation of the provisions of this chapter:

18 (1) The rendering of dental relief in emergency cases in the
19 practice of his or her profession by a physician or surgeon, licensed
20 as such and registered under the laws of this state, unless the
21 physician or surgeon undertakes to or does reproduce lost parts of the
22 human teeth in the mouth or to restore or to replace in the human mouth
23 lost or missing teeth;

24 (2) The practice of dentistry in the discharge of official duties
25 by dentists in the United States federal services on federal
26 reservations, including but not limited to the armed services, coast
27 guard, public health service, veterans' bureau, or bureau of Indian
28 affairs;

29 (3) Dental schools or colleges approved under RCW 18.32.040, and
30 the practice of dentistry by students in accredited dental schools or
31 colleges approved by the commission, when acting under the direction
32 and supervision of Washington state-licensed dental school faculty;

33 (4) The practice of dentistry by licensed dentists of other states
34 or countries while appearing as clinicians at meetings of the

1 Washington state dental association, or component parts thereof, or at
2 meetings sanctioned by them, or other groups approved by the
3 commission;

4 (5) The use of roentgen and other rays for making radiographs or
5 similar records of dental or oral tissues, under the supervision of a
6 licensed dentist or physician;

7 (6) The making, repairing, altering, or supplying of artificial
8 restorations, substitutions, appliances, or materials for the
9 correction of disease, loss, deformity, malposition, dislocation,
10 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
11 associated tissues or parts; providing the same are made, repaired,
12 altered, or supplied pursuant to the written instructions and order of
13 a licensed dentist which may be accompanied by casts, models, or
14 impressions furnished by the dentist, and the prescriptions shall be
15 retained and filed for a period of not less than three years and shall
16 be available to and subject to the examination of the secretary or the
17 secretary's authorized representatives;

18 (7) The removal of deposits and stains from the surfaces of the
19 teeth, the application of topical preventative or prophylactic agents,
20 and the polishing and smoothing of restorations, when performed or
21 prescribed by a dental hygienist licensed under the laws of this state;

22 (8) A qualified and licensed physician and surgeon or osteopathic
23 physician and surgeon extracting teeth or performing oral surgery
24 pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

25 (9) The performing of dental operations or services by (~~persons~~
26 ~~not licensed under this chapter~~) registered dental assistants and
27 licensed expanded function dental auxiliaries holding a credential
28 issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this
29 act) when performed under the supervision of a licensed dentist:
30 PROVIDED HOWEVER, That such (~~nonlicensed~~) a credentialed person shall
31 in no event perform the following dental operations or services unless
32 permitted to be performed by the person under this chapter or chapters
33 18.29, 18.57, 18.71, (~~and~~) 18.79, and 18.-- (sections 1 through 13
34 and 18 of this act) RCW as it applies to registered nurses and advanced
35 registered nurse practitioners:

36 (a) Any removal of or addition to the hard or soft tissue of the
37 oral cavity;

1 (b) Any diagnosis of or prescription for treatment of disease,
2 pain, deformity, deficiency, injury, or physical condition of the human
3 teeth or jaws, or adjacent structure;

4 (c) Any administration of general or injected local anaesthetic of
5 any nature in connection with a dental operation, including intravenous
6 sedation;

7 (d) Any oral prophylaxis;

8 (e) The taking of any impressions of the teeth or jaw or the
9 relationships of the teeth or jaws, for the purpose of fabricating any
10 intra-oral restoration, appliance, or prosthesis.

11 **Sec. 16.** RCW 18.32.0351 and 1994 sp.s. c 9 s 204 are each amended
12 to read as follows:

13 The Washington state dental quality assurance commission is
14 established, consisting of (~~fourteen~~) sixteen members each appointed
15 by the governor to a four-year term. No member may serve more than two
16 consecutive full terms. In appointing the initial members of the
17 commission, it is the intent of the legislature that, to the extent
18 possible, members of the previous boards and committees regulating
19 these professions be appointed to the commission. Members of the
20 commission hold office until their successors are appointed. The
21 governor may appoint members of the initial commission to staggered
22 terms of from one to four years. Thereafter, all members shall be
23 appointed to full four-year terms. Twelve members of the commission
24 must be dentists, two members must be expanded function dental
25 auxiliaries licensed under chapter 18.-- RCW (sections 1 through 13 and
26 18 of this act), and two members must be public members.

27 **Sec. 17.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
28 as follows:

29 (1) This chapter applies only to the secretary and the boards and
30 commissions having jurisdiction in relation to the professions licensed
31 under the chapters specified in this section. This chapter does not
32 apply to any business or profession not licensed under the chapters
33 specified in this section.

34 (2)(a) The secretary has authority under this chapter in relation
35 to the following professions:

1 (i) Dispensing opticians licensed and designated apprentices under
2 chapter 18.34 RCW;
3 (ii) Naturopaths licensed under chapter 18.36A RCW;
4 (iii) Midwives licensed under chapter 18.50 RCW;
5 (iv) Ocularists licensed under chapter 18.55 RCW;
6 (v) Massage operators and businesses licensed under chapter 18.108
7 RCW;
8 (vi) Dental hygienists licensed under chapter 18.29 RCW;
9 (vii) Acupuncturists licensed under chapter 18.06 RCW;
10 (viii) Radiologic technologists certified and X-ray technicians
11 registered under chapter 18.84 RCW;
12 (ix) Respiratory care practitioners licensed under chapter 18.89
13 RCW;
14 (x) Persons registered under chapter 18.19 RCW;
15 (xi) Persons licensed as mental health counselors, marriage and
16 family therapists, and social workers under chapter 18.225 RCW;
17 (xii) Persons registered as nursing pool operators under chapter
18 18.52C RCW;
19 (xiii) Nursing assistants registered or certified under chapter
20 18.88A RCW;
21 (xiv) Health care assistants certified under chapter 18.135 RCW;
22 (xv) Dietitians and nutritionists certified under chapter 18.138
23 RCW;
24 (xvi) Chemical dependency professionals certified under chapter
25 18.205 RCW;
26 (xvii) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;
28 (xviii) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;
30 (xix) Denturists licensed under chapter 18.30 RCW;
31 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
32 (xxi) Surgical technologists registered under chapter 18.215 RCW;
33 and
34 (xxii) Recreational therapists.
35 (b) The boards and commissions having authority under this chapter
36 are as follows:
37 (i) The podiatric medical board as established in chapter 18.22
38 RCW;

- 1 (ii) The chiropractic quality assurance commission as established
2 in chapter 18.25 RCW;
- 3 (iii) The dental quality assurance commission as established in
4 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
5 licenses and registrations issued under chapter 18.-- RCW (sections 1
6 through 13 and 18 of this act);
- 7 (iv) The board of hearing and speech as established in chapter
8 18.35 RCW;
- 9 (v) The board of examiners for nursing home administrators as
10 established in chapter 18.52 RCW;
- 11 (vi) The optometry board as established in chapter 18.54 RCW
12 governing licenses issued under chapter 18.53 RCW;
- 13 (vii) The board of osteopathic medicine and surgery as established
14 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
15 18.57A RCW;
- 16 (viii) The board of pharmacy as established in chapter 18.64 RCW
17 governing licenses issued under chapters 18.64 and 18.64A RCW;
- 18 (ix) The medical quality assurance commission as established in
19 chapter 18.71 RCW governing licenses and registrations issued under
20 chapters 18.71 and 18.71A RCW;
- 21 (x) The board of physical therapy as established in chapter 18.74
22 RCW;
- 23 (xi) The board of occupational therapy practice as established in
24 chapter 18.59 RCW;
- 25 (xii) The nursing care quality assurance commission as established
26 in chapter 18.79 RCW governing licenses and registrations issued under
27 that chapter;
- 28 (xiii) The examining board of psychology and its disciplinary
29 committee as established in chapter 18.83 RCW; and
- 30 (xiv) The veterinary board of governors as established in chapter
31 18.92 RCW.
- 32 (3) In addition to the authority to discipline license holders, the
33 disciplining authority has the authority to grant or deny licenses
34 based on the conditions and criteria established in this chapter and
35 the chapters specified in subsection (2) of this section. This chapter
36 also governs any investigation, hearing, or proceeding relating to
37 denial of licensure or issuance of a license conditioned on the

1 applicant's compliance with an order entered pursuant to RCW 18.130.160
2 by the disciplining authority.

3 (4) All disciplining authorities shall adopt procedures to ensure
4 substantially consistent application of this chapter, the Uniform
5 Disciplinary Act, among the disciplining authorities listed in
6 subsection (2) of this section.

7 NEW SECTION. **Sec. 18.** By November 15, 2012, the department, in
8 consultation with the commission and the dental hygiene examining
9 committee, shall conduct a review of the effectiveness of the creation
10 of the dental assistant and expanded function dental auxiliary
11 professions as related to:

- 12 (1) Increasing professional standards in dental practices;
- 13 (2) Increasing efficiency in dental practices and community health
14 clinics;
- 15 (3) Promoting career ladders in the dental professions; and
- 16 (4) Recommendations for expanding or contracting the practice of
17 dental assistants and expanded function dental auxiliaries.

18 NEW SECTION. **Sec. 19.** Sections 1 through 13 and 18 of this act
19 constitute a new chapter in Title 18 RCW.

20 NEW SECTION. **Sec. 20.** Section 16 of this act takes effect July 1,
21 2008.

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