

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1099

60th Legislature
2007 Regular Session

Passed by the House April 16, 2007
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1099** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1099

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller)

READ FIRST TIME 02/08/07.

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; creating new sections; and
4 providing an effective date.

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

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

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

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

18 (3) "Dental assistant" means a person who is registered by the

1 commission to provide supportive services to a licensed dentist to the
2 extent provided in this chapter and under the close supervision of a
3 dentist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (iii) Successful passage of both a written examination and a
15 clinical examination in restorations approved by the commission.

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

20 (b) An applicant that holds a full license to practice dental
21 hygiene under chapter 18.29 RCW is considered to have met the
22 requirements of subsection (1)(c) of this section upon demonstrating
23 the successful completion of training in taking final impressions as
24 approved by the commission.

25 NEW SECTION. **Sec. 5.** (1) The commission shall adopt rules
26 relating to the scope of dental assisting services related to patient
27 care and laboratory duties that may be performed by dental assistants.
28 All dental services performed by dental assistants must be performed
29 under the close supervision of a supervising dentist as the dentist may
30 allow.

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

33 (a) Any scaling procedure;

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

35 (c) Administration of any general or local anesthetic, including
36 intravenous sedation;

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

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

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

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

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

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

18 (a) In addition to the dental assisting services that a dental
19 assistant may perform under the close supervision of a supervising
20 dentist, the performance of the following services under the general
21 supervision of a supervising dentist as the dentist may allow:

22 (i) Performing coronal polishing;

23 (ii) Giving fluoride treatments;

24 (iii) Applying sealants;

25 (iv) Placing dental x-ray film and exposing and developing the
26 films;

27 (v) Giving patient oral health instruction; and

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

31 (i) Placing and carving direct restorations; and

32 (ii) Taking final impressions.

33 (3) A dentist may not assign an expanded function dental auxiliary
34 to perform services until the expanded function dental auxiliary has
35 demonstrated skills necessary to perform competently all assigned
36 duties and responsibilities.

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

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

4 (2) Ensuring that the dental assistants and expanded function
5 dental auxiliaries that the dentist supervises are able to competently
6 perform the tasks that they are assigned.

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

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

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

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

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

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

1 (2) Expanded function dental auxiliary education and training
2 programs approved by the commission and the practice as an expanded
3 function dental auxiliary by students in expanded function dental
4 auxiliary education and training programs approved by the commission,
5 when acting under the direction and supervision of persons licensed
6 under chapter 18.29 or 18.32 RCW.

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

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

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

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

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

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

24 (1) The rendering of dental relief in emergency cases in the
25 practice of his or her profession by a physician or surgeon, licensed
26 as such and registered under the laws of this state, unless the
27 physician or surgeon undertakes to or does reproduce lost parts of the
28 human teeth in the mouth or to restore or to replace in the human mouth
29 lost or missing teeth;

30 (2) The practice of dentistry in the discharge of official duties
31 by dentists in the United States federal services on federal
32 reservations, including but not limited to the armed services, coast
33 guard, public health service, veterans' bureau, or bureau of Indian
34 affairs;

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

5 (4) The practice of dentistry by licensed dentists of other states
6 or countries while appearing as clinicians at meetings of the
7 Washington state dental association, or component parts thereof, or at
8 meetings sanctioned by them, or other groups approved by the
9 commission;

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

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

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

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

31 (9) The performing of dental operations or services by (~~persons~~
32 ~~not licensed under this chapter~~) registered dental assistants and
33 licensed expanded function dental auxiliaries holding a credential
34 issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this
35 act) when performed under the supervision of a licensed dentist, or by
36 other persons not licensed under this chapter if the person is licensed
37 pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to
38 registered nurses and advanced registered nurse practitioners, each

1 while acting within the scope of the person's permitted practice under
2 the person's license: PROVIDED HOWEVER, That such (~~(nonlicensed)~~)
3 persons shall in no event perform the following dental operations or
4 services unless permitted to be performed by the person under this
5 chapter or chapters 18.29, 18.57, 18.71, (~~(and)~~) 18.79 as it applies to
6 registered nurses and advanced registered nurse practitioners, and
7 18.-- (sections 1 through 13 and 18 of this act) RCW (~~as it applies to~~
8 registered nurses and advanced registered nurse practitioners)):

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

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

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

17 (d) Any oral prophylaxis;

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

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

23 The Washington state dental quality assurance commission is
24 established, consisting of (~~(fourteen)~~) sixteen members each appointed
25 by the governor to a four-year term. No member may serve more than two
26 consecutive full terms. In appointing the initial members of the
27 commission, it is the intent of the legislature that, to the extent
28 possible, members of the previous boards and committees regulating
29 these professions be appointed to the commission. Members of the
30 commission hold office until their successors are appointed. The
31 governor may appoint members of the initial commission to staggered
32 terms of from one to four years. Thereafter, all members shall be
33 appointed to full four-year terms. Twelve members of the commission
34 must be dentists, two members must be expanded function dental
35 auxiliaries licensed under chapter 18.-- RCW (sections 1 through 13 and
36 18 of this act), and two members must be public members.

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

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions licensed
5 under the chapters specified in this section. This chapter does not
6 apply to any business or profession not licensed under the chapters
7 specified in this section.

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

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

12 (ii) Naturopaths licensed under chapter 18.36A RCW;

13 (iii) Midwives licensed under chapter 18.50 RCW;

14 (iv) Ocularists licensed under chapter 18.55 RCW;

15 (v) Massage operators and businesses licensed under chapter 18.108
16 RCW;

17 (vi) Dental hygienists licensed under chapter 18.29 RCW;

18 (vii) Acupuncturists licensed under chapter 18.06 RCW;

19 (viii) Radiologic technologists certified and X-ray technicians
20 registered under chapter 18.84 RCW;

21 (ix) Respiratory care practitioners licensed under chapter 18.89
22 RCW;

23 (x) Persons registered under chapter 18.19 RCW;

24 (xi) Persons licensed as mental health counselors, marriage and
25 family therapists, and social workers under chapter 18.225 RCW;

26 (xii) Persons registered as nursing pool operators under chapter
27 18.52C RCW;

28 (xiii) Nursing assistants registered or certified under chapter
29 18.88A RCW;

30 (xiv) Health care assistants certified under chapter 18.135 RCW;

31 (xv) Dietitians and nutritionists certified under chapter 18.138
32 RCW;

33 (xvi) Chemical dependency professionals certified under chapter
34 18.205 RCW;

35 (xvii) Sex offender treatment providers and certified affiliate sex
36 offender treatment providers certified under chapter 18.155 RCW;

37 (xviii) Persons licensed and certified under chapter 18.73 RCW or
38 RCW 18.71.205;

1 (xix) Denturists licensed under chapter 18.30 RCW;
2 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
3 (xxi) Surgical technologists registered under chapter 18.215 RCW;
4 and
5 (xxii) Recreational therapists.
6 (b) The boards and commissions having authority under this chapter
7 are as follows:
8 (i) The podiatric medical board as established in chapter 18.22
9 RCW;
10 (ii) The chiropractic quality assurance commission as established
11 in chapter 18.25 RCW;
12 (iii) The dental quality assurance commission as established in
13 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
14 licenses and registrations issued under chapter 18.-- RCW (sections 1
15 through 13 and 18 of this act);
16 (iv) The board of hearing and speech as established in chapter
17 18.35 RCW;
18 (v) The board of examiners for nursing home administrators as
19 established in chapter 18.52 RCW;
20 (vi) The optometry board as established in chapter 18.54 RCW
21 governing licenses issued under chapter 18.53 RCW;
22 (vii) The board of osteopathic medicine and surgery as established
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
24 18.57A RCW;
25 (viii) The board of pharmacy as established in chapter 18.64 RCW
26 governing licenses issued under chapters 18.64 and 18.64A RCW;
27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;
30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;
32 (xi) The board of occupational therapy practice as established in
33 chapter 18.59 RCW;
34 (xii) The nursing care quality assurance commission as established
35 in chapter 18.79 RCW governing licenses and registrations issued under
36 that chapter;
37 (xiii) The examining board of psychology and its disciplinary
38 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplining authority has the authority to grant or deny licenses
5 based on the conditions and criteria established in this chapter and
6 the chapters specified in subsection (2) of this section. This chapter
7 also governs any investigation, hearing, or proceeding relating to
8 denial of licensure or issuance of a license conditioned on the
9 applicant's compliance with an order entered pursuant to RCW 18.130.160
10 by the disciplining authority.

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

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

- 20 (1) Increasing professional standards in dental practices;
- 21 (2) Increasing efficiency in dental practices and community health
22 clinics;
- 23 (3) Promoting career ladders in the dental professions; and
- 24 (4) Recommendations for expanding or contracting the practice of
25 dental assistants and expanded function dental auxiliaries.

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

28 NEW SECTION. **Sec. 20.** Section 16 of this act takes effect July 1,
29 2009.

30 NEW SECTION. **Sec. 21.** (1) The provisions of this act apply to
31 registered dental assistants effective July 1, 2008.

32 (2) The provisions of this act apply to expanded function dental
33 auxiliaries effective December 1, 2008.

1 NEW SECTION. **Sec. 22.** The secretary of health and the Washington
2 state dental quality assurance commission may take the necessary steps
3 to ensure that this act is implemented on its effective date.

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