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**SUBSTITUTE SENATE BILL 6126**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Frockt, Keiser, Chase, Nelson, Kline, and Murray)

READ FIRST TIME 02/03/12.

1       AN ACT Relating to dental practitioners; amending RCW 18.32.030,  
2 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070,  
3 18.260.080, and 69.41.010; reenacting and amending RCW 69.41.030;  
4 adding a new chapter to Title 18 RCW; creating new sections; and  
5 providing an effective date.

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

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

9       (1) "Committee" means the dental hygiene examining committee  
10 established in chapter 18.29 RCW.

11       (2) "Dental hygiene practitioner" means a person licensed under  
12 this chapter who provides dental therapy under the off-site supervision  
13 of a dentist pursuant to a written practice plan contract with a  
14 dentist.

15       (3) "Dental practitioner" means a person licensed under this  
16 chapter who provides dental therapy under the off-site supervision of  
17 a dentist pursuant to a written practice plan contract with a dentist.

18       (4) "Dental therapy" means the services and procedures specified in  
19 section 4 of this act.

1 (5) "Dentist" means a person licensed to practice dentistry under  
2 chapter 18.32 RCW.

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

4 (7) "Off-site supervision of a dentist" means supervision that does  
5 not require the dentist to be physically present or to personally  
6 examine or diagnose the patient.

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

8 (9) "Supervision of a dentist" means that a supervising dentist:

9 (a) Has personally examined and diagnosed the patient and has  
10 personally authorized the procedures to be performed;

11 (b) Is continuously on-site while the procedure in question is  
12 being performed; and

13 (c) Is capable of responding immediately in the event of an  
14 emergency.

15 NEW SECTION. **Sec. 2.** No person may practice dental therapy or  
16 represent himself or herself as a dental practitioner or a dental  
17 hygiene practitioner without being licensed by the department under  
18 this chapter.

19 NEW SECTION. **Sec. 3.** (1) The department shall issue a license to  
20 practice as a dental practitioner to any applicant who:

21 (a) Pays any applicable fees established by the secretary under RCW  
22 43.70.110 and 43.70.250;

23 (b) Submits, on forms provided by the secretary, the applicant's  
24 name, address, and other applicable information as determined by the  
25 secretary; and

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

27 (i) Possession of a high school diploma or equivalent;

28 (ii) Successful completion of a dental health aide therapist  
29 education program approved by the secretary; and

30 (iii) Completion of a preceptorship of at least four hundred hours  
31 under the supervision of a dentist.

32 (2) The department shall issue a license to practice as a dental  
33 hygiene practitioner to any applicant who:

34 (a) Pays any applicable fees established by the secretary under RCW  
35 43.70.110 and 43.70.250;

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

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

5 (i) Possession of a license in good standing as a dental hygienist  
6 under chapter 18.29 RCW;

7 (ii) Successful completion of a post-baccalaureate advanced dental  
8 hygiene therapy education program at an institution accredited by the  
9 American dental association commission on dental accreditation or other  
10 national accreditation organization approved by the committee;

11 (iii) Completion of two hundred fifty hours of advanced dental  
12 therapy clinical practice under the supervision of a dentist; and

13 (iv) Passage of an examination approved by the committee.

14 NEW SECTION. **Sec. 4.** (1) Subject to the limitations in this  
15 section and section 5 of this act, a dental practitioner may provide  
16 the following services and procedures:

17 (a) Oral health instruction and disease prevention education,  
18 including nutritional counseling and dietary analysis;

19 (b) Preliminary charting of the oral cavity;

20 (c) Making radiographs;

21 (d) Mechanical polishing;

22 (e) Application of topical preventative or prophylactic agents,  
23 including fluoride varnishes and pit and fissure sealants;

24 (f) Pulp vitality testing;

25 (g) Application of desensitizing medication or resin;

26 (h) Fabrication of athletic mouth guards;

27 (i) Placement of temporary restorations;

28 (j) Fabrication of soft occlusal guards;

29 (k) Tissue conditioning and soft relines;

30 (l) Atraumatic restorative therapy;

31 (m) Dressing changes;

32 (n) Tooth reimplantation;

33 (o) Administration of local anesthetic;

34 (p) Administration of nitrous oxide;

35 (q) Emergency palliative treatment of dental pain;

36 (r) The placement and removal of space maintainers;

37 (s) Cavity preparation;

1 (t) Restoration of primary and permanent teeth;  
2 (u) Placement of temporary crowns;  
3 (v) Preparation and placement of preformed crowns;  
4 (w) Pulpotomies on primary teeth;  
5 (x) Indirect and direct pulp capping on primary and permanent  
6 teeth;  
7 (y) Stabilization of reimplanted teeth;  
8 (z) Extractions of primary teeth;  
9 (aa) Suture removal;  
10 (bb) Brush biopsies;  
11 (cc) Repair of defective prosthetic devices;  
12 (dd) Recementing of permanent crowns;  
13 (ee) Oral evaluation and assessment of dental disease and the  
14 formulation of an individualized treatment plan;  
15 (ff) The supervision of expanded function dental auxiliaries and  
16 dental assistants. A dental practitioner or dental hygiene  
17 practitioner may supervise no more than a total of four expanded  
18 function dental auxiliaries and dental assistants in any one practice  
19 setting. A dental practitioner or dental hygiene practitioner may not  
20 supervise an expanded function dental auxiliary or dental assistant  
21 with respect to tasks that the dental practitioner or dental hygiene  
22 practitioner is not authorized to perform;  
23 (gg) Nonsurgical extractions of periodontally diseased permanent  
24 teeth with tooth mobility of plus 3 to plus 4 if the teeth are not  
25 unerupted, are not impacted, are not fractured, and do not need to be  
26 sectioned for removal; and  
27 (hh) The dispensation and administration of the following drugs:  
28 Analgesics, anti-inflammatories, preventive medicaments, and  
29 antibiotics.

30 (2) Subject to the limitations in this section and section 5 of  
31 this act, a dental hygiene practitioner may provide the following  
32 services and procedures:

33 (a) The services and procedures authorized for dental practitioners  
34 under subsection (1) of this section; and  
35 (b) Any services and procedures within the scope of practice of a  
36 licensed dental hygienist under chapter 18.29 RCW.

1           NEW SECTION.   **Sec. 5.**   (1) A dental practitioner or a dental  
2 hygiene practitioner may only practice dental therapy pursuant to a  
3 written practice plan contract with a dentist. The contract must, at  
4 a minimum, contain the following elements:

5           (a) Practice settings where services and procedures may be  
6 provided;

7           (b) Any limitations on the services or procedures the dental  
8 practitioner or dental hygiene practitioner may provide;

9           (c) Age and procedure-specific practice protocols, including case  
10 selection criteria, assessment guidelines, and imaging frequency;

11           (d) Procedures for creating and maintaining dental records for  
12 patients treated by the dental practitioner or dental hygiene  
13 practitioner;

14           (e) A plan to manage medical emergencies in each practice setting  
15 where the dental practitioner or dental hygiene practitioner provides  
16 care;

17           (f) A quality assurance plan for monitoring care provided by the  
18 dental practitioner or dental hygiene practitioner, including patient  
19 care review, referral follow-up, and a quality assurance chart review;

20           (g) Protocols for administering and dispensing medications,  
21 including the specific circumstances under which the medications may be  
22 dispensed and administered;

23           (h) Criteria relating to the provision of care to patients with  
24 specific medical conditions or complex medical histories, including  
25 requirements for consultation prior to the initiation of care; and

26           (i) Specific written protocols governing situations where the  
27 dental practitioner or dental hygiene practitioner encounters a patient  
28 requiring treatment that exceeds the dental practitioner's or dental  
29 hygiene practitioner's scope of practice or capabilities.

30           (2)(a) In addition to the elements specified in subsection (1) of  
31 this section, a written practice plan contract with a dental  
32 practitioner must specify the services and procedures the dental  
33 practitioner is authorized to provide.

34           (b) All of the services and procedures the dental hygiene  
35 practitioner or dental practitioner provides pursuant to the practice  
36 plan contract must be provided under the off-site supervision of the  
37 contracting dentist. The contracting dentist shall accept

1 responsibility for all services and procedures authorized and provided  
2 by the dental practitioner pursuant to the practice plan contract.

3 (c) A contracting dentist who knowingly permits a dental  
4 practitioner to provide a service or procedure that is not authorized  
5 in the practice plan contract, or any dental practitioner who provides  
6 a service or procedure that is not authorized in the practice plan  
7 contract, commits unprofessional conduct for purposes of chapter 18.130  
8 RCW.

9 (3) A dentist who enters into a written practice plan contract with  
10 a dental practitioner or dental hygiene practitioner shall:

11 (a) Directly provide or arrange for another dentist or specialist  
12 to provide any necessary advanced procedures or services needed by the  
13 patient or any treatment that exceeds the dental practitioner's or the  
14 dental hygiene practitioner's scope of practice or capabilities; and

15 (b) Ensure that he or she or another dentist is available to the  
16 dental practitioner or dental hygiene practitioner for instant  
17 communication via video conferencing during treatment if needed.

18 (4) Practice plan contracts must be signed and maintained by both  
19 the contracting dentist and the dental practitioner or dental hygiene  
20 practitioner. The contracts must be submitted to the department on an  
21 annual basis, and must be made available to the public upon request.  
22 The contract must also be made available at the practice of the dental  
23 practitioner or the dental hygiene practitioner and provided to  
24 patients of the practitioner's practice upon request.

25 (5) A contracting dentist may enter into a practice plan contract  
26 with no more than a total of five dental practitioners and dental  
27 hygiene practitioners at any one time.

28 NEW SECTION. **Sec. 6.** Nothing in this chapter prohibits or  
29 affects:

30 (1) The practice of dental therapy by an individual otherwise  
31 licensed under this title and performing services within his or her  
32 scope of practice;

33 (2) The practice of dental therapy in the discharge of official  
34 duties on behalf of the United States government, including, but not  
35 limited to, the armed forces, coast guard, public health service,  
36 veterans' bureau, or bureau of Indian affairs;

1 (3) The practice of dental therapy pursuant to an education program  
2 described in section 3 of this act; or

3 (4) The practice of dental therapy under the supervision of a  
4 dentist necessary to meet the clinical experience or preceptorship  
5 requirements of section 3 of this act.

6 NEW SECTION. **Sec. 7.** Chapter 18.130 RCW governs the unlicensed  
7 practice, the issuance and denial of licenses, and the discipline of  
8 persons licensed under this chapter. The dental quality assurance  
9 commission is the disciplining authority under this chapter.

10 **Sec. 8.** RCW 18.32.030 and 2007 c 269 s 15 are each amended to read  
11 as follows:

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

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

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

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

29 (4) The practice of dentistry by licensed dentists of other states  
30 or countries while appearing as clinicians at meetings of the  
31 Washington state dental association, or component parts thereof, or at  
32 meetings sanctioned by them, or other groups approved by the  
33 commission;

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

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

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

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

19 (9) The performing of dental operations or services by registered  
20 dental assistants and licensed expanded function dental auxiliaries  
21 holding a credential issued under chapter 18.260 RCW when performed  
22 under the supervision of a licensed dentist, by dental practitioners  
23 and dental hygiene practitioners licensed under chapter 18.-- RCW (the  
24 new chapter created in section 18 of this act), or by other persons not  
25 licensed under this chapter if the person is licensed pursuant to  
26 chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered  
27 nurses and advanced registered nurse practitioners, each while acting  
28 within the scope of the person's permitted practice under the person's  
29 license: PROVIDED HOWEVER, That such persons shall in no event perform  
30 the following dental operations or services unless permitted to be  
31 performed by the person under this chapter or chapters 18.29, 18.57,  
32 18.71, 18.79 as it applies to registered nurses and advanced registered  
33 nurse practitioners, and 18.260 RCW:

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

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

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

4 (d) Any oral prophylaxis;

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

8 **Sec. 9.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to  
9 read as follows:

10 The Washington state dental quality assurance commission is  
11 established, consisting of (~~sixteen~~) eighteen members each appointed  
12 by the governor to a four-year term. No member may serve more than two  
13 consecutive full terms. In appointing the initial members of the  
14 commission, it is the intent of the legislature that, to the extent  
15 possible, members of the previous boards and committees regulating  
16 these professions be appointed to the commission. Members of the  
17 commission hold office until their successors are appointed. The  
18 governor may appoint members of the initial commission to staggered  
19 terms of from one to four years. Thereafter, all members shall be  
20 appointed to full four-year terms. Twelve members of the commission  
21 must be dentists, one member must be a dental practitioner licensed  
22 under chapter 18.-- RCW (the new chapter created in section 18 of this  
23 act), one member must be a dental hygiene practitioner licensed under  
24 chapter 18.-- RCW (the new chapter created in section 18 of this act),  
25 two members must be expanded function dental auxiliaries licensed under  
26 chapter 18.260 RCW, and two members must be public members.

27 **Sec. 10.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to  
28 read as follows:

29 The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

31 (1) "Applicant group" includes any health professional group or  
32 organization, any individual, or any other interested party which  
33 proposes that any health professional group not presently regulated be  
34 regulated or which proposes to substantially increase the scope of  
35 practice of the profession.

1 (2) "Certificate" and "certification" mean a voluntary process by  
2 which a statutory regulatory entity grants recognition to an individual  
3 who (a) has met certain prerequisite qualifications specified by that  
4 regulatory entity, and (b) may assume or use "certified" in the title  
5 or designation to perform prescribed health professional tasks.

6 (3) "Grandfather clause" means a provision in a regulatory statute  
7 applicable to practitioners actively engaged in the regulated health  
8 profession prior to the effective date of the regulatory statute which  
9 exempts the practitioners from meeting the prerequisite qualifications  
10 set forth in the regulatory statute to perform prescribed occupational  
11 tasks.

12 (4) "Health professions" means and includes the following health  
13 and health-related licensed or regulated professions and occupations:  
14 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
15 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
16 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
17 dispensing opticians under chapter 18.34 RCW; hearing instruments under  
18 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
19 funeral directing under chapter 18.39 RCW; midwifery under chapter  
20 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
21 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter  
22 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and  
23 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine  
24 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter  
25 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses  
26 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;  
27 registered nurses under chapter 18.79 RCW; occupational therapists  
28 licensed under chapter 18.59 RCW; respiratory care practitioners  
29 licensed under chapter 18.89 RCW; veterinarians and veterinary  
30 technicians under chapter 18.92 RCW; health care assistants under  
31 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;  
32 East Asian medicine practitioners licensed under chapter 18.06 RCW;  
33 persons registered under chapter 18.19 RCW; persons licensed as mental  
34 health counselors, marriage and family therapists, and social workers  
35 under chapter 18.225 RCW; dietitians and nutritionists certified by  
36 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;  
37 dental practitioners and dental hygiene practitioners licensed under

1 chapter 18.--- RCW (the new chapter created in section 18 of this act);  
2 and nursing assistants registered or certified under chapter 18.88A  
3 RCW.

4 (5) "Inspection" means the periodic examination of practitioners by  
5 a state agency in order to ascertain whether the practitioners'  
6 occupation is being carried out in a fashion consistent with the public  
7 health, safety, and welfare.

8 (6) "Legislative committees of reference" means the standing  
9 legislative committees designated by the respective rules committees of  
10 the senate and house of representatives to consider proposed  
11 legislation to regulate health professions not previously regulated.

12 (7) "License," "licensing," and "licensure" mean permission to  
13 engage in a health profession which would otherwise be unlawful in the  
14 state in the absence of the permission. A license is granted to those  
15 individuals who meet prerequisite qualifications to perform prescribed  
16 health professional tasks and for the use of a particular title.

17 (8) "Professional license" means an individual, nontransferable  
18 authorization to carry on a health activity based on qualifications  
19 which include: (a) Graduation from an accredited or approved program,  
20 and (b) acceptable performance on a qualifying examination or series of  
21 examinations.

22 (9) "Practitioner" means an individual who (a) has achieved  
23 knowledge and skill by practice, and (b) is actively engaged in a  
24 specified health profession.

25 (10) "Public member" means an individual who is not, and never was,  
26 a member of the health profession being regulated or the spouse of a  
27 member, or an individual who does not have and never has had a material  
28 financial interest in either the rendering of the health professional  
29 service being regulated or an activity directly related to the  
30 profession being regulated.

31 (11) "Registration" means the formal notification which, prior to  
32 rendering services, a practitioner shall submit to a state agency  
33 setting forth the name and address of the practitioner; the location,  
34 nature and operation of the health activity to be practiced; and, if  
35 required by the regulatory entity, a description of the service to be  
36 provided.

37 (12) "Regulatory entity" means any board, commission, agency,

1 division, or other unit or subunit of state government which regulates  
2 one or more professions, occupations, industries, businesses, or other  
3 endeavors in this state.

4 (13) "State agency" includes every state office, department, board,  
5 commission, regulatory entity, and agency of the state, and, where  
6 provided by law, programs and activities involving less than the full  
7 responsibility of a state agency.

8 **Sec. 11.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to  
9 read as follows:

10 (1) This chapter applies only to the secretary and the boards and  
11 commissions having jurisdiction in relation to the professions licensed  
12 under the chapters specified in this section. This chapter does not  
13 apply to any business or profession not licensed under the chapters  
14 specified in this section.

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

17 (i) Dispensing opticians licensed and designated apprentices under  
18 chapter 18.34 RCW;

19 (ii) Midwives licensed under chapter 18.50 RCW;

20 (iii) Ocularists licensed under chapter 18.55 RCW;

21 (iv) Massage operators and businesses licensed under chapter 18.108  
22 RCW;

23 (v) Dental hygienists licensed under chapter 18.29 RCW;

24 (vi) East Asian medicine practitioners licensed under chapter 18.06  
25 RCW;

26 (vii) Radiologic technologists certified and X-ray technicians  
27 registered under chapter 18.84 RCW;

28 (viii) Respiratory care practitioners licensed under chapter 18.89  
29 RCW;

30 (ix) Hypnotherapists and agency affiliated counselors registered  
31 and advisors and counselors certified under chapter 18.19 RCW;

32 (x) Persons licensed as mental health counselors, mental health  
33 counselor associates, marriage and family therapists, marriage and  
34 family therapist associates, social workers, social work associates--  
35 advanced, and social work associates--independent clinical under  
36 chapter 18.225 RCW;

1 (xi) Persons registered as nursing pool operators under chapter  
2 18.52C RCW;

3 (xii) Nursing assistants registered or certified under chapter  
4 18.88A RCW;

5 (xiii) Health care assistants certified under chapter 18.135 RCW;

6 (xiv) Dietitians and nutritionists certified under chapter 18.138  
7 RCW;

8 (xv) Chemical dependency professionals and chemical dependency  
9 professional trainees certified under chapter 18.205 RCW;

10 (xvi) Sex offender treatment providers and certified affiliate sex  
11 offender treatment providers certified under chapter 18.155 RCW;

12 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
13 RCW 18.71.205;

14 (xviii) Denturists licensed under chapter 18.30 RCW;

15 (xix) Orthotists and prosthetists licensed under chapter 18.200  
16 RCW;

17 (xx) Surgical technologists registered under chapter 18.215 RCW;

18 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under  
19 chapter 18.230 RCW;

20 (xxii) Animal massage practitioners certified under chapter 18.240  
21 RCW;

22 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

23 (xxiv) Home care aides certified under chapter 18.88B RCW; and

24 (xxv) Genetic counselors licensed under chapter 18.290 RCW.

25 (b) The boards and commissions having authority under this chapter  
26 are as follows:

27 (i) The podiatric medical board as established in chapter 18.22  
28 RCW;

29 (ii) The chiropractic quality assurance commission as established  
30 in chapter 18.25 RCW;

31 (iii) The dental quality assurance commission as established in  
32 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
33 licenses issued under chapter 18.--- RCW (the new chapter created in  
34 section 18 of this act), and licenses and registrations issued under  
35 chapter 18.260 RCW;

36 (iv) The board of hearing and speech as established in chapter  
37 18.35 RCW;

1 (v) The board of examiners for nursing home administrators as  
2 established in chapter 18.52 RCW;

3 (vi) The optometry board as established in chapter 18.54 RCW  
4 governing licenses issued under chapter 18.53 RCW;

5 (vii) The board of osteopathic medicine and surgery as established  
6 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
7 18.57A RCW;

8 (viii) The board of pharmacy as established in chapter 18.64 RCW  
9 governing licenses issued under chapters 18.64 and 18.64A RCW;

10 (ix) The medical quality assurance commission as established in  
11 chapter 18.71 RCW governing licenses and registrations issued under  
12 chapters 18.71 and 18.71A RCW;

13 (x) The board of physical therapy as established in chapter 18.74  
14 RCW;

15 (xi) The board of occupational therapy practice as established in  
16 chapter 18.59 RCW;

17 (xii) The nursing care quality assurance commission as established  
18 in chapter 18.79 RCW governing licenses and registrations issued under  
19 that chapter;

20 (xiii) The examining board of psychology and its disciplinary  
21 committee as established in chapter 18.83 RCW;

22 (xiv) The veterinary board of governors as established in chapter  
23 18.92 RCW; and

24 (xv) The board of naturopathy established in chapter 18.36A RCW.

25 (3) In addition to the authority to discipline license holders, the  
26 disciplining authority has the authority to grant or deny licenses.  
27 The disciplining authority may also grant a license subject to  
28 conditions.

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

33 **Sec. 12.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to  
34 read as follows:

35 The definitions in this section apply throughout this chapter  
36 unless the context clearly requires otherwise.

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

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

13 (3) "Dental assistant" means a person who is registered by the  
14 commission to provide supportive services to a licensed dentist to the  
15 extent provided in this chapter and under the close supervision of a  
16 dentist.

17 (4) "Dental hygiene practitioner" means an individual who holds a  
18 license to practice as a dental hygiene practitioner under chapter  
19 18.--- RCW (the new chapter created in section 18 of this act).

20 (5) "Dental practitioner" means an individual who holds a license  
21 to practice as a dental practitioner under chapter 18.--- RCW (the new  
22 chapter created in section 18 of this act).

23 (6) "Dentist" means an individual who holds a license to practice  
24 dentistry under chapter 18.32 RCW.

25 ((+5)) (7) "Department" means the department of health.

26 ((+6)) (8) "Expanded function dental auxiliary" means a person who  
27 is licensed by the commission to provide supportive services to a  
28 licensed dentist, dental practitioner, or dental hygiene practitioner  
29 to the extent provided in this chapter and under the specified level of  
30 supervision of a dentist, dental practitioner, or dental hygiene  
31 practitioner.

32 ((+7)) (9) "General supervision" means that a supervising dentist,  
33 dental practitioner, or dental hygiene practitioner has examined and  
34 diagnosed the patient and provided subsequent instructions to be  
35 performed by the assistive personnel, but does not require that the  
36 dentist, dental practitioner, or dental hygiene practitioner be  
37 physically present in the treatment facility.

38 ((+8)) (10) "Secretary" means the secretary of health.

1        ~~((9))~~ (11) "Supervising dental hygiene practitioner" means a  
2 dental hygiene practitioner licensed under chapter 18.--- RCW (the new  
3 chapter created in section 18 of this act) who is responsible for  
4 providing the appropriate level of supervision for dental assistants  
5 and expanded function dental auxiliaries.

6        (12) "Supervising dental practitioner" means a dental practitioner  
7 licensed under chapter 18.-- RCW (the new chapter created in section 18  
8 of this act) who is responsible for providing the appropriate level of  
9 supervision for dental assistants and expanded function dental  
10 auxiliaries.

11        (13) "Supervising dentist" means a dentist licensed under chapter  
12 18.32 RCW that is responsible for providing the appropriate level of  
13 supervision for dental assistants and expanded function dental  
14 auxiliaries.

15        **Sec. 13.** RCW 18.260.040 and 2007 c 269 s 5 are each amended to  
16 read as follows:

17        (1) The commission shall adopt rules relating to the scope of  
18 dental assisting services related to patient care and laboratory duties  
19 that may be performed by dental assistants. All dental services  
20 performed by dental assistants must be performed under the close  
21 supervision of a supervising dentist, a supervising dental  
22 practitioner, or a supervising dental hygiene practitioner as the  
23 dentist, dental practitioner, or dental hygiene practitioner may 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, including  
29 intravenous sedation;

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

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

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

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

5           **Sec. 14.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to  
6 read as follows:

7           (1) The commission shall adopt rules relating to the scope of  
8 expanded function dental auxiliary services related to patient care and  
9 laboratory duties that may be performed by expanded function dental  
10 auxiliaries.

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

13           (a) In addition to the dental assisting services that a dental  
14 assistant may perform under the close supervision of a supervising  
15 dentist, a supervising dental practitioner, or a supervising dental  
16 hygiene practitioner, the performance of the following services under  
17 the general supervision of a supervising dentist, a supervising dental  
18 practitioner, or a supervising dental hygiene practitioner as the  
19 dentist, dental practitioner, or dental hygiene practitioner may allow:

20           (i) Performing coronal polishing;

21           (ii) Giving fluoride treatments;

22           (iii) Applying sealants;

23           (iv) Placing dental x-ray film and exposing and developing the  
24 films;

25           (v) Giving patient oral health instruction; and

26           (b) Notwithstanding any prohibitions in RCW 18.260.040, the  
27 performance of the following services under the close supervision of a  
28 supervising dentist, a supervising dental practitioner, or a  
29 supervising dental hygiene practitioner as the dentist, dental  
30 practitioner, or dental hygiene practitioner may allow:

31           (i) Placing and carving direct restorations; and

32           (ii) Taking final impressions.

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

1       **Sec. 15.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to  
2 read as follows:

3       A supervising dentist, a supervising dental practitioner, or a  
4 supervising dental hygiene practitioner is responsible for:

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

7       (2) Ensuring that the dental assistants and expanded function  
8 dental auxiliaries that the dentist, dental practitioner, or dental  
9 hygiene practitioner supervises are able to competently perform the  
10 tasks that they are assigned.

11       **Sec. 16.** RCW 69.41.010 and 2009 c 549 s 1024 are each amended to  
12 read as follows:

13       As used in this chapter, the following terms have the meanings  
14 indicated unless the context clearly requires otherwise:

15       (1) "Administer" means the direct application of a legend drug  
16 whether by injection, inhalation, ingestion, or any other means, to the  
17 body of a patient or research subject by:

18       (a) A practitioner; or

19       (b) The patient or research subject at the direction of the  
20 practitioner.

21       (2) "Community-based care settings" include: Community residential  
22 programs for the developmentally disabled, certified by the department  
23 of social and health services under chapter 71A.12 RCW; adult family  
24 homes licensed under chapter 70.128 RCW; and boarding homes licensed  
25 under chapter 18.20 RCW. Community-based care settings do not include  
26 acute care or skilled nursing facilities.

27       (3) "Deliver" or "delivery" means the actual, constructive, or  
28 attempted transfer from one person to another of a legend drug, whether  
29 or not there is an agency relationship.

30       (4) "Department" means the department of health.

31       (5) "Dispense" means the interpretation of a prescription or order  
32 for a legend drug and, pursuant to that prescription or order, the  
33 proper selection, measuring, compounding, labeling, or packaging  
34 necessary to prepare that prescription or order for delivery.

35       (6) "Dispenser" means a practitioner who dispenses.

36       (7) "Distribute" means to deliver other than by administering or  
37 dispensing a legend drug.

1 (8) "Distributor" means a person who distributes.

2 (9) "Drug" means:

3 (a) Substances recognized as drugs in the official United States  
4 pharmacopoeia, official homeopathic pharmacopoeia of the United States,  
5 or official national formulary, or any supplement to any of them;

6 (b) Substances intended for use in the diagnosis, cure, mitigation,  
7 treatment, or prevention of disease in human beings or animals;

8 (c) Substances (other than food, minerals or vitamins) intended to  
9 affect the structure or any function of the body of human beings or  
10 animals; and

11 (d) Substances intended for use as a component of any article  
12 specified in (a), (b), or (c) of this subsection. It does not include  
13 devices or their components, parts, or accessories.

14 (10) "Electronic communication of prescription information" means  
15 the communication of prescription information by computer, or the  
16 transmission of an exact visual image of a prescription by facsimile,  
17 or other electronic means for original prescription information or  
18 prescription refill information for a legend drug between an authorized  
19 practitioner and a pharmacy or the transfer of prescription information  
20 for a legend drug from one pharmacy to another pharmacy.

21 (11) "In-home care settings" include an individual's place of  
22 temporary and permanent residence, but does not include acute care or  
23 skilled nursing facilities, and does not include community-based care  
24 settings.

25 (12) "Legend drugs" means any drugs which are required by state law  
26 or regulation of the state board of pharmacy to be dispensed on  
27 prescription only or are restricted to use by practitioners only.

28 (13) "Legible prescription" means a prescription or medication  
29 order issued by a practitioner that is capable of being read and  
30 understood by the pharmacist filling the prescription or the nurse or  
31 other practitioner implementing the medication order. A prescription  
32 must be hand printed, typewritten, or electronically generated.

33 (14) "Medication assistance" means assistance rendered by a  
34 nonpractitioner to an individual residing in a community-based care  
35 setting or in-home care setting to facilitate the individual's self-  
36 administration of a legend drug or controlled substance. It includes  
37 reminding or coaching the individual, handing the medication container  
38 to the individual, opening the individual's medication container, using

1 an enabler, or placing the medication in the individual's hand, and  
2 such other means of medication assistance as defined by rule adopted by  
3 the department. A nonpractitioner may help in the preparation of  
4 legend drugs or controlled substances for self-administration where a  
5 practitioner has determined and communicated orally or by written  
6 direction that such medication preparation assistance is necessary and  
7 appropriate. Medication assistance shall not include assistance with  
8 intravenous medications or injectable medications, except prefilled  
9 insulin syringes.

10 (15) "Person" means individual, corporation, government or  
11 governmental subdivision or agency, business trust, estate, trust,  
12 partnership or association, or any other legal entity.

13 (16) "Practitioner" means:

14 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
15 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
16 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
17 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
18 registered nurse, advanced registered nurse practitioner, or licensed  
19 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
20 18.53 RCW who is certified by the optometry board under RCW 18.53.010,  
21 an osteopathic physician assistant under chapter 18.57A RCW, a  
22 physician assistant under chapter 18.71A RCW, a naturopath licensed  
23 under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or,  
24 when acting under the required supervision of a dentist licensed under  
25 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW  
26 or a dental hygiene practitioner licensed under chapter 18.--- RCW (the  
27 new chapter created in section 18 of this act), or a dental  
28 practitioner licensed under chapter 18.--- RCW (the new chapter created  
29 in section 18 of this act);

30 (b) A pharmacy, hospital, or other institution licensed,  
31 registered, or otherwise permitted to distribute, dispense, conduct  
32 research with respect to, or to administer a legend drug in the course  
33 of professional practice or research in this state; and

34 (c) A physician licensed to practice medicine and surgery or a  
35 physician licensed to practice osteopathic medicine and surgery in any  
36 state, or province of Canada, which shares a common border with the  
37 state of Washington.

1 (17) "Secretary" means the secretary of health or the secretary's  
2 designee.

3 **Sec. 17.** RCW 69.41.030 and 2011 1st sp.s. c 15 s 79 and 2011 c 336  
4 s 837 are each reenacted and amended to read as follows:

5 (1) It shall be unlawful for any person to sell, deliver, or  
6 possess any legend drug except upon the order or prescription of a  
7 physician under chapter 18.71 RCW, an osteopathic physician and surgeon  
8 under chapter 18.57 RCW, an optometrist licensed under chapter 18.53  
9 RCW who is certified by the optometry board under RCW 18.53.010, a  
10 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
11 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
12 commissioned medical or dental officer in the United States armed  
13 forces or public health service in the discharge of his or her official  
14 duties, a duly licensed physician or dentist employed by the veterans  
15 administration in the discharge of his or her official duties, a  
16 registered nurse or advanced registered nurse practitioner under  
17 chapter 18.79 RCW when authorized by the nursing care quality assurance  
18 commission, an osteopathic physician assistant under chapter 18.57A RCW  
19 when authorized by the board of osteopathic medicine and surgery, a  
20 physician assistant under chapter 18.71A RCW when authorized by the  
21 medical quality assurance commission, a dental hygiene practitioner or  
22 dental practitioner under chapter 18.--- RCW (the new chapter created  
23 in section 18 of this act) as authorized in section 4 of this act, or  
24 any of the following professionals in any province of Canada that  
25 shares a common border with the state of Washington or in any state of  
26 the United States: A physician licensed to practice medicine and  
27 surgery or a physician licensed to practice osteopathic medicine and  
28 surgery, a dentist licensed to practice dentistry, a podiatric  
29 physician and surgeon licensed to practice podiatric medicine and  
30 surgery, a licensed advanced registered nurse practitioner, or a  
31 veterinarian licensed to practice veterinary medicine: PROVIDED,  
32 HOWEVER, That the above provisions shall not apply to sale, delivery,  
33 or possession by drug wholesalers or drug manufacturers, or their  
34 agents or employees, or to any practitioner acting within the scope of  
35 his or her license, or to a common or contract carrier or warehouse  
36 operator, or any employee thereof, whose possession of any legend drug  
37 is in the usual course of business or employment: PROVIDED FURTHER,

1 That nothing in this chapter or chapter 18.64 RCW shall prevent a  
2 family planning clinic that is under contract with the health care  
3 authority from selling, delivering, possessing, and dispensing  
4 commercially prepackaged oral contraceptives prescribed by authorized,  
5 licensed health care practitioners.

6 (2)(a) A violation of this section involving the sale, delivery, or  
7 possession with intent to sell or deliver is a class B felony  
8 punishable according to chapter 9A.20 RCW.

9 (b) A violation of this section involving possession is a  
10 misdemeanor.

11 NEW SECTION. **Sec. 18.** Sections 1 through 7 of this act constitute  
12 a new chapter in Title 18 RCW.

13 NEW SECTION. **Sec. 19.** The department of health and the dental  
14 quality assurance commission shall adopt any rules necessary to  
15 implement this act.

16 NEW SECTION. **Sec. 20.** The American dental association and the  
17 Washington state dental association are encouraged to consult with  
18 stakeholders, including dentists, dental hygienists, and patient  
19 advocates, to study programs in the state that use volunteer dentists  
20 and oral surgeons to provide specialty care dental services, including  
21 tooth extractions and root canals, to low-income adults and children.  
22 This study should include an investigation into expansion of volunteer  
23 specialty care dental services into underserved areas in the state and  
24 methods to finance these programs. In order to provide the legislature  
25 time to review the work of the American dental association and the  
26 Washington state dental association, the results of this study should  
27 be reported to the legislature by January 1, 2013.

28 NEW SECTION. **Sec. 21.** Sections 1 through 17 of this act take  
29 effect January 1, 2013.

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