
SENATE BILL 6126

State of Washington 62nd Legislature 2012 Regular Session

By Senators Frockt, Keiser, Chase, Nelson, Kline, and Murray

Read first time 01/12/12. Referred to Committee on Health & Long-Term Care.

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 a new section; 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 pursuant to a written practice
13 plan contract with a dentist.

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

17 (4) "Dental therapy" means the services and procedures specified in
18 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 practitioner
35 provides pursuant to the practice plan contract must be provided under
36 the off-site supervision of the contracting dentist. The contracting
37 dentist shall accept responsibility for all services and procedures

1 authorized and provided by the dental practitioner pursuant to the
2 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 timely
17 consultation 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.

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

25 NEW SECTION. **Sec. 6.** Nothing in this chapter prohibits or
26 affects:

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

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

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

36 (4) The practice of dental therapy under the supervision of a

1 dentist necessary to meet the clinical experience or preceptorship
2 requirements of section 3 of this act.

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

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

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

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

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

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

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

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

34 (6) The making, repairing, altering, or supplying of artificial
35 restorations, substitutions, appliances, or materials for the
36 correction of disease, loss, deformity, malposition, dislocation,

1 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
2 associated tissues or parts; providing the same are made, repaired,
3 altered, or supplied pursuant to the written instructions and order of
4 a licensed dentist which may be accompanied by casts, models, or
5 impressions furnished by the dentist, and the prescriptions shall be
6 retained and filed for a period of not less than three years and shall
7 be available to and subject to the examination of the secretary or the
8 secretary's authorized representatives;

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

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

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

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

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

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

1 (d) Any oral prophylaxis;

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

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

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

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

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

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

33 (2) "Certificate" and "certification" mean a voluntary process by
34 which a statutory regulatory entity grants recognition to an individual
35 who (a) has met certain prerequisite qualifications specified by that

1 regulatory entity, and (b) may assume or use "certified" in the title
2 or designation to perform prescribed health professional tasks.

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

9 (4) "Health professions" means and includes the following health
10 and health-related licensed or regulated professions and occupations:
11 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
12 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
13 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
14 dispensing opticians under chapter 18.34 RCW; hearing instruments under
15 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
16 funeral directing under chapter 18.39 RCW; midwifery under chapter
17 18.50 RCW; nursing home administration under chapter 18.52 RCW;
18 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
19 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
20 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
21 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
22 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
23 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
24 registered nurses under chapter 18.79 RCW; occupational therapists
25 licensed under chapter 18.59 RCW; respiratory care practitioners
26 licensed under chapter 18.89 RCW; veterinarians and veterinary
27 technicians under chapter 18.92 RCW; health care assistants under
28 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
29 East Asian medicine practitioners licensed under chapter 18.06 RCW;
30 persons registered under chapter 18.19 RCW; persons licensed as mental
31 health counselors, marriage and family therapists, and social workers
32 under chapter 18.225 RCW; dietitians and nutritionists certified by
33 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
34 dental practitioners and dental hygiene practitioners licensed under
35 chapter 18.--- RCW (the new chapter created in section 18 of this act);
36 and nursing assistants registered or certified under chapter 18.88A
37 RCW.

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

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

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

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

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

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

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

34 (12) "Regulatory entity" means any board, commission, agency,
35 division, or other unit or subunit of state government which regulates
36 one or more professions, occupations, industries, businesses, or other
37 endeavors in this state.

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

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

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

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

14 (i) Dispensing opticians licensed and designated apprentices under
15 chapter 18.34 RCW;

16 (ii) Midwives licensed under chapter 18.50 RCW;

17 (iii) Ocularists licensed under chapter 18.55 RCW;

18 (iv) Massage operators and businesses licensed under chapter 18.108
19 RCW;

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

21 (vi) East Asian medicine practitioners licensed under chapter 18.06
22 RCW;

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

25 (viii) Respiratory care practitioners licensed under chapter 18.89
26 RCW;

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

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

34 (xi) Persons registered as nursing pool operators under chapter
35 18.52C RCW;

36 (xii) Nursing assistants registered or certified under chapter
37 18.88A RCW;

1 (xiii) Health care assistants certified under chapter 18.135 RCW;
2 (xiv) Dietitians and nutritionists certified under chapter 18.138
3 RCW;
4 (xv) Chemical dependency professionals and chemical dependency
5 professional trainees certified under chapter 18.205 RCW;
6 (xvi) Sex offender treatment providers and certified affiliate sex
7 offender treatment providers certified under chapter 18.155 RCW;
8 (xvii) Persons licensed and certified under chapter 18.73 RCW or
9 RCW 18.71.205;
10 (xviii) Denturists licensed under chapter 18.30 RCW;
11 (xix) Orthotists and prosthetists licensed under chapter 18.200
12 RCW;
13 (xx) Surgical technologists registered under chapter 18.215 RCW;
14 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
15 chapter 18.230 RCW;
16 (xxii) Animal massage practitioners certified under chapter 18.240
17 RCW;
18 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;
19 (xxiv) Home care aides certified under chapter 18.88B RCW; and
20 (xxv) Genetic counselors licensed under chapter 18.290 RCW.
21 (b) The boards and commissions having authority under this chapter
22 are as follows:
23 (i) The podiatric medical board as established in chapter 18.22
24 RCW;
25 (ii) The chiropractic quality assurance commission as established
26 in chapter 18.25 RCW;
27 (iii) The dental quality assurance commission as established in
28 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
29 licenses issued under chapter 18.--- RCW (the new chapter created in
30 section 18 of this act), and licenses and registrations issued under
31 chapter 18.260 RCW;
32 (iv) The board of hearing and speech as established in chapter
33 18.35 RCW;
34 (v) The board of examiners for nursing home administrators as
35 established in chapter 18.52 RCW;
36 (vi) The optometry board as established in chapter 18.54 RCW
37 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

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

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

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

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses and registrations issued under
15 that chapter;

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

18 (xiv) The veterinary board of governors as established in chapter
19 18.92 RCW; and

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

21 (3) In addition to the authority to discipline license holders, the
22 disciplining authority has the authority to grant or deny licenses.
23 The disciplining authority may also grant a license subject to
24 conditions.

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

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

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Close supervision" means that a supervising dentist, dental
34 practitioner, or dental hygiene practitioner whose patient is being
35 treated has personally diagnosed the condition to be treated and has
36 personally authorized the procedures to be performed. The supervising
37 dentist, dental practitioner, or dental hygiene practitioner is

1 continuously on-site and physically present in the treatment facility
2 while the procedures are performed by the assistive personnel and
3 capable of responding immediately in the event of an emergency. The
4 term does not require a supervising dentist, dental practitioner, or
5 dental hygiene practitioner to be physically present in the operatory.

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

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

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

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

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

20 ((+5)) (7) "Department" means the department of health.

21 ((+6)) (8) "Expanded function dental auxiliary" means a person who
22 is licensed by the commission to provide supportive services to a
23 licensed dentist, dental practitioner, or dental hygiene practitioner
24 to the extent provided in this chapter and under the specified level of
25 supervision of a dentist, dental practitioner, or dental hygiene
26 practitioner.

27 ((+7)) (9) "General supervision" means that a supervising dentist,
28 dental practitioner, or dental hygiene practitioner has examined and
29 diagnosed the patient and provided subsequent instructions to be
30 performed by the assistive personnel, but does not require that the
31 dentist, dental practitioner, or dental hygiene practitioner be
32 physically present in the treatment facility.

33 ((+8)) (10) "Secretary" means the secretary of health.

34 ((+9)) (11) "Supervising dental hygiene practitioner" means a
35 dental hygiene practitioner licensed under chapter 18.--- RCW (the new
36 chapter created in section 18 of this act) who is responsible for
37 providing the appropriate level of supervision for dental assistants
38 and expanded function dental auxiliaries.

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

6 (13) "Supervising dentist" means a dentist licensed under chapter
7 18.32 RCW that is responsible for providing the appropriate level of
8 supervision for dental assistants and expanded function dental
9 auxiliaries.

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

12 (1) The commission shall adopt rules relating to the scope of
13 dental assisting services related to patient care and laboratory duties
14 that may be performed by dental assistants. All dental services
15 performed by dental assistants must be performed under the close
16 supervision of a supervising dentist, a supervising dental
17 practitioner, or a supervising dental hygiene practitioner as the
18 dentist, dental practitioner, or dental hygiene practitioner may allow.

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

21 (a) Any scaling procedure;

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

23 (c) Administration of any general or local anesthetic, including
24 intravenous sedation;

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

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

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

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

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

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

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

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

16 (i) Performing coronal polishing;

17 (ii) Giving fluoride treatments;

18 (iii) Applying sealants;

19 (iv) Placing dental x-ray film and exposing and developing the
20 films;

21 (v) Giving patient oral health instruction; and

22 (b) Notwithstanding any prohibitions in RCW 18.260.040, the
23 performance of the following services under the close supervision of a
24 supervising dentist, a supervising dental practitioner, or a
25 supervising dental hygiene practitioner as the dentist, dental
26 practitioner, or dental hygiene practitioner may allow:

27 (i) Placing and carving direct restorations; and

28 (ii) Taking final impressions.

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

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

36 A supervising dentist, a supervising dental practitioner, or a
37 supervising dental hygiene practitioner is responsible for:

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

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

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

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

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

14 (a) A practitioner; or

15 (b) The patient or research subject at the direction of the
16 practitioner.

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

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

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

27 (5) "Dispense" means the interpretation of a prescription or order
28 for a legend drug and, pursuant to that prescription or order, the
29 proper selection, measuring, compounding, labeling, or packaging
30 necessary to prepare that prescription or order for delivery.

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

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

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

35 (9) "Drug" means:

36 (a) Substances recognized as drugs in the official United States

1 pharmacopoeia, official homeopathic pharmacopoeia of the United States,
2 or official national formulary, or any supplement to any of them;

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

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

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

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

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

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

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

30 (14) "Medication assistance" means assistance rendered by a
31 nonpractitioner to an individual residing in a community-based care
32 setting or in-home care setting to facilitate the individual's self-
33 administration of a legend drug or controlled substance. It includes
34 reminding or coaching the individual, handing the medication container
35 to the individual, opening the individual's medication container, using
36 an enabler, or placing the medication in the individual's hand, and
37 such other means of medication assistance as defined by rule adopted by
38 the department. A nonpractitioner may help in the preparation of

1 legend drugs or controlled substances for self-administration where a
2 practitioner has determined and communicated orally or by written
3 direction that such medication preparation assistance is necessary and
4 appropriate. Medication assistance shall not include assistance with
5 intravenous medications or injectable medications, except prefilled
6 insulin syringes.

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

10 (16) "Practitioner" means:

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

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

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

35 (17) "Secretary" means the secretary of health or the secretary's
36 designee.

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

3 (1) It shall be unlawful for any person to sell, deliver, or
4 possess any legend drug except upon the order or prescription of a
5 physician under chapter 18.71 RCW, an osteopathic physician and surgeon
6 under chapter 18.57 RCW, an optometrist licensed under chapter 18.53
7 RCW who is certified by the optometry board under RCW 18.53.010, a
8 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
9 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
10 commissioned medical or dental officer in the United States armed
11 forces or public health service in the discharge of his or her official
12 duties, a duly licensed physician or dentist employed by the veterans
13 administration in the discharge of his or her official duties, a
14 registered nurse or advanced registered nurse practitioner under
15 chapter 18.79 RCW when authorized by the nursing care quality assurance
16 commission, an osteopathic physician assistant under chapter 18.57A RCW
17 when authorized by the board of osteopathic medicine and surgery, a
18 physician assistant under chapter 18.71A RCW when authorized by the
19 medical quality assurance commission, a dental hygiene practitioner or
20 dental practitioner under chapter 18.--- RCW (the new chapter created
21 in section 18 of this act) as authorized in section 4 of this act, or
22 any of the following professionals in any province of Canada that
23 shares a common border with the state of Washington or in any state of
24 the United States: A physician licensed to practice medicine and
25 surgery or a physician licensed to practice osteopathic medicine and
26 surgery, a dentist licensed to practice dentistry, a podiatric
27 physician and surgeon licensed to practice podiatric medicine and
28 surgery, a licensed advanced registered nurse practitioner, or a
29 veterinarian licensed to practice veterinary medicine: PROVIDED,
30 HOWEVER, That the above provisions shall not apply to sale, delivery,
31 or possession by drug wholesalers or drug manufacturers, or their
32 agents or employees, or to any practitioner acting within the scope of
33 his or her license, or to a common or contract carrier or warehouse
34 operator, or any employee thereof, whose possession of any legend drug
35 is in the usual course of business or employment: PROVIDED FURTHER,
36 That nothing in this chapter or chapter 18.64 RCW shall prevent a
37 family planning clinic that is under contract with the health care

1 authority from selling, delivering, possessing, and dispensing
2 commercially prepackaged oral contraceptives prescribed by authorized,
3 licensed health care practitioners.

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

7 (b) A violation of this section involving possession is a
8 misdemeanor.

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

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

14 NEW SECTION. **Sec. 20.** Sections 1 through 17 of this act take
15 effect January 1, 2013.

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