

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5620

62nd Legislature
2012 Regular Session

Passed by the Senate February 13, 2012
YEAS 46 NAYS 2

President of the Senate

Passed by the House February 27, 2012
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5620** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5620

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators
Becker, Keiser, and Parlette)

READ FIRST TIME 01/10/12.

1 AN ACT Relating to the certification of dental anesthesia
2 assistants; amending RCW 18.130.040, 18.32.030, and 18.120.020; and
3 adding a new chapter to Title 18 RCW.

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

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

7 (1) "Close supervision" has the same meaning as in RCW 18.260.010.

8 (2) "Commission" means the dental quality assurance commission
9 established in RCW 18.32.0351.

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

11 (4) "Direct visual supervision" means supervision by an oral and
12 maxillofacial surgeon or dental anesthesiologist by verbal command and
13 under direct line of sight.

14 (5) "Oral and maxillofacial surgeon" has the same meaning as in RCW
15 18.32.020.

16 (6) "Secretary" means secretary of health.

17 NEW SECTION. **Sec. 2.** (1) No person may practice or represent
18 himself or herself as a certified dental anesthesia assistant by use of

1 any title or description without being certified by the commission as
2 having met the standards established for certification under this
3 chapter.

4 (2) A certified dental anesthesia assistant may not practice or
5 represent himself or herself as a registered dental assistant without
6 being registered by the commission as having met the standards for
7 registration under chapter 18.260 RCW.

8 NEW SECTION. **Sec. 3.** (1) Each applicant for certification as a
9 dental anesthesia assistant must submit to the department:

10 (a) An application, on a form provided by the department, with the
11 applicant's name, address, and name and location of the oral and
12 maxillofacial surgeon or dental anesthesiologist where the assistant
13 will be performing his or her services;

14 (b) An application fee, as determined by the secretary of health as
15 provided in RCW 43.70.250 and 43.70.280; and

16 (c) Satisfactory evidence of:

17 (i) Completion of a commission-approved dental anesthesia assistant
18 training course, to include intravenous access or phlebotomy. This
19 training must include experience starting and maintaining intravenous
20 lines;

21 (ii) Completion of a commission-approved basic life support/cardiac
22 pulmonary resuscitation course; and

23 (iii) The valid general anesthesia permit of the oral and
24 maxillofacial surgeon or dental anesthesiologist where the assistant
25 will be performing his or her services.

26 (2) The commission may adopt rules for the requirements for renewal
27 of the certification, including continuing education requirements
28 consistent with national oral and maxillofacial surgery requirements.

29 (3) The secretary shall establish the administrative procedures,
30 administrative requirements, and fees for renewal of certifications as
31 provided in RCW 43.70.250 and 43.70.280.

32 NEW SECTION. **Sec. 4.** (1) Any dental anesthesia assistant
33 certified pursuant to this chapter shall perform the functions
34 authorized in this chapter only by delegation of authority from the
35 oral and maxillofacial surgeon or dental anesthesiologist and under the
36 supervision, as described in subsections (2) and (3) of this section,

1 of the oral and maxillofacial surgeon or dental anesthesiologist acting
2 within the scope of his or her license. The responsibility for
3 monitoring a patient and determining the selection of the drug, dosage,
4 and timing of all anesthetic medications rests solely with the oral and
5 maxillofacial surgeon or dental anesthesiologist.

6 (2) Under close supervision, the dental anesthesia assistant may:

7 (a) Initiate and discontinue an intravenous line for a patient
8 being prepared to receive intravenous medications, sedation, or general
9 anesthesia; and

10 (b) Adjust the rate of intravenous fluids infusion only to maintain
11 or keep the line patent or open.

12 (3) Under direct visual supervision, the dental anesthesia
13 assistant may:

14 (a) Draw up and prepare medications;

15 (b) Follow instructions to deliver medications into an intravenous
16 line upon verbal command;

17 (c) Adjust the rate of intravenous fluids infusion beyond a keep
18 open rate;

19 (d) Adjust an electronic device to provide medications, such as an
20 infusion pump;

21 (e) Administer emergency medications to a patient in order to
22 assist the oral and maxillofacial surgeon or dental anesthesiologist in
23 an emergency.

24 (4) Any oral and maxillofacial surgeon or dental anesthesiologist
25 delegating duties under this section must have a valid general
26 anesthesia permit and, if the dental anesthesia assistant does not
27 possess advanced cardiac life support training, must be current in such
28 training.

29 NEW SECTION. **Sec. 5.** The uniform disciplinary act, chapter 18.130
30 RCW, governs unlicensed practice, the issuance and denial of
31 certification, and the discipline of certified dental anesthesia
32 assistants under this chapter.

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

35 (1) This chapter applies only to the secretary and the boards and
36 commissions having jurisdiction in relation to the professions licensed

1 under the chapters specified in this section. This chapter does not
2 apply to any business or profession not licensed under the chapters
3 specified in this section.

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

6 (i) Dispensing opticians licensed and designated apprentices under
7 chapter 18.34 RCW;

8 (ii) Midwives licensed under chapter 18.50 RCW;

9 (iii) Ocularists licensed under chapter 18.55 RCW;

10 (iv) Massage operators and businesses licensed under chapter 18.108
11 RCW;

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

13 (vi) East Asian medicine practitioners licensed under chapter 18.06
14 RCW;

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

17 (viii) Respiratory care practitioners licensed under chapter 18.89
18 RCW;

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

21 (x) Persons licensed as mental health counselors, mental health
22 counselor associates, marriage and family therapists, marriage and
23 family therapist associates, social workers, social work associates--
24 advanced, and social work associates--independent clinical under
25 chapter 18.225 RCW;

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

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

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

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

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

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

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

1 (xviii) Denturists licensed under chapter 18.30 RCW;
2 (xix) Orthotists and prosthetists licensed under chapter 18.200
3 RCW;
4 (xx) Surgical technologists registered under chapter 18.215 RCW;
5 (xxi) Recreational therapists [under chapter 18.230 RCW];
6 (xxii) Animal massage practitioners certified under chapter 18.240
7 RCW;
8 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;
9 (xxiv) Home care aides certified under chapter 18.88B RCW; and
10 (xxv) Genetic counselors licensed under chapter 18.290 RCW.
11 (b) The boards and commissions having authority under this chapter
12 are as follows:
13 (i) The podiatric medical board as established in chapter 18.22
14 RCW;
15 (ii) The chiropractic quality assurance commission as established
16 in chapter 18.25 RCW;
17 (iii) The dental quality assurance commission as established in
18 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW
19 ~~((and))~~, licenses and registrations issued under chapter 18.260 RCW,
20 and certifications issued under chapter 18.--- RCW (the new chapter
21 created in section 9 of this act);
22 (iv) The board of hearing and speech as established in chapter
23 18.35 RCW;
24 (v) The board of examiners for nursing home administrators as
25 established in chapter 18.52 RCW;
26 (vi) The optometry board as established in chapter 18.54 RCW
27 governing licenses issued under chapter 18.53 RCW;
28 (vii) The board of osteopathic medicine and surgery as established
29 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
30 18.57A RCW;
31 (viii) The board of pharmacy as established in chapter 18.64 RCW
32 governing licenses issued under chapters 18.64 and 18.64A RCW;
33 (ix) The medical quality assurance commission as established in
34 chapter 18.71 RCW governing licenses and registrations issued under
35 chapters 18.71 and 18.71A RCW;
36 (x) The board of physical therapy as established in chapter 18.74
37 RCW;

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

3 (xii) The nursing care quality assurance commission as established
4 in chapter 18.79 RCW governing licenses and registrations issued under
5 that chapter;

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

8 (xiv) The veterinary board of governors as established in chapter
9 18.92 RCW; and

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

11 (3) In addition to the authority to discipline license holders, the
12 disciplining authority has the authority to grant or deny licenses.
13 The disciplining authority may also grant a license subject to
14 conditions.

15 (4) All disciplining authorities shall adopt procedures to ensure
16 substantially consistent application of this chapter, the uniform
17 disciplinary act, among the disciplining authorities listed in
18 subsection (2) of this section.

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

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

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

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

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

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

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

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

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

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

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

1 18.71, 18.79 as it applies to registered nurses and advanced registered
2 nurse practitioners, and 18.260 RCW:

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

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

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

11 (d) Any oral prophylaxis;

12 (e) The taking of any impressions of the teeth or jaw or the
13 relationships of the teeth or jaws, for the purpose of fabricating any
14 intra-oral restoration, appliance, or prosthesis; and

15 (10) The performing of dental services described in section 4 of
16 this act by dental anesthesia assistants certified under chapter 18.---
17 RCW (the new chapter created in section 9 of this act) when working
18 under the supervision and direction of an oral and maxillofacial
19 surgeon or dental anesthesiologist.

20 **Sec. 8.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
21 read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

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

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

34 (3) "Grandfather clause" means a provision in a regulatory statute
35 applicable to practitioners actively engaged in the regulated health
36 profession prior to the effective date of the regulatory statute which

1 exempts the practitioners from meeting the prerequisite qualifications
2 set forth in the regulatory statute to perform prescribed occupational
3 tasks.

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

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

36 (6) "Legislative committees of reference" means the standing
37 legislative committees designated by the respective rules committees of

1 the senate and house of representatives to consider proposed
2 legislation to regulate health professions not previously regulated.

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

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

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

16 (10) "Public member" means an individual who is not, and never was,
17 a member of the health profession being regulated or the spouse of a
18 member, or an individual who does not have and never has had a material
19 financial interest in either the rendering of the health professional
20 service being regulated or an activity directly related to the
21 profession being regulated.

22 (11) "Registration" means the formal notification which, prior to
23 rendering services, a practitioner shall submit to a state agency
24 setting forth the name and address of the practitioner; the location,
25 nature and operation of the health activity to be practiced; and, if
26 required by the regulatory entity, a description of the service to be
27 provided.

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

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

1 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute
2 a new chapter in Title 18 RCW.

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