
SENATE BILL 5392

State of Washington

66th Legislature

2019 Regular Session

By Senators Frockt, Rivers, McCoy, Das, Nguyen, Randall, Keiser, Walsh, Saldaña, Hasegawa, and Wilson, C.

Read first time 01/18/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to the profession of dental therapist; amending
2 RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010,
3 18.260.040, 18.260.070, 18.260.080, 69.41.030, and 70.350.020;
4 reenacting and amending RCW 69.41.010; adding a new chapter to Title
5 18 RCW; creating a new section; providing an effective date; and
6 declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that good oral
9 health is an integral piece of overall health and well-being. Without
10 treatment, dental disease compromises overall health and requires
11 increasingly costly interventions. However, most dental disease can
12 be prevented at little cost through routine dental care and disease
13 prevention.

14 Dental-related issues are a leading reason that Washingtonians
15 seek care in hospital emergency departments, which has become the
16 source of care for many, especially uninsured and low-income
17 populations.

18 It is the intent of the legislature to expand access to oral
19 health care for all Washingtonians through an evidence-based mid-
20 level dental provider called a dental therapist. Dental therapy is a
21 strategy to address racial and ethnic disparities in health and rural

1 health care access gaps. Dental therapists are also a strategy to
2 increase workforce diversity in health care and expand career
3 opportunities for existing members of the dental care workforce such
4 as dental hygienists.

5 It is the legislature's intent that dental therapists will meet
6 the needs of local communities as they work under the direction of a
7 licensed Washington dentist. The legislature intends for dental
8 therapists to be incorporated into the dental care workforce and used
9 to effectively treat more patients.

10 It is the intent of the legislature to follow the national
11 commission on dental accreditation's standards for dental therapy
12 education. This will ensure that dental therapists are trained to the
13 highest quality standards and provide state-to-state consistency. It
14 is the intent of the legislature that incorporating the commission on
15 dental accreditation's standards for dental therapy education will
16 pave the way for Washington education institutions to become
17 accredited programs and for students to qualify for financial aid.

18 It is also the intent of the legislature to provide an efficient
19 and reasonable pathway, through a limited license, for federally
20 certified dental health aide therapists or tribally licensed dental
21 therapists to become a Washington state licensed dental therapist.

22 NEW SECTION. **Sec. 2.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires
24 otherwise.

25 (1) "Close supervision of a dentist" means that a supervising
26 dentist:

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

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

31 (c) Is capable of responding immediately in the event of an
32 emergency.

33 (2) "Committee" means the dental hygiene examining committee
34 established in chapter 18.29 RCW.

35 (3) "Dental therapist" means a person licensed to practice dental
36 therapy under this chapter.

37 (4) "Dental therapy" means the services and procedures specified
38 in section 5 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" means supervision that does not
5 require the dentist to be physically present or to personally examine
6 or diagnose the patient.

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

8 NEW SECTION. **Sec. 3.** No person may practice dental therapy or
9 represent himself or herself as a dental therapist without being
10 licensed by the department under this chapter.

11 NEW SECTION. **Sec. 4.** (1) The department shall issue a license
12 to practice as a dental therapist to any applicant who:

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

15 (b) Submits, on forms provided by the secretary, the applicant's
16 name, address, and other applicable information as determined by the
17 secretary;

18 (c) Completes a preceptorship of at least four hundred hours
19 under the close supervision of a dentist;

20 (d) Passes an examination approved by the committee; and

21 (e) Successfully completes a dental therapist program that is
22 accredited, or has received initial accreditation, by the commission
23 on dental accreditation.

24 (2) (a) The secretary shall establish the date and location of the
25 examination. Applicants who meet the education requirements for
26 licensure must be scheduled for the next examination following the
27 filing of the application. The secretary shall establish by rule the
28 examination application deadline.

29 (b) The examination must contain subjects appropriate to the
30 scope of practice and questions on laws in the state of Washington
31 regulating dental therapy practice.

32 (c) The committee shall establish by rule the requirements for a
33 reexamination if the applicant has failed the examination.

34 (d) The committee may approve an examination prepared or
35 administered by a private testing agency or association of licensing
36 authorities.

37 (3) The secretary in consultation with the committee may
38 establish by rule the procedures to implement this section.

1 NEW SECTION. **Sec. 5.** (1) Subject to the limitations in this
2 section and section 6 of this act, a dental therapist may provide the
3 following services and procedures:

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

6 (b) Preliminary charting of the oral cavity;

7 (c) Making radiographs;

8 (d) Mechanical polishing;

9 (e) Prophylaxis;

10 (f) Periodontal scaling and root planing;

11 (g) Application of topical preventative or prophylactic agents,
12 including fluoride varnishes and pit and fissure sealants;

13 (h) Pulp vitality testing;

14 (i) Application of desensitizing medication or resin;

15 (j) Fabrication of athletic mouth guards;

16 (k) Placement of temporary restorations;

17 (l) Fabrication of soft occlusal guards;

18 (m) Tissue conditioning and soft reline;

19 (n) Atraumatic restorative therapy and interim restorative
20 therapy;

21 (o) Dressing changes;

22 (p) Tooth reimplantation;

23 (q) Administration of local anesthetic;

24 (r) Administration of nitrous oxide;

25 (s) Emergency palliative treatment of dental pain;

26 (t) The placement and removal of space maintainers;

27 (u) Cavity preparation;

28 (v) Restoration of primary and permanent teeth;

29 (w) Placement of temporary crowns;

30 (x) Preparation and placement of preformed crowns;

31 (y) Pulpotomies on primary teeth;

32 (z) Indirect and direct pulp capping on primary and permanent
33 teeth;

34 (aa) Stabilization of reimplanted teeth;

35 (bb) Extractions of primary teeth;

36 (cc) Suture placement and removal;

37 (dd) Brush biopsies;

38 (ee) Repair of defective prosthetic devices;

39 (ff) Recementing of permanent crowns;

1 (gg) Oral evaluation and assessment of dental disease and the
2 formulation of an individualized treatment plan;

3 (hh) The supervision of expanded function dental auxiliaries and
4 dental assistants. However, a dental therapist may supervise no more
5 than a total of four expanded function dental auxiliaries and dental
6 assistants at any one time in any one practice setting. A dental
7 therapist may not supervise an expanded function dental auxiliary or
8 dental assistant with respect to tasks that the dental therapist is
9 not authorized to perform;

10 (ii) Nonsurgical extractions of periodontally diseased permanent
11 teeth with tooth mobility of plus 3 to plus 4 if the teeth are not
12 unerupted, are not impacted, are not fractured, and do not need to be
13 sectioned for removal; and

14 (jj) The dispensation and oral administration of drugs pursuant
15 to subsection (2) of this section.

16 (2) (a) A dental therapist may dispense and orally administer the
17 following drugs within the parameters of the practice plan contract
18 established in section 6 of this act: Nonnarcotic analgesics, anti-
19 inflammatory, preventive agents, and antibiotics.

20 (b) The authority to dispense and orally administer drugs extends
21 only to the drugs identified in this subsection and may be further
22 limited by the practice plan contract.

23 (c) The authority to dispense includes the authority to dispense
24 sample drugs within the categories established in this subsection if
25 the dispensing is permitted under the practice plan contract.

26 (d) A dental therapist may not dispense or administer narcotic
27 drugs as defined in chapter 69.50 RCW.

28 NEW SECTION. **Sec. 6.** (1) A dental therapist may only practice
29 dental therapy under the supervision of a dentist licensed under
30 chapter 18.32 RCW and pursuant to a written practice plan contract
31 with the supervising dentist. In circumstances authorized by the
32 supervising dentist in the written practice plan contract, a dental
33 therapist may provide services without the prior examination or
34 diagnosis of a dentist and without the dentist being personally on
35 site when services are provided. The contract must, at a minimum,
36 contain the following elements:

37 (a) The level of supervision required and circumstances when the
38 prior knowledge and consent of the supervising dentist is required;

1 (b) Practice settings where services and procedures may be
2 provided;

3 (c) Any limitations on the services or procedures the dental
4 therapist may provide;

5 (d) Age and procedure-specific practice protocols, including case
6 selection criteria, assessment guidelines, and imaging frequency;

7 (e) Procedures for creating and maintaining dental records for
8 patients treated by the dental therapist;

9 (f) A plan to manage medical emergencies in each practice setting
10 where the dental therapist provides care;

11 (g) A quality assurance plan for monitoring care provided by the
12 dental therapist or, including patient care review, referral follow-
13 up, and a quality assurance chart review;

14 (h) Protocols for administering and dispensing medications,
15 including the specific circumstances under which the medications may
16 be dispensed and administered;

17 (i) Criteria relating to the provision of care to patients with
18 specific medical conditions or complex medical histories, including
19 requirements for consultation prior to the initiation of care; and

20 (j) Specific written protocols governing situations where the
21 dental therapist encounters a patient requiring treatment that
22 exceeds the dental therapist's scope of practice or capabilities and
23 protocols for referral of patients requiring evaluation and treatment
24 by dentists, physicians, advanced registered nurse practitioners, or
25 other health care providers.

26 (2) The supervising dentist shall accept responsibility for all
27 services and procedures authorized and provided by the dental
28 therapist pursuant to the practice plan contract.

29 (3) A supervising dentist who knowingly permits a dental
30 therapist to provide a service or procedure that is not authorized in
31 the practice plan contract, or any dental therapist who provides a
32 service or procedure that is not authorized in the practice plan
33 contract, commits unprofessional conduct for purposes of chapter
34 18.130 RCW.

35 (4) A dentist who enters into a written practice plan contract
36 with a dental therapist shall:

37 (a) Directly provide or arrange for another dentist or specialist
38 to provide any necessary advanced procedures or services needed by
39 the patient or any treatment that exceeds the dental therapist's
40 scope of practice or capabilities;

1 (b) Ensure that he or she or another dentist is available to the
2 dental therapist for timely communication during treatment if needed.

3 (5) A dental therapist shall perform only those services
4 authorized by the supervising dentist and written practice plan
5 contract and shall maintain an appropriate level of contact with the
6 supervising dentist.

7 (6) Practice plan contracts must be signed and maintained by both
8 the supervising dentist and the dental therapist.

9 (7) A supervising dentist may supervise no more than a total of
10 five dental therapists at any one time.

11 NEW SECTION. **Sec. 7.** Nothing in this chapter prohibits or
12 affects:

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

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

20 (3) The practice of dental therapy pursuant to an education
21 program described in section 4 of this act;

22 (4) The practice of dental therapy under the supervision of a
23 dentist necessary to meet the clinical experience or preceptorship
24 requirements of section 4 of this act; or

25 (5) The practice of federally certified dental health aide
26 therapists or tribally licensed dental therapists practicing in
27 clinics operated by an Indian health service, Indian health service
28 direct, tribal 638, or an urban Indian health program system of care,
29 as those terms are defined in the Indian health care improvement act,
30 Title 25 U.S.C. Sec. 1603(12), (25) and (29).

31 NEW SECTION. **Sec. 8.** A dental therapist may practice only in
32 the following settings:

33 (1) Federally qualified health centers;

34 (2) Clinics operated by accredited schools of dentistry or dental
35 hygiene;

36 (3) Clinics operated by an Indian health service, Indian health
37 service direct, tribal 638, or an urban Indian health program system

1 of care, as those terms are defined in the Indian health care
2 improvement act, Title 25 U.S.C. Sec. 1603(12), (25) and (29); or

3 (4) Any other clinic or practice setting, including mobile or
4 temporary dental clinics, in which at least thirty-five percent of
5 the total patient base of the dental therapist consists of patients
6 who:

7 (a) Are enrolled in a Washington state medicaid program;

8 (b) Have a medical disability or chronic condition that creates a
9 significant barrier to receiving dental care; or

10 (c) Have annual incomes of less than one hundred thirty-three
11 percent of the federal poverty level calculated using modified annual
12 gross income as defined in section 2002 of P.L. 111-148, as amended,
13 and do not have dental coverage, either through medicaid or private
14 insurance.

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

19 NEW SECTION. **Sec. 10.** (1) The department shall issue a limited
20 license to any applicant who, as determined by the secretary:

21 (a) Holds a valid license, certification, or recertification in
22 another state, Canadian province, or has been certified or licensed
23 by a federal or tribal governing board in the previous two years,
24 that allows a substantively equivalent, but not the entire scope of
25 practice in section 5 of this act;

26 (b) Is currently engaged in active practice in another state,
27 Canadian province, or tribe;

28 (c) Files with the secretary documentation certifying that the
29 applicant:

30 (i) Has graduated from a dental therapy school accredited by the
31 commission on dental accreditation;

32 (ii) Has successfully completed the national dental therapy
33 examination, or until such time that that exam is developed, the
34 national dental hygiene examination; and

35 (iii) Is licensed or certified to practice in another state or
36 Canadian province, or has been certified or licensed by a federal or
37 tribal governing board in the previous two years;

1 (d) Provides such information as the secretary deems necessary
2 pertaining to the conditions and criteria of the uniform disciplinary
3 act, chapter 18.130 RCW;

4 (e) Demonstrates to the secretary knowledge of Washington state
5 law pertaining to the practice of dental therapy;

6 (f) Pays any required fees; and

7 (g) Meets requirements for AIDS education.

8 (2) The term of the limited license issued under this section is
9 eighteen months.

10 (3) A person practicing with a limited license granted under this
11 section has the authority to perform only those dental therapy
12 procedures in section 5 of this act that he or she was licensed or
13 certified to practice in their previous state, tribe, or Canadian
14 province.

15 (4) Upon demonstration of competency in all procedures in section
16 5 of this act, the limited license holder may apply for licensure as
17 a dental therapist under section 4 of this act.

18 (5) For the purposes of this section, "active practice" means
19 five hundred sixty hours of practice in the preceding twenty-four
20 months.

21 **Sec. 11.** RCW 18.32.030 and 2017 c 5 s 5 are each amended to read
22 as follows:

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

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

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

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

1 (4) The practice of dentistry by licensed dentists of other
2 states or countries while appearing as clinicians at meetings of the
3 Washington state dental association, or component parts thereof, or
4 at 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
15 of 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
18 shall be available to and subject to the examination of the secretary
19 or the 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
22 agents, and the polishing and smoothing of restorations, when
23 performed or prescribed by a dental hygienist licensed under the laws
24 of this state;

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

28 (9) The performing of dental operations or services by registered
29 dental assistants and licensed expanded function dental auxiliaries
30 holding a credential issued under chapter 18.260 RCW when performed
31 under the supervision of a licensed dentist, by dental therapists
32 licensed under chapter 18.--- RCW (the new chapter created in section
33 22 of this act), or by other persons not licensed under this chapter
34 if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or
35 18.79 RCW as it applies to registered nurses and advanced registered
36 nurse practitioners, each while acting within the scope of the
37 person's permitted practice under the person's license: PROVIDED
38 HOWEVER, That such persons shall in no event perform the following
39 dental operations or services unless permitted to be performed by the
40 person under this chapter or chapters 18.29, 18.57, 18.71, 18.79 as

1 it applies to registered nurses and advanced registered nurse
2 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
7 human teeth or jaws, or adjacent structure;

8 (c) Any administration of general or injected local anaesthetic
9 of any nature in connection with a dental operation, including
10 intravenous 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
14 any intra-oral restoration, appliance, or prosthesis;

15 (10) The performing of dental services described in RCW
16 18.350.040 by dental anesthesia assistants certified under chapter
17 18.350 RCW when working under the supervision and direction of an
18 oral and maxillofacial surgeon or dental anesthesiologist; and

19 (11) The performance of dental health aide therapist services to
20 the extent authorized under chapter 70.350 RCW.

21 **Sec. 12.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to
22 read as follows:

23 The Washington state dental quality assurance commission is
24 established, consisting of (~~sixteen~~) eighteen members each
25 appointed by the governor to a four-year term. No member may serve
26 more than two consecutive full terms. In appointing the initial
27 members of the commission, it is the intent of the legislature that,
28 to the extent possible, members of the previous boards and committees
29 regulating these professions be appointed to the commission. Members
30 of the commission hold office until their successors are appointed.
31 The governor may appoint members of the initial commission to
32 staggered terms of from one to four years. Thereafter, all members
33 shall be appointed to full four-year terms. Twelve members of the
34 commission must be dentists, two members must be dental therapists
35 licensed under chapter 18.--- RCW (the new chapter created in section
36 22 of this act), two members must be expanded function dental
37 auxiliaries licensed under chapter 18.260 RCW, and two members must
38 be public members.

1 **Sec. 13.** RCW 18.120.020 and 2017 c 336 s 19 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Applicant group" includes any health professional group or
6 organization, any individual, or any other interested party which
7 proposes that any health professional group not presently regulated
8 be regulated or which proposes to substantially increase the scope of
9 practice of the profession.

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

16 (3) "Grandfather clause" means a provision in a regulatory
17 statute applicable to practitioners actively engaged in the regulated
18 health profession prior to the effective date of the regulatory
19 statute which exempts the practitioners from meeting the prerequisite
20 qualifications set forth in the regulatory statute to perform
21 prescribed occupational tasks.

22 (4) "Health professions" means and includes the following health
23 and health-related licensed or regulated professions and occupations:
24 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
25 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
26 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
27 dental anesthesia assistants under chapter 18.350 RCW; dispensing
28 opticians under chapter 18.34 RCW; hearing instruments under chapter
29 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
30 funeral directing under chapter 18.39 RCW; midwifery under chapter
31 18.50 RCW; nursing home administration under chapter 18.52 RCW;
32 optometry under chapters 18.53 and 18.54 RCW; ocularists under
33 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
34 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
35 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
36 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
37 practical nurses under chapter 18.79 RCW; psychologists under chapter
38 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
39 therapists licensed under chapter 18.59 RCW; respiratory care
40 practitioners licensed under chapter 18.89 RCW; veterinarians and

1 veterinary technicians under chapter 18.92 RCW; massage therapists
2 under chapter 18.108 RCW; East Asian medicine practitioners licensed
3 under chapter 18.06 RCW; persons registered under chapter 18.19 RCW;
4 persons licensed as mental health counselors, marriage and family
5 therapists, and social workers under chapter 18.225 RCW; dietitians
6 and nutritionists certified by chapter 18.138 RCW; radiologic
7 technicians under chapter 18.84 RCW; nursing assistants registered or
8 certified under chapter 18.88A RCW; reflexologists certified under
9 chapter 18.108 RCW; medical assistants-certified, medical assistants-
10 hemodialysis technician, medical assistants-phlebotomist, forensic
11 phlebotomist, and medical assistants-registered certified and
12 registered under chapter 18.360 RCW; (~~and~~) licensed behavior
13 analysts, licensed assistant behavior analysts, and certified
14 behavior technicians under chapter 18.380 RCW and dental therapists
15 licensed under chapter 18.--- RCW (the new chapter created in section
16 22 of this act).

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

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

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

31 (8) "Practitioner" means an individual who (a) has achieved
32 knowledge and skill by practice, and (b) is actively engaged in a
33 specified health profession.

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

39 (10) "Public member" means an individual who is not, and never
40 was, a member of the health profession being regulated or the spouse

1 of a member, or an individual who does not have and never has had a
2 material financial interest in either the rendering of the health
3 professional service being regulated or an activity directly related
4 to the profession being regulated.

5 (11) "Registration" means the formal notification which, prior to
6 rendering services, a practitioner shall submit to a state agency
7 setting forth the name and address of the practitioner; the location,
8 nature and operation of the health activity to be practiced; and, if
9 required by the regulatory entity, a description of the service to be
10 provided.

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

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

19 **Sec. 14.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
20 read as follows:

21 (1) This chapter applies only to the secretary and the boards and
22 commissions having jurisdiction in relation to the professions
23 licensed under the chapters specified in this section. This chapter
24 does not apply to any business or profession not licensed under the
25 chapters specified in this section.

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

28 (i) Dispensing opticians licensed and designated apprentices
29 under chapter 18.34 RCW;

30 (ii) Midwives licensed under chapter 18.50 RCW;

31 (iii) Ocularists licensed under chapter 18.55 RCW;

32 (iv) Massage therapists and businesses licensed under chapter
33 18.108 RCW;

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

35 (vi) East Asian medicine practitioners licensed under chapter
36 18.06 RCW;

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

1 (viii) Respiratory care practitioners licensed under chapter
2 18.89 RCW;

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

5 (x) Persons licensed as mental health counselors, mental health
6 counselor associates, marriage and family therapists, marriage and
7 family therapist associates, social workers, social work associates—
8 advanced, and social work associates—independent clinical under
9 chapter 18.225 RCW;

10 (xi) Persons registered as nursing pool operators under chapter
11 18.52C RCW;

12 (xii) Nursing assistants registered or certified or medication
13 assistants endorsed under chapter 18.88A RCW;

14 (xiii) Dietitians and nutritionists certified under chapter
15 18.138 RCW;

16 (xiv) Chemical dependency professionals and chemical dependency
17 professional trainees certified under chapter 18.205 RCW;

18 (xv) Sex offender treatment providers and certified affiliate sex
19 offender treatment providers certified under chapter 18.155 RCW;

20 (xvi) Persons licensed and certified under chapter 18.73 RCW or
21 RCW 18.71.205;

22 (xvii) Orthotists and prosthetists licensed under chapter 18.200
23 RCW;

24 (xviii) Surgical technologists registered under chapter 18.215
25 RCW;

26 (xix) Recreational therapists under chapter 18.230 RCW;

27 (xx) Animal massage therapists certified under chapter 18.240
28 RCW;

29 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

30 (xxii) Home care aides certified under chapter 18.88B RCW;

31 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

32 (xxiv) Reflexologists certified under chapter 18.108 RCW;

33 (xxv) Medical assistants-certified, medical assistants-
34 hemodialysis technician, medical assistants-phlebotomist, forensic
35 phlebotomist, and medical assistants-registered certified and
36 registered under chapter 18.360 RCW; and

37 (xxvi) Behavior analysts, assistant behavior analysts, and
38 behavior technicians under chapter 18.380 RCW.

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

- 1 (i) The podiatric medical board as established in chapter 18.22
2 RCW;
- 3 (ii) The chiropractic quality assurance commission as established
4 in chapter 18.25 RCW;
- 5 (iii) The dental quality assurance commission as established in
6 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
7 licenses and registrations issued under chapter 18.260 RCW, licenses
8 issued under chapter 18.--- RCW (the new chapter created in section
9 22 of this act), and certifications issued under chapter 18.350 RCW;
- 10 (iv) The board of hearing and speech as established in chapter
11 18.35 RCW;
- 12 (v) The board of examiners for nursing home administrators as
13 established in chapter 18.52 RCW;
- 14 (vi) The optometry board as established in chapter 18.54 RCW
15 governing licenses issued under chapter 18.53 RCW;
- 16 (vii) The board of osteopathic medicine and surgery as
17 established in chapter 18.57 RCW governing licenses issued under
18 chapters 18.57 and 18.57A RCW;
- 19 (viii) The pharmacy quality assurance commission as established
20 in chapter 18.64 RCW governing licenses issued under chapters 18.64
21 and 18.64A RCW;
- 22 (ix) The medical quality assurance commission as established in
23 chapter 18.71 RCW governing licenses and registrations issued under
24 chapters 18.71 and 18.71A RCW;
- 25 (x) The board of physical therapy as established in chapter 18.74
26 RCW;
- 27 (xi) The board of occupational therapy practice as established in
28 chapter 18.59 RCW;
- 29 (xii) The nursing care quality assurance commission as
30 established in chapter 18.79 RCW governing licenses and registrations
31 issued under that chapter;
- 32 (xiii) The examining board of psychology and its disciplinary
33 committee as established in chapter 18.83 RCW;
- 34 (xiv) The veterinary board of governors as established in chapter
35 18.92 RCW;
- 36 (xv) The board of naturopathy established in chapter 18.36A RCW;
37 and
- 38 (xvi) The board of denturists established in chapter 18.30 RCW.
- 39 (3) In addition to the authority to discipline license holders,
40 the disciplining authority has the authority to grant or deny

1 licenses. The disciplining authority may also grant a license subject
2 to conditions.

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

7 **Sec. 15.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

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

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

27 (4) "Dental therapist" means an individual who holds a license to
28 practice as a dental therapist under chapter 18.--- RCW (the new
29 chapter created in section 22 of this act).

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

32 ((+5)) (6) "Department" means the department of health.

33 ((+6)) (7) "Expanded function dental auxiliary" means a person
34 who is licensed by the commission to provide supportive services to a
35 licensed dentist or dental therapist to the extent provided in this
36 chapter and under the specified level of supervision of a dentist or
37 dental therapist.

38 ((+7)) (8) "General supervision" means that a supervising
39 dentist or dental therapist has examined and diagnosed the patient

1 and provided subsequent instructions to be performed by the assistive
2 personnel, but does not require that the dentist or dental therapist
3 be physically present in the treatment facility.

4 (~~(8)~~) (9) "Secretary" means the secretary of health.

5 (~~(9)~~) (10) "Supervising dental therapist" means a dental
6 therapist licensed under chapter 18.--- RCW (the new chapter created
7 in section 22 of this act) who is responsible for providing the
8 appropriate level of supervision for dental assistants and expanded
9 function dental auxiliaries.

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

14 **Sec. 16.** RCW 18.260.040 and 2015 c 120 s 3 are each amended to
15 read as follows:

16 (1) (a) The commission shall adopt rules relating to the scope of
17 dental assisting services related to patient care and laboratory
18 duties that may be performed by dental assistants.

19 (b) In addition to the services and duties authorized by the
20 rules adopted under (a) of this subsection, a dental assistant may
21 apply topical anesthetic agents.

22 (c) All dental services performed by dental assistants under (a)
23 or (b) of this subsection must be performed under the close
24 supervision of a supervising dentist or supervising dental therapist
25 as the dentist or dental therapist may allow.

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

29 (a) Any scaling procedure;

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

31 (c) Administration of any general or local anesthetic, including
32 intravenous sedation;

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

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

38 (f) The taking of any impressions of the teeth or jaw or the
39 relationships of the teeth or jaws, for the purpose of fabricating

1 any intra-oral restoration, appliance, or prosthesis, other than
2 impressions allowed as a delegated duty for dental assistants
3 pursuant to rules adopted by the commission.

4 (3) A dentist or dental therapist may not assign a dental
5 assistant to perform duties until the dental assistant has
6 demonstrated skills necessary to perform competently all assigned
7 duties and responsibilities.

8 **Sec. 17.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to
9 read as follows:

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

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

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

22 (i) Performing coronal polishing;

23 (ii) Giving fluoride treatments;

24 (iii) Applying sealants;

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

27 (v) Giving patient oral health instruction; and

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

32 (i) Placing and carving direct restorations; and

33 (ii) Taking final impressions.

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

1 **Sec. 18.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to
2 read as follows:

3 A supervising dentist or supervising dental therapist is
4 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 or dental therapist supervises
9 are able to competently perform the tasks that they are assigned.

10 **Sec. 19.** RCW 69.41.010 and 2016 c 148 s 10 and 2016 c 97 s 2 are
11 each reenacted and amended to read as follows:

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

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

17 (a) A practitioner; or

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

20 (2) "Commission" means the pharmacy quality assurance commission.

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

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

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

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

36 (7) "Dispenser" means a practitioner who dispenses.

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

39 (9) "Distributor" means a person who distributes.

1 (10) "Drug" means:

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

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

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

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

15 (11) "Electronic communication of prescription information" means
16 the transmission of a prescription or refill authorization for a drug
17 of a practitioner using computer systems. The term does not include a
18 prescription or refill authorization transmitted verbally by
19 telephone nor a facsimile manually signed by the practitioner.

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

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

28 (14) "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 (15) "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
38 container to the individual, opening the individual's medication
39 container, using an enabler, or placing the medication in the
40 individual's hand, and such other means of medication assistance as

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

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

11 (17) "Practitioner" means:

12 (a) A physician under chapter 18.71 RCW, an osteopathic physician
13 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
14 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
15 under chapter 18.22 RCW, an East Asian medicine practitioner to the
16 extent authorized under chapter 18.06 RCW and the rules adopted under
17 RCW 18.06.010(1)(j), 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
21 18.53.010, an osteopathic physician assistant under chapter 18.57A
22 RCW, a physician assistant under chapter 18.71A RCW, a naturopath
23 licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64
24 RCW, (~~or,~~) when acting under the required supervision of a dentist
25 licensed under chapter 18.32 RCW, a dental hygienist licensed under
26 chapter 18.29 RCW, or a dental therapist licensed under chapter
27 18.--- RCW (the new chapter created in section 22 of this act);

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

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

36 (18) "Secretary" means the secretary of health or the secretary's
37 designee.

38 **Sec. 20.** RCW 69.41.030 and 2018 c 196 s 22 are each amended to
39 read as follows:

1 (1) It shall be unlawful for any person to sell, deliver, or
2 possess any legend drug except upon the order or prescription of a
3 physician under chapter 18.71 RCW, an osteopathic physician and
4 surgeon under chapter 18.57 RCW, an optometrist licensed under
5 chapter 18.53 RCW who is certified by the optometry board under RCW
6 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
7 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
8 18.92 RCW, a commissioned medical or dental officer in the United
9 States armed forces or public health service in the discharge of his
10 or her official duties, a duly licensed physician or dentist employed
11 by the veterans administration in the discharge of his or her
12 official duties, a registered nurse or advanced registered nurse
13 practitioner under chapter 18.79 RCW when authorized by the nursing
14 care quality assurance commission, a pharmacist licensed under
15 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
16 or protocols established under RCW 18.64.011 and authorized by the
17 commission and approved by a practitioner authorized to prescribe
18 drugs, 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, or a dental therapist licensed
22 under chapter 18.--- RCW (the new chapter created in section 22 of
23 this act), or any of the following professionals in any province of
24 Canada that shares a common border with the state of Washington or in
25 any state of the United States: A physician licensed to practice
26 medicine and surgery or a physician licensed to practice osteopathic
27 medicine and surgery, a dentist licensed to practice dentistry, a
28 podiatric physician and surgeon licensed to practice podiatric
29 medicine and surgery, a licensed advanced registered nurse
30 practitioner, a licensed physician assistant, a licensed osteopathic
31 physician assistant, or a veterinarian licensed to practice
32 veterinary medicine: PROVIDED, HOWEVER, That the above provisions
33 shall not apply to sale, delivery, or possession by drug wholesalers
34 or drug manufacturers, or their agents or employees, or to any
35 practitioner acting within the scope of his or her license, or to a
36 common or contract carrier or warehouse operator, or any employee
37 thereof, whose possession of any legend drug is in the usual course
38 of business or employment: PROVIDED FURTHER, That nothing in this
39 chapter or chapter 18.64 RCW shall prevent a family planning clinic
40 that is under contract with the health care authority from selling,

1 delivering, possessing, and dispensing commercially prepackaged oral
2 contraceptives prescribed by authorized, licensed health care
3 practitioners: PROVIDED FURTHER, That nothing in this chapter
4 prohibits possession or delivery of legend drugs by an authorized
5 collector or other person participating in the operation of a drug
6 take-back program authorized in chapter 69.48 RCW.

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

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

12 **Sec. 21.** RCW 70.350.020 and 2017 c 5 s 2 are each amended to
13 read as follows:

14 (1) Dental health aide therapist services are authorized by this
15 chapter under the following conditions:

16 (a) The person providing services is certified as a dental health
17 aide therapist by:

18 (i) A federal community health aide program certification board;
19 or

20 (ii) A federally recognized Indian tribe that has adopted
21 certification standards that meet or exceed the requirements of a
22 federal community health aide program certification board;

23 (b) All services are performed:

24 (i) In a practice setting (~~(within the exterior boundaries of a~~
25 ~~tribal reservation))~~ and operated by an Indian health (~~(program)~~
26 service, Indian health service direct, tribal 638, or an urban Indian
27 health program system of care, as those terms are defined in the
28 Indian health care improvement act, Title 25 U.S.C. Sec. 1603(12),
29 (25) and (29);

30 (ii) In accordance with the standards adopted by the certifying
31 body in (a) of this subsection, including scope of practice,
32 training, supervision, and continuing education;

33 (iii) Pursuant to any applicable written standing orders by a
34 supervising dentist; and

35 (iv) On persons who are members of a federally recognized tribe
36 or otherwise eligible for services under Indian health service
37 criteria, pursuant to the Indian health care improvement act, Title
38 25 U.S.C. Sec. 1601 et seq.

1 (2) The performance of dental health aide therapist services is
2 authorized for a person when working within the scope, supervision,
3 and direction of a dental health aide therapy training program that
4 is certified by an entity described in subsection (1) of this
5 section.

6 (3) All services performed within the scope of subsection (1) or
7 (2) of this section, including the employment or supervision of such
8 services, are exempt from licensing requirements under chapters
9 18.29, 18.32, 18.260, and 18.350 RCW.

10 NEW SECTION. **Sec. 22.** Sections 1 through 10 of this act
11 constitute a new chapter in Title 18 RCW.

12 NEW SECTION. **Sec. 23.** The department of health and the dental
13 quality assurance commission shall adopt any rules necessary to
14 implement this act.

15 NEW SECTION. **Sec. 24.** Section 10 of this act is necessary for
16 the immediate preservation of the public peace, health, or safety, or
17 support of the state government and its existing public institutions,
18 and takes effect immediately.

19 NEW SECTION. **Sec. 25.** Sections 1 through 9 and 11 through 21 of
20 this act take effect January 1, 2020.

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