



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 20, 2023

TIME: 9:03 AM

WSR 23-19-091

Agency: Department of Health – Dental Quality Assurance Commission

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-04-096 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: Dental provider health equity continuing education requirements. WAC 246-246-817-440 Dental continuing education requirements and 246-817-445 Dental anesthesia assistant continuing education requirements. The Dental Quality Assurance Commission (commission) is proposing an amendment of rule to establish health equity continuing education (CE) requirements to implement Engrossed Substitute Senate Bill (ESSB) 5229.

Hearing location(s):

Date: October 27, 2023 **Time:** 10:00am **Location:** **Comment:**

The public hearing will be hybrid. Participants can attend at either the physical location or virtually by registering via Zoom.

In-Person:
Labor and Industries
Room S117
7273 Linderson Way SW
Tumwater, WA 98501

Webinar Registration:
https://us02web.zoom.us/webinar/register/WN_Hno7Shc2TweFzTA
SAKLoEA

Date of intended adoption: October 27, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Amber Freeberg
Address: PO Box 47852, Olympia, WA 98504-7852
Email: <https://fortress.wa.gov/doh/policyreview>
Fax: 360-236-2901
Other:
By October 16, 2023

Assistance for persons with disabilities:

Contact Amber Freeberg
Phone: 360-236-4893
Fax: 360-236-2901
TTY: 711
Email: dental@doh.wa.gov
Other:
By October 16, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

RCW 43.70.613(3)(b) directs the rulemaking authority for each health profession licensed under Title 18 RCW that is subject to continuing education to adopt rules requiring a licensee to complete health equity continuing education training at least once every four years. The statute also directs the Department of Health (department) to create model rules establishing the

minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules adopted by the commission must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The commission is proposing an amendment to WAC 246-246-817-440 and 246-817-445 to implement ESSB 5229. The commission is proposing to adopt the health equity model rules, WAC 246-12-800 through 246-12-830, for dentists and dental anesthesia assistants to comply with RCW 43.70.613.

The proposed rule for dentists adds two hours of health equity education, as required in the model rules, to be completed as part of the current continuing education requirements every three years. The model rules require 2 hours every four years. The proposed rule does not change total dentist CE hours but requires two hours in health equity CE every three years which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for dentists.

The proposed rule for dental anesthesia assistants adopts the model health equity CE rules, requiring two hours in health equity CE every three years. In doing so the commission is proposing to increase the total number of existing CE hours to include the health equity CE courses. The requirement for training every three years rather than four is consistent with the existing continuing education requirements.

Reasons supporting proposal:

The goal of health equity CE is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of health equity trainings includes implicit bias instruction to identify strategies to reduce bias during assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Two hours of training allows individuals to gain a foundation in health equity that can have an immediate positive impact on the professional's interaction with those receiving care. Health equity training enables health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity.

Statutory authority for adoption: RCW 18.32.002, 18.32.0365, 18.32.180, 18.350.030, 18.130.040 and 43.70.613

Statute being implemented: RCW 43.70.613

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: Private Public Governmental

Name of proponent: Dental Quality Assurance Commission

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Amber Freeberg	111 Israel Rd. SE, Tumwater, WA 98501	360-236-2985
Implementation:	Amber Freeberg	111 Israel Rd. SE, Tumwater, WA 98501	360-236-2985
Enforcement:	Amber Freeberg	111 Israel Rd. SE, Tumwater, WA 98501	360-236-2985

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name: Amber Freeberg
Address: PO Box 47852, Olympia, WA 98504-7852
Phone: 360-236-4893
Fax: 360-236-2901
TTY: 711
Email: dental@doh.wa.gov
Other:
- No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: September 20, 2023

Name: David Carsten, DDS

Title: Dental Quality Assurance Commission Chair

Signature:

A handwritten signature in black ink that reads "David L. Carsten". The signature is written in a cursive style with a horizontal line through the middle of the letters.

WAC 246-817-440 Dentist continuing education requirements. The goal of continuing education is to encourage the lifetime professional development of the licensed dentist, and to enhance the clinical and overall skills needed to protect the health and safety of all patients.

(1) A licensed dentist shall complete a minimum of (~~sixty-three~~) 63 hours of continuing education every three years.

(a) The three-year continuing education reporting period for a dentist licensed in Washington before 2019 begins January 1, 2019, and verification of completion of continuing education hours will be due on the dentist's annual license renewal date in 2022, and every three years thereafter. The three-year continuing education reporting period for a dentist initially licensed in Washington in 2019 or later begins upon date of licensure.

(b) A licensed dentist shall attest to the completion of (~~sixty-three~~) 63 hours of continuing education every three years as a part of their license renewal requirement.

(c) The dental quality assurance commission (commission) may randomly audit up to (~~twenty-five~~) 25 percent of licensed dentists every three years for compliance after the license is renewed as allowed by (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.

(d) A licensed dentist shall comply with the requirements of (~~chapter 246-12 WAC, Part 7~~) WAC 246-12-170 through 246-12-240.

(e) The commission will not authorize or approve specific continuing education courses.

(2) A licensed dentist shall complete the commission approved dental jurisprudence examination once every three years. One hour of continuing education will be granted toward the (~~sixty-three~~) 63-hour requirement.

(3) A licensed dentist must complete a minimum of two hours of commission approved health equity training every three years. Two hours of continuing education will be granted towards the 63-hour requirement. An approved program providing health equity continuing education training must meet the requirements listed in WAC 246-12-830. For purposes of this rule, health equity has the same meaning as defined in WAC 246-12-810.

(4) Continuing education must contribute to the professional knowledge and development of the licensed dentist or enhance services provided to patients. Continuing education must be completed in one or more of the following subject categories:

(a) Education courses relating to the practice of dentistry;

(b) Emergency management, advanced cardiac life support (ACLS), and pediatric advanced life support (PALS);

(c) Health care provider basic life support (BLS). BLS certification is required in WAC 246-817-720. One hour of continuing education for each BLS certification course will be granted. A licensed dentist may not count more than three hours every three years in this category;

(d) Infection control, federal/state safety standards, and radiation protection;

(e) Pharmacology, prescribing practices, and pain management;

(f) Ethics;

(g) Patient care related education including risk management, methods of health delivery, multicultural, and suicide prevention education;

(h) Washington state dentistry law;

(i) Practice management and billing practices. A licensed dentist may not count more than (~~twenty-one~~) 21 hours every three years in this category.

(~~(4)~~) (5) Continuing education in subject categories identified in subsection (~~(3)~~) (4) of this section may be completed using any of the following activities or methods:

(a) Attendance at local, state, national, or international continuing education courses, live interactive webinars, dental study clubs, postdoctoral education, and dental residencies;

(b) Self-study by various means, relevant to dentistry, without an instructor physically present.

(i) Self-study can be continuing education provided online or through the mail provided by a continuing education provider. Thirty minutes will count for every one hour completed for this activity, except for live or recorded interactive webinars;

(ii) Self-study can be reading a book that contributes to the professional knowledge and development of the licensed dentist, or enhance services provided to patients. A two-page synopsis of what was learned written by the licensed dentist is required. Two hours of continuing education for each book and synopsis will be granted. A licensed dentist may not count more than six hours every three years for this activity.

(c) Teaching, presenting, or lecturing in a course, only if the presentation or lecture is created or authored by the dentist claiming the continuing education hours. A licensed dentist may not count more than (~~twenty-one~~) 21 hours every three years in this activity;

(d) Direct clinical supervision of dental students and dental residents. A licensed dentist may not count more than (~~twenty-one~~) 21 hours every three years in this activity;

(e) Publishing a paper in a peer review journal. A licensed dentist may count (~~fifteen~~) 15 hours the year the paper is published and may not count more than a total of (~~thirty~~) 30 hours every three years in this activity. A copy of the publication is required;

(f) Reading and critically evaluating any hypothesis-driven scientific journal article on a topic that has relevance to dentistry and is published in a peer-reviewed journal devoted to dentistry, medicine, or useful to dentistry. A licensed dentist may not count more than (~~twenty-one~~) 21 hours every three years.

(i) Before completing this activity, the licensed dentist must complete at least four hours of education in evidence-based dentistry or medicine that includes journal article evaluation. The four-hour education may count toward the required (~~sixty-three~~) 63-hour requirement. The four-hour education is a one-time requirement. A licensed dentist may not count more than four hours every three years.

(ii) A licensed dentist may count one hour for each article that the dentist completes a "Critical Evaluation of a Journal Article" questionnaire. The questionnaire may be obtained from the commission. The completed questionnaire is required;

(g) Volunteer dental patient care. A licensed dentist may not count more than (~~twenty-one~~) 21 hours every three years; and

(h) The commission will accept a current certification or recertification from any specialty board approved and recognized by the American Dental Association (ADA), the American Board of Dental Spe-

cialties (ABDS), or other specialty board certification or recertification approved by the commission as ~~((sixty-two))~~ 62 hours of continuing education. The commission will also accept the award of Fellow of the Academy of General Dentistry, Master of the Academy of General Dentistry, or the Lifelong Learning and Service Recognition Award as ~~((sixty-two))~~ 62 hours of continuing education. The certification, recertification, or award must be obtained in the three-year reporting period.

~~((5))~~ (6) Proof of continuing education is a certificate of completion, letter, or other documentation verifying or confirming attendance or completion of continuing education hours. Documentation must be from the organization that provided the activity, except in subsection ~~((4))~~ (5)(b)(ii), (e), and (f)(ii) of this section, and must contain at least the following:

- (a) Date of attendance or completion;
- (b) Hours earned; and
- (c) Course title or subject.

AMENDATORY SECTION (Amending WSR 13-15-144, filed 7/23/13, effective 8/23/13)

WAC 246-817-445 Dental anesthesia assistant continuing education requirements. (1) To renew a certification a certified dental anesthesia assistant must complete a minimum of ~~((twelve))~~ 14 hours of continuing education every three years and follow the requirements of ~~((chapter 246-12 WAC, Part 7))~~ WAC 246-12-170 through 246-12-240.

(2) A certified dental anesthesia assistant must complete a minimum of two hours of approved health equity training every three years. Two hours of continuing education will be granted towards the 14-hour requirement. An approved program providing health equity continuing education training must meet the requirements listed in WAC 246-12-830. For purposes of this rule, health equity has the same meaning as defined in WAC 246-12-810.

(3) Continuing education must involve direct application of dental anesthesia assistant knowledge and skills in one or more of the following categories:

- (a) General anesthesia;
- (b) Moderate sedation;
- (c) Physical evaluation;
- (d) Medical emergencies;
- (e) Health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS);
- (f) Monitoring and use of monitoring equipment;
- (g) Pharmacology of drugs; and agents used in sedation and anesthesia.

~~((3))~~ (4) Continuing education is defined as any of the following activities:

- (a) Attendance at local, state, national, or international continuing education courses;
- (b) Health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS), or emergency related classes;
- (c) Self-study through the use of multimedia devices or the study of books, research materials, or other publications.

(i) Multimedia devices. The required documentation for this activity is a letter or other documentation from the organization. A maximum of two hours is allowed per reporting period.

(ii) Books, research materials, or other publications. The required documentation for this activity is a two-page synopsis of what was learned written by the credential holder. A maximum of two hours is allowed per reporting period.

(d) Distance learning. Distance learning includes, but is not limited to, correspondence course, webinar, print, audio/video broadcasting, audio/video teleconferencing, computer aided instruction, e-learning/on-line-learning, or computer broadcasting/webcasting. A maximum of four hours of distance learning is allowed per reporting period.