



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 07, 2023

TIME: 9:50 PM

WSR 23-23-053

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 23-16-100 ; 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: (describe subject) Dental school faculty member licenses. The Dental Quality Assurance Commission (commission) is proposing amending WAC 246-817-150 to remove specific references about granting licenses to University of Washington faculty and replacing this with a reference to a faculty of any institution of higher education in Washington state accredited by the Commission on Dental Accreditation (CODA).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
1/19/2024	10:00am	In-Person: Department of Health 111 Israel Rd. SE Tumwater, WA 98501 Bldg. TC2 Rm 167	The public hearing will be hybrid. Participants can attend at either the physical location or virtually by registering via Zoom.
		Webinar: https://us02web.zoom.us/j/81111111111	

Date of intended adoption: 1/19/2024 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Amber Freeberg
Address: P.O. Box 47852, Olympia, WA 98504-7852
Email: dental@doh.wa.gov
Fax: 360-236-2901
Other: <https://fortress.wa.gov/doh/policyreview/>
By (date) January 15, 2024

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 (date) January 15, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In 2023, the Washington State Legislature passed Senate Bill (SB) 5113 (chapter 89, Laws of 2023), amending RCW 18.32.195 to include any institution of higher education in Washington state accredited by the CODA for faculty licensure.

The commission is proposing an amendment to WAC 246-817-150 to align with the recent statutory changes. The proposed amendment will remove specific references about granting licenses to University of Washington faculty and replace this with

a reference to faculty of any institution of higher education in Washington state accredited by CODA. The proposed rule also amends existing language to a gender-neutral format.

Reasons supporting proposal: Prior to the passing of SB 5113, license barriers were removed only for the University of Washington faculty. The proposed rule amendments implement changes in statute that will allow the commission to provide licensure through an academic pathway using a temporary permit without requiring an exam for dental practice while being employed by a Washington state CODA accredited dental school.

Statutory authority for adoption: RCW 18.32.002, and 18.32.0365

Statute being implemented: RCW 18.32.195

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: (person or organization) Dental Quality Assurance Commission

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Amber Freeberg	111 Israel Rd. SW Tumwater, WA 98501	360-236-4893
Implementation: Amber Freeberg	111 Israel Rd. SW Tumwater, WA 98501	360-236-4893
Enforcement: Amber Freeberg	111 Israel Rd. SW Tumwater, WA 98501	360-236-4893

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:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: This rule is exempt under RCW 34.05.328 (5)(b)(iii) and (iv). The proposed rule is mirroring language from the statute and adjusting gender neutral language.

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 checked="" 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 checked="" 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: The proposed rule is mirroring language from the statute.

(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: November 7, 2023

Name: David Carsten, DDS

Title: Dental Quality Assurance Commission Chair

Signature:



WAC 246-817-150 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions. (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the (~~University of Washington, School of Dentistry~~) school of dentistry of any institution of higher education in Washington state accredited by the commission on dental accreditation.

(2) Applicants for faculty licensure shall submit a signed application, including applicable fees, and other documentation as required by the DQAC.

(3) The dean of the (~~University of Washington, School of Dentistry, or his~~) school of dentistry of any higher education in Washington state accredited by the commission on dental accreditation, or their designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.