
SENATE BILL 5535

State of Washington

55th Legislature

1997 Regular Session

By Senators Thibaudeau and Prentice

Read first time 01/30/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the provision of services by dental hygienists;
2 amending RCW 18.29.021, 18.29.045, 18.29.060, 18.29.071, 18.29.100,
3 18.29.110, 18.29.120, 18.29.130, 18.29.140, 18.29.150, 18.29.160,
4 18.29.180, 18.29.190, and 18.29.210; adding new sections to chapter
5 18.29 RCW; repealing RCW 18.29.050 and 18.29.056; providing an
6 effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A dental hygienist licensed under this
9 chapter may obtain and administer topical fluoride and preventive
10 agents and injectable and topical local anesthetics, which are legend
11 drugs pursuant to chapter 69.41 RCW. The dental hygiene quality
12 assurance commission, after consultation with the board of pharmacy,
13 shall adopt rules that authorize a dental hygienist to purchase and
14 administer legend drugs and devices consistent with the provisions of
15 this section.

16 NEW SECTION. **Sec. 2.** (1) Any person licensed as a dental
17 hygienist in this state may remove deposits and stains from the
18 surfaces of the teeth, may apply topical and preventive prophylactic

1 agents including sealants, may administer injectable anesthetic and
2 apply topical anesthetic agents appropriate to dental hygiene services,
3 may polish and smooth restorations, may perform root planing and soft
4 tissue curettage, and other dental hygiene services not specifically
5 excluded by law.

6 Dental hygienists shall not perform the following dental services
7 or dental procedures:

8 (a) Any surgical removal of tissue of the oral cavity;

9 (b) Any prescription of drugs or medications requiring the written
10 order or prescription of a licensed dentist or physician, but a
11 licensed dental hygienist may dispense prescribed legend drugs for
12 preventive dental hygiene services;

13 (c) Any diagnosis for dental treatment or dental treatment
14 planning; or

15 (d) The taking of any impression of the teeth or jaw, or the
16 relationships of the teeth or jaws, for the purpose of fabricating any
17 intra-oral restoration, appliance, or prosthesis.

18 (2) Such licensed dental hygienists may perform services under this
19 chapter either under the supervision of a dentist or unsupervised after
20 obtaining an unsupervised practice endorsement from the dental hygiene
21 quality assurance commission.

22 (3) To obtain an unsupervised practice endorsement, a hygienist
23 must provide to the dental hygiene quality assurance commission
24 satisfactory evidence of: (a) Having attained local anesthetic
25 administration education in an accredited dental hygiene program or its
26 equivalent; (b) having established emergency, health care provider
27 referral, and patient record protocols; and (c) having practiced,
28 including local anesthetic administration, for at least five years,
29 under supervision of a licensed dentist or a licensed dental hygienist
30 practicing unsupervised under this chapter.

31 (4) A dental hygienist licensed under this chapter shall be
32 responsible for completing a dental hygiene assessment and dental
33 hygiene treatment plan for each patient.

34 NEW SECTION. **Sec. 3.** Dental hygienists practicing in unsupervised
35 settings under RCW 18.29.056 before the effective date of this section
36 shall be given an endorsement for unsupervised practice upon
37 application to the dental hygiene quality assurance commission.

1 NEW SECTION. **Sec. 4.** The dental hygiene quality assurance
2 commission shall provide forms for application under section 3 of this
3 act before the effective date of section 3 of this act.

4 NEW SECTION. **Sec. 5.** An unlicensed person may not perform
5 services authorized in section 2 of this act.

6 **Sec. 6.** RCW 18.29.021 and 1996 c 191 s 10 are each amended to read
7 as follows:

8 (1) The department shall issue a license to any applicant who, as
9 determined by the ((secretary)) dental hygiene quality assurance
10 commission:

11 (a) Has successfully completed an educational program approved by
12 the ((secretary)) dental hygiene quality assurance commission. This
13 educational program shall include course work encompassing the subject
14 areas within the scope of the license to practice dental hygiene in the
15 state of Washington;

16 (b) Has successfully completed an examination administered or
17 approved by the dental hygiene ((~~examining committee~~)) quality
18 assurance commission; and

19 (c) Has not engaged in unprofessional conduct or is not unable to
20 practice with reasonable skill and safety as a result of a physical or
21 mental impairment.

22 (2) Applications for licensure must comply with administrative
23 procedures, administrative requirements, and fees established according
24 to RCW 43.70.250 and 43.70.280.

25 **Sec. 7.** RCW 18.29.045 and 1991 c 3 s 47 are each amended to read
26 as follows:

27 An applicant holding a valid license and currently engaged in
28 practice in another state may be granted a license without examination
29 required by this chapter, on the payment of any required fees, if the
30 ((~~secretary in consultation with the advisory committee~~)) dental
31 hygiene quality assurance commission determines that the other state's
32 licensing standards are substantively equivalent to the standards in
33 this state: PROVIDED, That the ((~~secretary in consultation with the~~
34 ~~advisory committee~~)) dental hygiene quality assurance commission may
35 require the applicant to: (1) File with the ((secretary)) dental
36 hygiene quality assurance commission documentation certifying the

1 applicant is licensed to practice in another state; and (2) provide
2 information as the ((secretary)) dental hygiene quality assurance
3 commission deems necessary pertaining to the conditions and criteria of
4 the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to
5 the ((secretary)) dental hygiene quality assurance commission a
6 knowledge of Washington law pertaining to the practice of dental
7 hygiene.

8 **Sec. 8.** RCW 18.29.060 and 1991 c 3 s 48 are each amended to read
9 as follows:

10 Upon passing an examination and meeting the requirements as
11 provided in RCW 18.29.021, the ((secretary of health)) dental hygiene
12 quality assurance commission shall issue to the successful applicant a
13 license as dental hygienist. The license shall be displayed in a
14 conspicuous place in the operation room where such licensee shall
15 practice.

16 **Sec. 9.** RCW 18.29.071 and 1996 c 191 s 11 are each amended to read
17 as follows:

18 The ((secretary)) dental hygiene quality assurance commission shall
19 establish the administrative procedures, administrative requirements,
20 and fees for renewal of licenses as provided in this chapter and in RCW
21 43.70.250 and 43.70.280.

22 **Sec. 10.** RCW 18.29.100 and 1991 c 3 s 50 are each amended to read
23 as follows:

24 Any person who shall violate any provision of this chapter shall be
25 guilty of a misdemeanor. It shall be the duty of the prosecuting
26 attorney of each county to prosecute all cases involving a violation of
27 this chapter arising within his or her county. The attorney general
28 may assist in such prosecutions and shall appear at all hearings when
29 requested to do so by the ((secretary of health)) dental hygiene
30 quality assurance commission.

31 **Sec. 11.** RCW 18.29.110 and 1991 c 3 s 51 are each amended to read
32 as follows:

33 There shall be a dental hygiene ((examining committee)) quality
34 assurance commission consisting of three practicing dental hygienists
35 and one public member appointed by the ((secretary)) governor, to be

1 known as the Washington dental hygiene (~~(examining committee)~~) quality
2 assurance commission. Each dental hygiene member shall be licensed and
3 have been actively practicing dental hygiene for a period of not less
4 than five years in Washington state immediately before appointment and
5 shall not be connected with any dental hygiene school. The public
6 member shall not be connected with any dental hygiene program or
7 engaged in any practice or business related to dental hygiene. Members
8 of the (~~(committee)~~) commission shall be appointed by the (~~(secretary)~~)
9 governor to prepare and conduct examinations for dental hygiene
10 licensure and to conduct disciplinary procedures in compliance with
11 chapter 18.130 RCW. Members shall be appointed to serve for terms of
12 three years from October 1 of the year in which they are appointed.
13 Terms of the members shall be staggered. Each member shall hold office
14 for the term of his or her appointment and until his or her successor
15 is appointed and qualified. Any member of the (~~(committee)~~) dental
16 hygiene quality assurance commission may be removed by the
17 (~~(secretary)~~) governor for neglect of duty, misconduct, malfeasance, or
18 misfeasance in office, after being given a written statement of the
19 charges against him or her and sufficient opportunity to be heard
20 thereon. Members of the (~~(committee)~~) commission shall be compensated
21 in accordance with RCW 43.03.240 and shall be reimbursed for travel
22 expenses in accordance with RCW 43.03.050 and 43.03.060.

23 **Sec. 12.** RCW 18.29.120 and 1995 c 198 s 5 are each amended to read
24 as follows:

25 The (~~(secretary in consultation with the Washington dental hygiene~~
26 ~~examining committee)~~) dental hygiene quality assurance commission
27 shall:

28 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
29 prepare and conduct examinations for dental hygiene licensure;

30 (2) Require an applicant for licensure to pass an examination
31 consisting of written and practical tests upon such subjects and of
32 such scope as the (~~(committee)~~) commission determines;

33 (3) Set the standards for passage of the examination;

34 (4) Administer at least two examinations each calendar year.
35 Additional examinations may be given as necessary; (~~(and)~~)

36 (5) Establish by rule the procedures for an appeal of an
37 examination failure; and

1 (6) Conduct disciplinary hearings in compliance with chapter 18.130
2 RCW.

3 **Sec. 13.** RCW 18.29.130 and 1991 c 3 s 53 are each amended to read
4 as follows:

5 In addition to any other authority provided by law, the
6 ((secretary)) dental hygiene quality assurance commission may:

7 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
8 implement this chapter;

9 (2) Establish forms necessary to administer this chapter;

10 (3) Issue a license to any applicant who has met the education and
11 examination requirements for licensure and deny a license to applicants
12 who do not meet the minimum qualifications for licensure. Proceedings
13 concerning the denial of licenses based on unprofessional conduct or
14 impaired practice shall be governed by the uniform disciplinary act,
15 chapter 18.130 RCW;

16 (4) Employ clerical, administrative, and investigative staff as
17 needed to implement and administer this chapter and hire individuals,
18 including those licensed under this chapter, to serve as examiners or
19 consultants as necessary to implement and administer this chapter;

20 (5) Maintain the official departmental record of all applicants and
21 licensees;

22 (6) Establish, by rule, the minimum education requirements for
23 licensure, including but not limited to approval of educational
24 programs; and

25 (7) Establish and implement by rule a continuing education program.

26 **Sec. 14.** RCW 18.29.140 and 1991 c 3 s 54 are each amended to read
27 as follows:

28 The ((secretary)) dental hygiene quality assurance commission shall
29 establish by rule the standards and procedures for approval of
30 educational programs and may contract with individuals or organizations
31 having expertise in the profession or in education to report to the
32 ((secretary)) dental hygiene quality assurance commission information
33 necessary for the ((secretary)) dental hygiene quality assurance
34 commission to evaluate the educational programs. The ((secretary))
35 dental hygiene quality assurance commission may establish a fee for
36 educational program evaluation. The fee shall be set to defray the

1 administrative costs for evaluating the educational program, including,
2 but not limited to, costs for site evaluation.

3 **Sec. 15.** RCW 18.29.150 and 1991 c 3 s 55 are each amended to read
4 as follows:

5 (1) The ((~~secretary~~)) dental hygiene quality assurance commission
6 shall establish the date and location of the examination. Applicants
7 who meet the education requirements for licensure shall be scheduled
8 for the next examination following the filing of the application. The
9 ((~~secretary~~)) dental hygiene quality assurance commission shall
10 establish by rule the examination application deadline.

11 (2) The examination shall contain subjects appropriate to the scope
12 of practice and on laws in the state of Washington regulating dental
13 hygiene practice.

14 (3) The ((~~committee~~)) commission shall establish by rule the
15 requirements for a reexamination if the applicant has failed the
16 examination.

17 (4) The ((~~committee~~)) commission may approve an examination
18 prepared or administered by a private testing agency or association of
19 licensing authorities.

20 **Sec. 16.** RCW 18.29.160 and 1991 c 3 s 56 are each amended to read
21 as follows:

22 The ((~~secretary~~)) dental hygiene quality assurance commission,
23 members of the ((~~committee~~)) commission, and individuals acting on
24 their behalf are immune from suit in any action, civil or criminal,
25 based on any acts performed in the course of their duties.

26 **Sec. 17.** RCW 18.29.180 and 1991 c 3 s 57 are each amended to read
27 as follows:

28 The following practices, acts, and operations are excepted from the
29 operation of this chapter:

30 (1) The practice of dental hygiene in the discharge of official
31 duties by dental hygienists in the United States armed services, coast
32 guard, public health services, veterans' bureau, or bureau of Indian
33 affairs;

34 (2) Dental hygiene programs approved by the ((~~secretary~~)) dental
35 hygiene quality assurance commission and the practice of dental hygiene
36 by students in dental hygiene programs approved by the ((~~secretary~~))

1 dental hygiene quality assurance commission, when acting under the
2 direction and supervision of persons licensed under chapter 18.29 or
3 18.32 RCW acting as instructors.

4 **Sec. 18.** RCW 18.29.190 and 1993 c 323 s 2 are each amended to read
5 as follows:

6 (1) The department shall issue a temporary license without the
7 examination required by this chapter to any applicant who, as
8 determined by the ((secretary)) dental hygiene quality assurance
9 commission:

10 (a) Holds a valid license in another state that allows the scope of
11 practice in subsection (3)(a) through (j) of this section;

12 (b) Is currently engaged in active practice in another state. For
13 the purposes of this section, "active practice" means five hundred
14 sixty hours of practice in the preceding twenty-four months;

15 (c) Files with the ((secretary)) dental hygiene quality assurance
16 commission documentation certifying that the applicant:

17 (i) Has graduated from an accredited dental hygiene school approved
18 by the ((secretary)) dental hygiene quality assurance commission;

19 (ii) Has successfully completed the dental hygiene national board
20 examination; and

21 (iii) Is licensed to practice in another state;

22 (d) Provides information as the ((secretary)) dental hygiene
23 quality assurance commission deems necessary pertaining to the
24 conditions and criteria of the uniform disciplinary act, chapter 18.130
25 RCW;

26 (e) Demonstrates to the ((secretary)) dental hygiene quality
27 assurance commission a knowledge of Washington state law pertaining to
28 the practice of dental hygiene, including the administration of legend
29 drugs;

30 (f) Pays any required fees; and

31 (g) Meets requirements for AIDS education.

32 (2) The term of the temporary license issued under this section is
33 eighteen months and it is nonrenewable.

34 (3) A person practicing with a temporary license granted under this
35 section has the authority to perform hygiene procedures that are
36 limited to:

37 (a) Oral inspection and measuring of periodontal pockets;

38 (b) Patient education in oral hygiene;

- 1 (c) Taking intra-oral and extra-oral radiographs;
- 2 (d) Applying topical preventive or prophylactic agents;
- 3 (e) Polishing and smoothing restorations;
- 4 (f) Oral prophylaxis and removal of deposits and stains from the
- 5 surface of the teeth;
- 6 (g) Recording health histories;
- 7 (h) Taking and recording blood pressure and vital signs;
- 8 (i) Performing subgingival and supragingival scaling; and
- 9 (j) Performing root planing.

10 (4)(a) A person practicing with a temporary license granted under
11 this section may not perform the following dental hygiene procedures
12 unless authorized in (b) or (c) of this subsection:

- 13 (i) Give injections of local anesthetic;
- 14 (ii) Place restorations into the cavity prepared by a licensed
- 15 dentist and afterwards carve, contour, and adjust contacts and
- 16 occlusion of the restoration;
- 17 (iii) Soft tissue curettage; or
- 18 (iv) Administer nitrous oxide/oxygen analgesia.

19 (b) A person licensed in another state who can demonstrate
20 substantively equivalent licensing standards in the administration of
21 local anesthetic may receive a temporary endorsement to administer
22 local anesthesia.

23 (c) A person licensed in another state who can demonstrate
24 substantively equivalent licensing standards in restorative procedures
25 may receive a temporary endorsement for restorative procedures.

26 **Sec. 19.** RCW 18.29.210 and 1993 c 323 s 4 are each amended to read
27 as follows:

28 The (~~secretary in consultation with the dental hygiene examining~~
29 ~~committee~~) dental hygiene quality assurance commission shall develop
30 rules and definitions to implement this chapter.

31 NEW SECTION. **Sec. 20.** The following acts or parts of acts are
32 each repealed:

- 33 (1) RCW 18.29.050 and 1971 ex.s. c 235 s 1, 1969 c 47 s 4, & 1923
- 34 c 16 s 27; and
- 35 (2) RCW 18.29.056 and 1984 c 279 s 63.

1 NEW SECTION. **Sec. 21.** Sections 1 through 5 of this act are each
2 added to chapter 18.29 RCW.

3 NEW SECTION. **Sec. 22.** Section 4 of this act is necessary for the
4 immediate preservation of the public peace, health, or safety, or
5 support of the state government and its existing public institutions,
6 and takes effect July 1, 1997.

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