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HOUSE BILL 1253

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Edwards, Campbell, Cody, Ruderman, Rockefeller,  
Kenney and Conway

Read first time 01/22/2003. Referred to Committee on Health Care.

1            AN ACT Relating to dental hygienists; amending RCW 18.29.005,  
2 18.29.050, 18.29.021, 18.29.045, 18.29.071, 18.29.120, 18.29.140,  
3 18.29.150, 18.29.160, 18.29.190, and 18.29.210; adding new sections to  
4 chapter 18.29 RCW; creating a new section; and repealing RCW 18.29.110,  
5 18.29.130, 18.29.170, 18.29.190, and 18.29.200.

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

7            **Sec. 1.** RCW 18.29.005 and 1969 c 47 s 6 are each amended to read  
8 as follows:

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

11            (1) "Board" means the board of dental hygiene created in section 9  
12 of this act.

13            (2) "Dental hygiene diagnosis" means the identification of, and the  
14 discrimination between, a person's physical and oral signs and symptoms  
15 that are essential to effective execution and management of the dental  
16 hygiene care regimen.

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

18            (4) "Licensed dental hygienist" means a preventive oral health

1 professional who has graduated from an institute of higher education's  
2 accredited dental hygiene program and is licensed under this chapter.

3 (5) "Licensed dental hygienist--advanced practice" means a  
4 preventive oral health professional licensed under this chapter with a  
5 baccalaureate degree in dental hygiene from an institute of higher  
6 education approved by the board, or a preventive oral health  
7 professional licensed under this chapter with a baccalaureate degree in  
8 a related field from an institute of higher education approved by the  
9 board.

10 (6) "Secretary" means the secretary of health.

11 (7) "Surfaces of the teeth" ((as used in this chapter)) means the  
12 portions of the crown and root surface to which there is no periodontal  
13 membrane attached.

14 **Sec. 2.** RCW 18.29.050 and 1997 c 37 s 1 are each amended to read  
15 as follows:

16 Any person licensed as a licensed dental hygienist in this state  
17 may remove deposits and stains from the surfaces of the teeth, may  
18 apply topical preventive or prophylactic agents, may polish and smooth  
19 restorations, may perform root planing and soft-tissue curettage, may  
20 administer local anesthetic and nitrous oxide analgesia under the  
21 general supervision of a licensed dentist, may place restorations into  
22 the cavity prepared by the licensed dentist, may carve, contour, and  
23 adjust contacts and occlusion of the restoration under the close  
24 supervision of a licensed dentist, and may perform other dental  
25 operations and services delegated to them by a licensed dentist:  
26 PROVIDED HOWEVER, That licensed dental hygienists shall in no event  
27 perform the following dental operations or services:

28 (1) Any surgical removal of tissue of the oral cavity;

29 (2) Any prescription of drugs or medications requiring the written  
30 order or prescription of a licensed dentist or physician;

31 (3) Any dental diagnosis for treatment or treatment planning; or

32 (4) The taking of any impression of the teeth or jaw, or the  
33 relationships of the teeth or jaws, for the purpose of fabricating any  
34 intra-oral restoration, appliance, or prosthesis.

35 Such licensed dental hygienists may perform dental operations and  
36 services only under the general supervision except where otherwise  
37 provided in this section, of a licensed dentist, and under such

1 supervision may be employed by hospitals, boards of education of public  
2 or private schools, county boards, boards of health, or public or  
3 charitable institutions, or in dental offices.

4 For the purposes of this section, dental hygienists may delegate  
5 certain functions to unlicensed persons as established by the board by  
6 rule. The unlicensed person may only perform the delegated function  
7 under the close supervision of a dental hygienist.

8 NEW SECTION. Sec. 3. A new section is added to chapter 18.29 RCW  
9 to read as follows:

10 (1) A licensed dental hygienist--advanced practice may perform all  
11 dental operations and services authorized under RCW 18.29.050 without  
12 dental supervision. A licensed dental hygienist--advanced practice may  
13 also perform the following authorized dental hygiene operations and  
14 services without dental supervision, regardless of setting: Removing  
15 deposits and stains from the surfaces of the teeth, applying topical  
16 preventive or prophylactic agents, polishing and smoothing  
17 restorations, performing root planning, soft-tissue curettage, and  
18 applying temporary cementation.

19 (2) For the purposes of this section, licensed dental hygienists--  
20 advanced practice may, under close supervision delegate certain  
21 functions to unlicensed persons as established by the board by rule.

22 (3) For the purposes of this section, licensed dental hygienists--  
23 advanced practice may place permanent antimicrobials and antibiotics.

24 (4) The board may authorize advanced practice designation for  
25 licensed dental hygienists practicing in identified critical shortage  
26 areas.

27 NEW SECTION. Sec. 4. The legislature recognizes that while  
28 Washington state licenses dental hygienists, the majority of the states  
29 and professional organizations still refer to dental hygienists as  
30 "registered dental hygienists." Section 5 of this act takes cognizance  
31 of this fact, and requires persons licensed under chapter 18.29 RCW to  
32 wear name badges that refer to their status "registered dental  
33 hygienists," or "R.D.H."

34 NEW SECTION. Sec. 5. A new section is added to chapter 18.29 RCW  
35 to read as follows:

1 A person licensed under this chapter must wear a name badge that  
2 identifies the licensee as an "R.D.H." when practicing dental hygiene.

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

5 (1) The (~~department~~) secretary shall issue a license to any  
6 applicant who(~~, as determined by the secretary~~):

7 (a) Has successfully completed an educational program approved by  
8 the (~~secretary~~) board. This educational program shall include course  
9 work encompassing the subject areas within the scope of the license to  
10 practice dental hygiene in the state of Washington;

11 (b) Has successfully completed an examination administered or  
12 approved by the (~~dental hygiene examining committee~~) board; and

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

16 (2) Applications for licensure must comply with administrative  
17 procedures, administrative requirements, and fees established according  
18 to RCW 43.70.250 and 43.70.280.

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

21 An applicant holding a valid license and currently engaged in  
22 practice in another state may be granted a license without examination  
23 required by this chapter, on the payment of any required fees, if the  
24 secretary in consultation with the (~~advisory committee~~) board  
25 determines that the other state's licensing standards are substantively  
26 equivalent to the standards in this state: PROVIDED, That the  
27 secretary in consultation with the (~~advisory committee~~) board may  
28 require the applicant to: (1) File with the secretary documentation  
29 certifying the applicant is licensed to practice in another state; and  
30 (2) provide information as the secretary deems necessary pertaining to  
31 the conditions and criteria of the uniform disciplinary act, chapter  
32 18.130 RCW and to demonstrate to the secretary a knowledge of  
33 Washington law pertaining to the practice of dental hygiene.

34 **Sec. 8.** RCW 18.29.071 and 1996 c 191 s 11 are each amended to read  
35 as follows:

1       The ((~~secretary~~)) board shall establish the administrative  
2 procedures, administrative requirements, and fees for renewal of  
3 licenses as provided in this chapter and in RCW 43.70.250 and  
4 43.70.280.

5       NEW SECTION. **Sec. 9.** A new section is added to chapter 18.29 RCW  
6 to read as follows:

7       (1) The board of dental hygiene is created. The board consists of  
8 five members who shall be appointed by the governor. Of the initial  
9 appointments, two shall be appointed for a term of two years, two for  
10 a term of three years, and one for a term of four years. Thereafter,  
11 all appointments shall be for terms of four years. Four members of the  
12 board shall be dental hygienists licensed under this chapter and  
13 residing in this state, shall have not less than five years' experience  
14 in the practice of dental hygiene, and shall be actively engaged in  
15 practice within two years of appointment. The fifth member shall be  
16 appointed from the public at large, shall have an interest in the  
17 rights of consumers of dental services, and shall not be or have been  
18 a member of any other licensing board, a licensee of any dental related  
19 board, an employee of any dental services facility, nor derive his or  
20 her primary livelihood from the provision of dental services at any  
21 level of responsibility. In the event that a member of the board  
22 cannot complete his or her term of office, another appointment shall be  
23 made by the governor in accordance with the procedure stated in this  
24 subsection to fill the remainder of the term. No member may serve for  
25 more than two successive four-year terms.

26       (2) The secretary of health shall furnish such secretarial,  
27 clerical, and other assistance as the board may require. Each member  
28 of the board shall be compensated in accordance with RCW 43.03.240, and  
29 be reimbursed for travel expenses in accordance with RCW 43.03.050 and  
30 43.03.060.

31       NEW SECTION. **Sec. 10.** A new section is added to chapter 18.29 RCW  
32 to read as follows:

33       In addition to other duties specified in this chapter, the board  
34 has the following powers and duties:

35       (1) To develop and administer, or approve, or both, examinations to  
36 applicants for licensure under this chapter;

1 (2) To pass upon the qualifications of applicants for a license and  
2 to certify to the secretary duly qualified applicants;

3 (3) To adopt rules not inconsistent with the laws of this state as  
4 may be deemed necessary or proper to carry out the purposes of this  
5 chapter;

6 (4) To establish and administer requirements for continuing  
7 competency, which shall be a prerequisite to renewing a license under  
8 this chapter;

9 (5) To keep an official record of all board proceedings, which  
10 record shall be evidence of all proceedings of the board that are set  
11 forth in the official record; and

12 (6) To adopt rules not inconsistent with the laws of this state,  
13 when it deems appropriate, in response to questions put to it by  
14 professional dental related associations, dental hygienists, and  
15 consumers in this state concerning the authority of dental hygienists  
16 to perform certain acts.

17 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.29 RCW  
18 to read as follows:

19 The board shall elect from its members a chair and vice-  
20 chair/secretary, who shall serve for one year or until their successors  
21 are elected. The board shall meet at least once a year and upon the  
22 call of the chair at such times and places as the chair designates.  
23 Three members constitute a quorum of the full board for the transaction  
24 of any business. Meetings of the board shall be open and public,  
25 except the board may hold executive sessions to the extent permitted by  
26 chapter 42.30 RCW.

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

29 The (~~secretary in consultation with the Washington dental hygiene~~  
30 ~~examining committee~~) board shall:

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

33 (2) Require an applicant for licensure to pass an examination  
34 consisting of written and practical tests upon such subjects and of  
35 such scope as the (~~committee~~) board determines;

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

1 (4) Administer at least two examinations each calendar year.  
2 Additional examinations may be given as necessary; and  
3 (5) Establish by rule the procedures for an appeal of an  
4 examination failure.

5 **Sec. 13.** RCW 18.29.140 and 1991 c 3 s 54 are each amended to read  
6 as follows:

7 The ((~~secretary~~)) board shall establish by rule the standards and  
8 procedures for approval of educational programs and may contract with  
9 individuals or organizations having expertise in the profession or in  
10 education to report to the ((~~secretary~~)) board information necessary  
11 for the ((~~secretary~~)) board to evaluate the educational programs. The  
12 ((~~secretary~~)) board may establish a fee for educational program  
13 evaluation. The fee shall be set to defray the administrative costs  
14 for evaluating the educational program, including, but not limited to,  
15 costs for site evaluation.

16 **Sec. 14.** RCW 18.29.150 and 1991 c 3 s 55 are each amended to read  
17 as follows:

18 (1) The ((~~secretary~~)) board shall establish the date and location  
19 of the examination. Applicants who meet the education requirements for  
20 licensure shall be scheduled for the next examination following the  
21 filing of the application. The ((~~secretary~~)) board shall establish by  
22 rule the examination application deadline.

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

26 (3) The ((~~committee~~)) board shall establish by rule the  
27 requirements for a reexamination if the applicant has failed the  
28 examination.

29 (4) The ((~~committee~~)) board may approve an examination prepared or  
30 administered by a private testing agency or association of licensing  
31 authorities.

32 **Sec. 15.** RCW 18.29.160 and 1991 c 3 s 56 are each amended to read  
33 as follows:

34 The secretary, members of the ((~~committee~~)) board, and individuals

1 acting on their behalf are immune from suit in any action, civil or  
2 criminal, based on any acts performed in the course of their duties.

3 **Sec. 16.** RCW 18.29.190 and 1993 c 323 s 2 are each amended to read  
4 as follows:

5 (1) The department shall issue a temporary license without the  
6 examination required by this chapter to any applicant who, as  
7 determined by the ((secretary)) board:

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

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

13 (c) Files with the ((secretary)) board documentation certifying  
14 that the applicant:

15 (i) Has graduated from an accredited dental hygiene school approved  
16 by the ((secretary)) board;

17 (ii) Has successfully completed the dental hygiene national board  
18 examination; and

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

20 (d) Provides information as the ((secretary)) board deems necessary  
21 pertaining to the conditions and criteria of the uniform disciplinary  
22 act, chapter 18.130 RCW;

23 (e) Demonstrates to the ((secretary)) board a knowledge of  
24 Washington state law pertaining to the practice of dental hygiene,  
25 including the administration of legend drugs;

26 (f) Pays any required fees; and

27 (g) Meets requirements for AIDS education.

28 (2) The term of the temporary license issued under this section is  
29 eighteen months ~~((and it is))~~. An applicant may renew the temporary  
30 license for an additional eighteen months solely for the purpose of  
31 completing the licensing requirements in restorative procedures,  
32 otherwise the temporary license is nonrenewable.

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

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

37 (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. 17.** 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~~)) board shall develop rules and definitions to implement this  
30 chapter.

31 NEW SECTION. **Sec. 18.** The following acts or parts of acts are  
32 each repealed:

33 (1) RCW 18.29.110 (Dental hygiene examining committee--Generally)  
34 and 1991 c 3 s 51 & 1989 c 202 s 3;

35 (2) RCW 18.29.130 (Secretary's authority--Generally--Continuing  
36 education) and 1991 c 3 s 53 & 1989 c 202 s 5;

1           (3) RCW 18.29.170 (Committee meetings--Quorum--Effect of vacancy)  
2 and 1989 c 202 s 9;

3           (4) RCW 18.29.190 (Temporary licenses) and 1993 c 323 s 2; and

4           (5) RCW 18.29.200 (Temporary licensees--Requirements for regular  
5 examination) and 1993 c 323 s 3.

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