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SENATE BILL 5706

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State of Washington

59th Legislature

2005 Regular Session

By Senators Thibaudeau, Fairley, Fraser, Poulsen and McAuliffe

Read first time 02/02/2005. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to providers of dental services; amending RCW  
2 18.29.021, 18.29.045, 18.29.050, 18.29.120, 18.29.140, 18.29.150,  
3 18.29.160, and 18.29.210; adding new sections to chapter 18.29 RCW;  
4 adding a new chapter to Title 18 RCW; and repealing RCW 18.29.110,  
5 18.29.130, and 18.29.170.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.29 RCW  
8 to read as follows:

9 Dental hygienists licensed under this chapter with two years'  
10 practical clinical experience with a licensed dentist within the  
11 preceding five years may perform all dental operations and services  
12 authorized under RCW 18.29.050 without dental supervision. However,  
13 the administration of local anesthetic and nitrous oxide may only be  
14 performed under the close supervision of a licensed dentist or  
15 physician.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.29 RCW  
17 to read as follows:

18 (1) The board of dental hygiene is created. The board consists of

1 six members who must be appointed by the governor. Of the initial  
2 appointments, two members must be appointed for a term of two years,  
3 three members for a term of three years, and one member for a term of  
4 four years. Thereafter, all appointments shall be for terms of four  
5 years.

6 (2) Five members of the board must: (a) Be dental hygienists  
7 licensed under this chapter and residing in this state; (b) have at  
8 least five years' experience in the practice of dental hygiene; (c) be  
9 actively engaged in the practice of dental hygiene within two years of  
10 appointment; and (d) not be connected with any dental hygiene school.  
11 The sixth member must be appointed from the public at large, have an  
12 interest in the rights of consumers of dental services, and not be or  
13 have been a member of any other licensing board, a licensee of any  
14 dental-related board, an employee of any dental services facility, not  
15 be connected with any dental hygiene program, or engaged in any  
16 practice or business related to dental hygiene or derive his or her  
17 primary livelihood from the provision of dental services at any level  
18 of responsibility.

19 (3) In the event that a member of the board of dental hygiene  
20 cannot complete his or her term of office, the governor must appoint  
21 another member in accordance with the procedures stated in this section  
22 to fill the remainder of the term. No member may serve for more than  
23 two consecutive four-year terms.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.29 RCW  
25 to read as follows:

26 In addition to other duties specified in this chapter, the board of  
27 dental hygiene has the following powers and duties:

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

30 (2) To establish the qualifications of persons applying for  
31 licensure as a dental hygienist under this chapter and to certify to  
32 the secretary duly qualified applicants;

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

36 (4) To establish and administer requirements for continuing

1 competency, which shall be a prerequisite to renewing a license under  
2 this chapter;

3 (5) To keep an official record of all board of dental hygiene  
4 proceedings. The record is evidence of all proceedings of the board of  
5 dental hygiene that are set forth in the official record;

6 (6) When appropriate, to adopt rules not inconsistent with the laws  
7 of this state in response to questions put to it by professional  
8 dental-related associations, dental hygienists, and consumers in this  
9 state concerning the authority of dental hygienists to perform certain  
10 acts; and

11 (7) When appropriate, to consult with the dental quality assurance  
12 commission.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.29 RCW  
14 to read as follows:

15 The board of dental hygiene shall elect from its members a chair  
16 and vice-chair who must serve for one year or until their successors  
17 are elected. The board of dental hygiene must meet at least once a  
18 year and upon the call of the chair at such times and places as the  
19 chair designates. Four members constitute a quorum of any business.  
20 Meetings of the board of dental hygiene are open and public, except the  
21 board may hold executive sessions to the extent permitted by chapter  
22 42.30 RCW. Members of the board of dental hygiene must be compensated  
23 in accordance with RCW 43.03.240 and be reimbursed for travel expenses  
24 in accordance with RCW 43.03.050 and 43.03.060. The secretary shall  
25 furnish secretarial, clerical, and other assistance as the board may  
26 require.

27 **Sec. 5.** RCW 18.29.021 and 1996 c 191 s 10 are each amended to read  
28 as follows:

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

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

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

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

6 (2) Applications for licensure must comply with administrative  
7 procedures, administrative requirements, and fees established according  
8 to RCW 43.70.250 and 43.70.280.

9 **Sec. 6.** RCW 18.29.045 and 1991 c 3 s 47 are each amended to read  
10 as follows:

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

25 **Sec. 7.** RCW 18.29.050 and 2003 c 257 s 1 are each amended to read  
26 as follows:

27 (1) Any person licensed as a dental hygienist in this state may  
28 remove deposits and stains from the surfaces of the teeth, may apply  
29 topical preventive or prophylactic agents, may polish and smooth  
30 restorations, may perform root planing and soft-tissue curettage, and  
31 may perform other dental operations and services delegated to them by  
32 a licensed dentist: PROVIDED HOWEVER, That licensed dental hygienists  
33 shall in no event perform the following dental operations or services:

- 34 ~~((1))~~ (a) Any surgical removal of tissue of the oral cavity;  
35 ~~((2))~~ (b) Any prescription of drugs or medications requiring the

1 written order or prescription of a licensed dentist or physician,  
2 except that a hygienist may place antimicrobials pursuant to the order  
3 of a licensed dentist and under the dentist's required supervision;

4 ~~((3))~~ (c) Any diagnosis for treatment or treatment planning; or

5 ~~((4))~~ (d) The taking of any impression of the teeth or jaw, or  
6 the relationships of the teeth or jaws, for the purpose of fabricating  
7 any intra-oral restoration, appliance, or prosthesis.

8 (2) Such licensed dental hygienists may perform dental operations  
9 and services only under the supervision of a licensed dentist, and  
10 under such supervision may be employed by hospitals, boards of  
11 education of public or private schools, county boards, boards of  
12 health, or public or charitable institutions, or in dental offices.

13 (3) For the purpose of this section, a licensed dental hygienist  
14 may delegate certain functions to a dental assistant as established by  
15 the board of dental hygiene by rule. The dental assistant may only  
16 perform the delegated function under the close supervision of a  
17 licensed dental hygienist.

18 **Sec. 8.** RCW 18.29.120 and 1995 c 198 s 5 are each amended to read  
19 as follows:

20 The ~~((secretary in consultation with the Washington))~~ board of  
21 dental hygiene ~~((examining committee))~~ shall:

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

24 (2) Require an applicant for licensure to pass an examination  
25 consisting of written and practical tests upon such subjects and of  
26 such scope as the ~~((committee))~~ board of dental hygiene determines;

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

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

30 (5) Establish by rule the procedures for an appeal of an  
31 examination failure.

32 **Sec. 9.** RCW 18.29.140 and 1991 c 3 s 54 are each amended to read  
33 as follows:

34 The ~~((secretary))~~ board of dental hygiene shall establish by rule  
35 the standards and procedures for approval of educational programs and  
36 may contract with individuals or organizations having expertise in the

1 profession or in education to report to the ((~~secretary~~)) board of  
2 dental hygiene information necessary for the secretary to evaluate the  
3 educational programs. The ((~~secretary~~)) board of dental hygiene may  
4 establish a fee for educational program evaluation. The fee shall be  
5 set to defray the administrative costs for evaluating the educational  
6 program, including, but not limited to, costs for site evaluation.

7 **Sec. 10.** RCW 18.29.150 and 1991 c 3 s 55 are each amended to read  
8 as follows:

9 (1) The ((~~secretary~~)) board of dental hygiene shall establish the  
10 date and location of the examination. Applicants who meet the  
11 education requirements for licensure shall be scheduled for the next  
12 examination following the filing of the application. The ((~~secretary~~))  
13 board of dental hygiene shall establish by rule the examination  
14 application deadline.

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

18 (3) The ((~~committee~~)) board of dental hygiene shall establish by  
19 rule the requirements for a reexamination if the applicant has failed  
20 the examination.

21 (4) The ((~~committee~~)) board of dental hygiene may approve an  
22 examination prepared or administered by a private testing agency or  
23 association of licensing authorities.

24 **Sec. 11.** RCW 18.29.160 and 1991 c 3 s 56 are each amended to read  
25 as follows:

26 The secretary, members of the ((~~committee~~)) board of dental  
27 hygiene, and individuals acting on their behalf are immune from suit in  
28 any action, civil or criminal, based on any acts performed in the  
29 course of their duties.

30 **Sec. 12.** RCW 18.29.210 and 1993 c 323 s 4 are each amended to read  
31 as follows:

32 The ((~~secretary in consultation with the~~)) board of dental hygiene  
33 ((~~examining committee~~)) shall develop rules and definitions to  
34 implement this chapter.

1        NEW SECTION.    **Sec. 13.**    The legislature finds that the health and  
2 well-being of the people of this state are of paramount importance.

3        The legislature also finds that dental care has become more  
4 complex, while at the same time scientific knowledge has evolved,  
5 allowing for a better understanding of the relationship between oral  
6 health and overall physical health.

7        The legislature declares that the registration of dental assistants  
8 is in the interest of the public health, safety, and welfare.

9        NEW SECTION.    **Sec. 14.**    The definitions in this section apply  
10 throughout this chapter unless the context clearly requires otherwise.

11        (1) "Commission" means the dental quality assurance commission.

12        (2) "Dental assistant" means a person who is registered by the  
13 secretary to provide supportive services to a licensed dentist or  
14 licensed dental hygienist to the extent provided in this chapter under  
15 the close supervision of the dentist or dental hygienist.

16        (3) "Secretary" means the secretary of health.

17        NEW SECTION.    **Sec. 15.**    (1) The commission shall adopt rules  
18 relating to dental services that may be performed by registered dental  
19 assistants.    All dental services performed by registered dental  
20 assistants must be performed under the close supervision of a licensed  
21 dentist or dental hygienist.

22        (2) In addition to any other limitations established by the  
23 commission, registered dental assistants may not perform the following  
24 procedures:

25        (a) Any scaling procedure;

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

27        (c) Administration of any general or local anesthetic;

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

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

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

1        NEW SECTION.    **Sec. 16.** The secretary shall issue a dental  
2 assistant registration to an applicant who pays the applicable fees and  
3 submits, on forms provided by the secretary, the applicant's name,  
4 address, and other information as determined by the commission,  
5 provided that there are no grounds for denial of registration or  
6 issuance of a conditional registration under this chapter or chapter  
7 18.130 RCW.

8        NEW SECTION.    **Sec. 17.** Sections 13 through 16 of this act  
9 constitute a new chapter in Title 18 RCW.

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

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

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

16       (3) RCW 18.29.170 (Committee meetings--Quorum--Effect of vacancy)  
17 and 1989 c 202 s 9.

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