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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5620

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State of Washington

62nd Legislature

2012 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators  
Becker, Keiser, and Parlette)

READ FIRST TIME 01/10/12.

1 AN ACT Relating to the certification of dental anesthesia  
2 assistants; amending RCW 18.130.040, 18.32.030, and 18.120.020; and  
3 adding a new chapter to Title 18 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Close supervision" has the same meaning as in RCW 18.260.010.

8 (2) "Commission" means the dental quality assurance commission  
9 established in RCW 18.32.0351.

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

11 (4) "Direct visual supervision" means supervision by an oral and  
12 maxillofacial surgeon or dental anesthesiologist by verbal command and  
13 under direct line of sight.

14 (5) "Oral and maxillofacial surgeon" has the same meaning as in RCW  
15 18.32.020.

16 (6) "Secretary" means secretary of health.

17 NEW SECTION. **Sec. 2.** (1) No person may practice or represent  
18 himself or herself as a certified dental anesthesia assistant by use of

1 any title or description without being certified by the commission as  
2 having met the standards established for certification under this  
3 chapter.

4 (2) A certified dental anesthesia assistant may not practice or  
5 represent himself or herself as a registered dental assistant without  
6 being registered by the commission as having met the standards for  
7 registration under chapter 18.260 RCW.

8 NEW SECTION. **Sec. 3.** (1) Each applicant for certification as a  
9 dental anesthesia assistant must submit to the department:

10 (a) An application, on a form provided by the department, with the  
11 applicant's name, address, and name and location of the oral and  
12 maxillofacial surgeon or dental anesthesiologist where the assistant  
13 will be performing his or her services;

14 (b) An application fee, as determined by the secretary of health as  
15 provided in RCW 43.70.250 and 43.70.280; and

16 (c) Satisfactory evidence of:

17 (i) Completion of a commission-approved dental anesthesia assistant  
18 training course, to include intravenous access or phlebotomy. This  
19 training must include experience starting and maintaining intravenous  
20 lines;

21 (ii) Completion of a commission-approved basic life support/cardiac  
22 pulmonary resuscitation course; and

23 (iii) The valid general anesthesia permit of the oral and  
24 maxillofacial surgeon or dental anesthesiologist where the assistant  
25 will be performing his or her services.

26 (2) The commission may adopt rules for the requirements for renewal  
27 of the certification, including continuing education requirements  
28 consistent with national oral and maxillofacial surgery requirements.

29 (3) The secretary shall establish the administrative procedures,  
30 administrative requirements, and fees for renewal of certifications as  
31 provided in RCW 43.70.250 and 43.70.280.

32 NEW SECTION. **Sec. 4.** (1) Any dental anesthesia assistant  
33 certified pursuant to this chapter shall perform the functions  
34 authorized in this chapter only by delegation of authority from the  
35 oral and maxillofacial surgeon or dental anesthesiologist and under the  
36 supervision, as described in subsections (2) and (3) of this section,

1 of the oral and maxillofacial surgeon or dental anesthesiologist acting  
2 within the scope of his or her license. The responsibility for  
3 monitoring a patient and determining the selection of the drug, dosage,  
4 and timing of all anesthetic medications rests solely with the oral and  
5 maxillofacial surgeon or dental anesthesiologist.

6 (2) Under close supervision, the dental anesthesia assistant may:

7 (a) Initiate and discontinue an intravenous line for a patient  
8 being prepared to receive intravenous medications, sedation, or general  
9 anesthesia; and

10 (b) Adjust the rate of intravenous fluids infusion only to maintain  
11 or keep the line patent or open.

12 (3) Under direct visual supervision, the dental anesthesia  
13 assistant may:

14 (a) Draw up and prepare medications;

15 (b) Follow instructions to deliver medications into an intravenous  
16 line upon verbal command;

17 (c) Adjust the rate of intravenous fluids infusion beyond a keep  
18 open rate;

19 (d) Adjust an electronic device to provide medications, such as an  
20 infusion pump;

21 (e) Administer emergency medications to a patient in order to  
22 assist the oral and maxillofacial surgeon or dental anesthesiologist in  
23 an emergency.

24 (4) Any oral and maxillofacial surgeon or dental anesthesiologist  
25 delegating duties under this section must have a valid general  
26 anesthesia permit and, if the dental anesthesia assistant does not  
27 possess advanced cardiac life support training, must be current in such  
28 training.

29 NEW SECTION. **Sec. 5.** The uniform disciplinary act, chapter 18.130  
30 RCW, governs unlicensed practice, the issuance and denial of  
31 certification, and the discipline of certified dental anesthesia  
32 assistants under this chapter.

33 **Sec. 6.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read  
34 as follows:

35 (1) This chapter applies only to the secretary and the boards and  
36 commissions having jurisdiction in relation to the professions licensed

1 under the chapters specified in this section. This chapter does not  
2 apply to any business or profession not licensed under the chapters  
3 specified in this section.

4 (2)(a) The secretary has authority under this chapter in relation  
5 to the following professions:

6 (i) Dispensing opticians licensed and designated apprentices under  
7 chapter 18.34 RCW;

8 (ii) Midwives licensed under chapter 18.50 RCW;

9 (iii) Ocularists licensed under chapter 18.55 RCW;

10 (iv) Massage operators and businesses licensed under chapter 18.108  
11 RCW;

12 (v) Dental hygienists licensed under chapter 18.29 RCW;

13 (vi) East Asian medicine practitioners licensed under chapter 18.06  
14 RCW;

15 (vii) Radiologic technologists certified and X-ray technicians  
16 registered under chapter 18.84 RCW;

17 (viii) Respiratory care practitioners licensed under chapter 18.89  
18 RCW;

19 (ix) Hypnotherapists and agency affiliated counselors registered  
20 and advisors and counselors certified under chapter 18.19 RCW;

21 (x) Persons licensed as mental health counselors, mental health  
22 counselor associates, marriage and family therapists, marriage and  
23 family therapist associates, social workers, social work associates--  
24 advanced, and social work associates--independent clinical under  
25 chapter 18.225 RCW;

26 (xi) Persons registered as nursing pool operators under chapter  
27 18.52C RCW;

28 (xii) Nursing assistants registered or certified under chapter  
29 18.88A RCW;

30 (xiii) Health care assistants certified under chapter 18.135 RCW;

31 (xiv) Dietitians and nutritionists certified under chapter 18.138  
32 RCW;

33 (xv) Chemical dependency professionals and chemical dependency  
34 professional trainees certified under chapter 18.205 RCW;

35 (xvi) Sex offender treatment providers and certified affiliate sex  
36 offender treatment providers certified under chapter 18.155 RCW;

37 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
38 RCW 18.71.205;

1 (xviii) Denturists licensed under chapter 18.30 RCW;  
2 (xix) Orthotists and prosthetists licensed under chapter 18.200  
3 RCW;  
4 (xx) Surgical technologists registered under chapter 18.215 RCW;  
5 (xxi) Recreational therapists [under chapter 18.230 RCW];  
6 (xxii) Animal massage practitioners certified under chapter 18.240  
7 RCW;  
8 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;  
9 (xxiv) Home care aides certified under chapter 18.88B RCW; and  
10 (xxv) Genetic counselors licensed under chapter 18.290 RCW.  
11 (b) The boards and commissions having authority under this chapter  
12 are as follows:  
13 (i) The podiatric medical board as established in chapter 18.22  
14 RCW;  
15 (ii) The chiropractic quality assurance commission as established  
16 in chapter 18.25 RCW;  
17 (iii) The dental quality assurance commission as established in  
18 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW  
19 ~~((and))~~, licenses and registrations issued under chapter 18.260 RCW,  
20 and certifications issued under chapter 18.--- RCW (the new chapter  
21 created in section 9 of this act);  
22 (iv) The board of hearing and speech as established in chapter  
23 18.35 RCW;  
24 (v) The board of examiners for nursing home administrators as  
25 established in chapter 18.52 RCW;  
26 (vi) The optometry board as established in chapter 18.54 RCW  
27 governing licenses issued under chapter 18.53 RCW;  
28 (vii) The board of osteopathic medicine and surgery as established  
29 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
30 18.57A RCW;  
31 (viii) The board of pharmacy as established in chapter 18.64 RCW  
32 governing licenses issued under chapters 18.64 and 18.64A RCW;  
33 (ix) The medical quality assurance commission as established in  
34 chapter 18.71 RCW governing licenses and registrations issued under  
35 chapters 18.71 and 18.71A RCW;  
36 (x) The board of physical therapy as established in chapter 18.74  
37 RCW;

1 (xi) The board of occupational therapy practice as established in  
2 chapter 18.59 RCW;

3 (xii) The nursing care quality assurance commission as established  
4 in chapter 18.79 RCW governing licenses and registrations issued under  
5 that chapter;

6 (xiii) The examining board of psychology and its disciplinary  
7 committee as established in chapter 18.83 RCW;

8 (xiv) The veterinary board of governors as established in chapter  
9 18.92 RCW; and

10 (xv) The board of naturopathy established in chapter 18.36A RCW.

11 (3) In addition to the authority to discipline license holders, the  
12 disciplining authority has the authority to grant or deny licenses.  
13 The disciplining authority may also grant a license subject to  
14 conditions.

15 (4) All disciplining authorities shall adopt procedures to ensure  
16 substantially consistent application of this chapter, the uniform  
17 disciplinary act, among the disciplining authorities listed in  
18 subsection (2) of this section.

19 **Sec. 7.** RCW 18.32.030 and 2007 c 269 s 15 are each amended to read  
20 as follows:

21 The following practices, acts, and operations are excepted from the  
22 operation of the provisions of this chapter:

23 (1) The rendering of dental relief in emergency cases in the  
24 practice of his or her profession by a physician or surgeon, licensed  
25 as such and registered under the laws of this state, unless the  
26 physician or surgeon undertakes to or does reproduce lost parts of the  
27 human teeth in the mouth or to restore or to replace in the human mouth  
28 lost or missing teeth;

29 (2) The practice of dentistry in the discharge of official duties  
30 by dentists in the United States federal services on federal  
31 reservations, including but not limited to the armed services, coast  
32 guard, public health service, veterans' bureau, or bureau of Indian  
33 affairs;

34 (3) Dental schools or colleges approved under RCW 18.32.040, and  
35 the practice of dentistry by students in accredited dental schools or  
36 colleges approved by the commission, when acting under the direction  
37 and supervision of Washington state-licensed dental school faculty;

1 (4) The practice of dentistry by licensed dentists of other states  
2 or countries while appearing as clinicians at meetings of the  
3 Washington state dental association, or component parts thereof, or at  
4 meetings sanctioned by them, or other groups approved by the  
5 commission;

6 (5) The use of roentgen and other rays for making radiographs or  
7 similar records of dental or oral tissues, under the supervision of a  
8 licensed dentist or physician;

9 (6) The making, repairing, altering, or supplying of artificial  
10 restorations, substitutions, appliances, or materials for the  
11 correction of disease, loss, deformity, malposition, dislocation,  
12 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or  
13 associated tissues or parts; providing the same are made, repaired,  
14 altered, or supplied pursuant to the written instructions and order of  
15 a licensed dentist which may be accompanied by casts, models, or  
16 impressions furnished by the dentist, and the prescriptions shall be  
17 retained and filed for a period of not less than three years and shall  
18 be available to and subject to the examination of the secretary or the  
19 secretary's authorized representatives;

20 (7) The removal of deposits and stains from the surfaces of the  
21 teeth, the application of topical preventative or prophylactic agents,  
22 and the polishing and smoothing of restorations, when performed or  
23 prescribed by a dental hygienist licensed under the laws of this state;

24 (8) A qualified and licensed physician and surgeon or osteopathic  
25 physician and surgeon extracting teeth or performing oral surgery  
26 pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

27 (9) The performing of dental operations or services by registered  
28 dental assistants and licensed expanded function dental auxiliaries  
29 holding a credential issued under chapter 18.260 RCW when performed  
30 under the supervision of a licensed dentist, or by other persons not  
31 licensed under this chapter if the person is licensed pursuant to  
32 chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered  
33 nurses and advanced registered nurse practitioners, each while acting  
34 within the scope of the person's permitted practice under the person's  
35 license: PROVIDED HOWEVER, That such persons shall in no event perform  
36 the following dental operations or services unless permitted to be  
37 performed by the person under this chapter or chapters 18.29, 18.57,

1 18.71, 18.79 as it applies to registered nurses and advanced registered  
2 nurse practitioners, and 18.260 RCW:

3 (a) Any removal of or addition to the hard or soft tissue of the  
4 oral cavity;

5 (b) Any diagnosis of or prescription for treatment of disease,  
6 pain, deformity, deficiency, injury, or physical condition of the human  
7 teeth or jaws, or adjacent structure;

8 (c) Any administration of general or injected local anaesthetic of  
9 any nature in connection with a dental operation, including intravenous  
10 sedation;

11 (d) Any oral prophylaxis;

12 (e) The taking of any impressions of the teeth or jaw or the  
13 relationships of the teeth or jaws, for the purpose of fabricating any  
14 intra-oral restoration, appliance, or prosthesis; and

15 (10) The performing of dental services described in section 4 of  
16 this act by dental anesthesia assistants certified under chapter 18.---  
17 RCW (the new chapter created in section 9 of this act) when working  
18 under the supervision and direction of an oral and maxillofacial  
19 surgeon or dental anesthesiologist.

20 **Sec. 8.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to  
21 read as follows:

22 The definitions in this section apply throughout this chapter  
23 unless the context clearly requires otherwise.

24 (1) "Applicant group" includes any health professional group or  
25 organization, any individual, or any other interested party which  
26 proposes that any health professional group not presently regulated be  
27 regulated or which proposes to substantially increase the scope of  
28 practice of the profession.

29 (2) "Certificate" and "certification" mean a voluntary process by  
30 which a statutory regulatory entity grants recognition to an individual  
31 who (a) has met certain prerequisite qualifications specified by that  
32 regulatory entity, and (b) may assume or use "certified" in the title  
33 or designation to perform prescribed health professional tasks.

34 (3) "Grandfather clause" means a provision in a regulatory statute  
35 applicable to practitioners actively engaged in the regulated health  
36 profession prior to the effective date of the regulatory statute which



1 exempts the practitioners from meeting the prerequisite qualifications  
2 set forth in the regulatory statute to perform prescribed occupational  
3 tasks.

4 (4) "Health professions" means and includes the following health  
5 and health-related licensed or regulated professions and occupations:  
6 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
7 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
8 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
9 dental anesthesia assistants under chapter 18.--- RCW (the new chapter  
10 created in section 9 of this act); dispensing opticians under chapter  
11 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths  
12 under chapter 18.36A RCW; embalming and funeral directing under chapter  
13 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home  
14 administration under chapter 18.52 RCW; optometry under chapters 18.53  
15 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine  
16 and surgery under chapters 18.57 and 18.57A RCW; pharmacy under  
17 chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A  
18 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under  
19 chapter 18.74 RCW; practical nurses under chapter 18.79 RCW;  
20 psychologists under chapter 18.83 RCW; registered nurses under chapter  
21 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW;  
22 respiratory care practitioners licensed under chapter 18.89 RCW;  
23 veterinarians and veterinary technicians under chapter 18.92 RCW;  
24 health care assistants under chapter 18.135 RCW; massage practitioners  
25 under chapter 18.108 RCW; East Asian medicine practitioners licensed  
26 under chapter 18.06 RCW; persons registered under chapter 18.19 RCW;  
27 persons licensed as mental health counselors, marriage and family  
28 therapists, and social workers under chapter 18.225 RCW; dietitians and  
29 nutritionists certified by chapter 18.138 RCW; radiologic technicians  
30 under chapter 18.84 RCW; and nursing assistants registered or certified  
31 under chapter 18.88A RCW.

32 (5) "Inspection" means the periodic examination of practitioners by  
33 a state agency in order to ascertain whether the practitioners'  
34 occupation is being carried out in a fashion consistent with the public  
35 health, safety, and welfare.

36 (6) "Legislative committees of reference" means the standing  
37 legislative committees designated by the respective rules committees of

1 the senate and house of representatives to consider proposed  
2 legislation to regulate health professions not previously regulated.

3 (7) "License," "licensing," and "licensure" mean permission to  
4 engage in a health profession which would otherwise be unlawful in the  
5 state in the absence of the permission. A license is granted to those  
6 individuals who meet prerequisite qualifications to perform prescribed  
7 health professional tasks and for the use of a particular title.

8 (8) "Professional license" means an individual, nontransferable  
9 authorization to carry on a health activity based on qualifications  
10 which include: (a) Graduation from an accredited or approved program,  
11 and (b) acceptable performance on a qualifying examination or series of  
12 examinations.

13 (9) "Practitioner" means an individual who (a) has achieved  
14 knowledge and skill by practice, and (b) is actively engaged in a  
15 specified health profession.

16 (10) "Public member" means an individual who is not, and never was,  
17 a member of the health profession being regulated or the spouse of a  
18 member, or an individual who does not have and never has had a material  
19 financial interest in either the rendering of the health professional  
20 service being regulated or an activity directly related to the  
21 profession being regulated.

22 (11) "Registration" means the formal notification which, prior to  
23 rendering services, a practitioner shall submit to a state agency  
24 setting forth the name and address of the practitioner; the location,  
25 nature and operation of the health activity to be practiced; and, if  
26 required by the regulatory entity, a description of the service to be  
27 provided.

28 (12) "Regulatory entity" means any board, commission, agency,  
29 division, or other unit or subunit of state government which regulates  
30 one or more professions, occupations, industries, businesses, or other  
31 endeavors in this state.

32 (13) "State agency" includes every state office, department, board,  
33 commission, regulatory entity, and agency of the state, and, where  
34 provided by law, programs and activities involving less than the full  
35 responsibility of a state agency.

1        NEW SECTION.   **Sec. 9.**   Sections 1 through 5 of this act constitute  
2   a new chapter in Title 18 RCW.

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