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HOUSE BILL 1514

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State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Cody, Moeller, Green, Jinkins, Appleton, and Pollet

Read first time 01/29/13. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to advanced function dental auxiliaries; amending  
2 RCW 18.32.030, 18.32.0351, and 18.260.070; reenacting and amending RCW  
3 18.120.020, 18.120.020, 18.130.040, and 18.130.040; adding a new  
4 chapter to Title 18 RCW; providing effective dates; and providing an  
5 expiration date.

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

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

9            (1) "Advanced function dental auxiliary" means a person licensed by  
10 the commission under this chapter who performs the limited services  
11 provided in section 5 of this act.

12            (2) "Close supervision" means that a supervising dentist whose  
13 patient is being treated has personally diagnosed the condition to be  
14 treated and has personally authorized the procedures to be performed.  
15 The supervising dentist is continuously on-site and physically present  
16 in the treatment facility while the procedures are performed by the  
17 assistive personnel and capable of responding immediately in the event  
18 of an emergency. The term does not require a supervising dentist to be  
19 physically present in the operatory.

1 (3) "Commission" means the Washington state dental quality  
2 assurance commission created in chapter 18.32 RCW.

3 (4) "Dentist" means a person licensed to practice dentistry under  
4 chapter 18.32 RCW.

5 (5) "Department" means the department of health.

6 (6) "Expanded function dental auxiliary" means a person who is  
7 licensed to practice as an expanded function dental auxiliary under  
8 chapter 18.260 RCW.

9 (7) "General supervision" means that a supervising dentist has  
10 examined and diagnosed the patient and provided subsequent instructions  
11 to be performed by the assistive personnel, but does not require that  
12 the dentist be physically present in the treatment facility.

13 (8) "Secretary" means the secretary of the department of health.

14 (9) "Supervising dentist" means a dentist licensed under chapter  
15 18.32 RCW that is responsible for providing the appropriate level of  
16 supervision for advanced function dental auxiliaries.

17 NEW SECTION. **Sec. 2.** No person may practice as an advanced  
18 function dental auxiliary, or represent himself or herself as an  
19 advanced function dental auxiliary, by use of any title or description  
20 or other means, unless he or she is licensed by the commission under  
21 this chapter.

22 NEW SECTION. **Sec. 3.** The commission shall issue a license to  
23 practice as an advanced function dental auxiliary to any applicant who:

24 (1) Pays all applicable fees established by the secretary in  
25 accordance with RCW 43.70.110 and 43.70.250;

26 (2) Submits, on forms provided by the secretary, the applicant's  
27 name, address, and other applicable information as determined by the  
28 secretary; and

29 (3) Demonstrates that the following requirements have been met:

30 (a) Successful completion of one of the following:

31 (i) An expanded function dental auxiliary education program  
32 approved by the commission; or

33 (ii) A dental hygiene education program approved by the secretary;

34 (b) Successful completion of minimum work experience in a dental  
35 operatory, prior to commencement of the advanced function dental  
36 auxiliary program, as established by rule by the commission;

1 (c) Successful completion of an advanced function dental auxiliary  
2 program approved by the commission. The commission must establish  
3 criteria of the program, including a requirement that the program be at  
4 least two years;

5 (d) Successful completion of a preceptorship of at least four  
6 hundred hours and under the close supervision and control of a dentist  
7 approved by the commission;

8 (e) Successful completion of both a written examination and a  
9 clinical examination approved by the commission in accordance with  
10 section 4 of this act;

11 (f) Each applicant shall furnish proof satisfactory to the  
12 commission of the following:

13 (i) That the applicant is of good moral character; and

14 (ii) That the applicant is physically and mentally capable of  
15 practicing as an advanced function dental auxiliary with reasonable  
16 skill and safety; and

17 (g) Other requirements determined by the commission including, if  
18 necessary, an examination to determine an applicant's physical or  
19 mental capability, or both, to safely practice as an advanced function  
20 dental auxiliary.

21 NEW SECTION. **Sec. 4.** (1) The commission may approve a written  
22 examination prepared or administered by a private testing agency or  
23 association of licensing agencies for use by an applicant in meeting  
24 the licensing requirements under section 3 of this act. The  
25 requirement that the examination be written does not exclude the use of  
26 computerized test administration.

27 (2) The commission may approve a clinical examination prepared or  
28 administered by a private testing agency or association of licensing  
29 agencies for use by an applicant in meeting the licensing requirements  
30 under section 3 of this act.

31 NEW SECTION. **Sec. 5.** (1) The commission shall adopt rules  
32 relating to the scope of advanced function dental auxiliary services  
33 related to patient care and laboratory duties that may be performed by  
34 advanced function dental auxiliaries. All dental services provided by  
35 an advanced function dental auxiliary must be as directed by his or her

1 supervising dentist. The supervising dentist shall examine the patient  
2 and make the diagnosis of the patient's dental condition and determine  
3 the treatment to be provided.

4 (2) Advanced function dental auxiliaries may not diagnose the  
5 dental condition of a patient, nor independently determine the  
6 treatment to be provided. All services of the advanced function dental  
7 auxiliary are subject to the direction and control of the supervising  
8 dentist, to applicable protocols established by the dentist, and must  
9 comply with commission rules.

10 (a) An advanced function dental auxiliary may perform the following  
11 services under the general supervision of a dentist:

- 12 (i) Oral health instruction and disease prevention education,  
13 including nutritional counseling and dietary analysis;
- 14 (ii) Preliminary charting of the oral cavity;
- 15 (iii) Making radiographs;
- 16 (iv) Mechanical polishing of restorations;
- 17 (v) Application of topical preventative or prophylactic agents,  
18 including fluoride varnishes and pit and fissure sealants;
- 19 (vi) Pulp vitality testing;
- 20 (vii) Application of temporary restorations;
- 21 (viii) Dressing changes;
- 22 (ix) Placement of temporary crowns;
- 23 (x) Temporary recementing of crowns;
- 24 (xi) Suture removal;
- 25 (xii) Oral prophylaxis and removal of deposits and stains from the  
26 surfaces of the teeth;
- 27 (xiii) Scaling; and
- 28 (xiv) Gross debridement.

29 (b) An advanced function dental auxiliary may perform the following  
30 services under the close supervision of a dentist:

- 31 (i) Tissue conditioning;
- 32 (ii) Administration of local anesthetic;
- 33 (iii) Administration of nitrous oxide;
- 34 (iv) The placement and removal of space maintainers;
- 35 (v) Cavity preparation;
- 36 (vi) Direct restoration of primary and permanent teeth;
- 37 (vii) Preparation and placement of preformed crowns;
- 38 (viii) Pulpotomies of primary teeth;

- 1 (ix) Indirect and direct pulp capping on permanent teeth;  
2 (x) Indirect pulp capping on primary teeth and direct pulp capping  
3 on primary teeth in cases of traumatic pulpal exposure or mechanical  
4 pulpal exposure;  
5 (xi) Extractions of primary teeth with class III mobility;  
6 (xii) Brush biopsies;  
7 (xiii) Permanent recementing of permanent crowns;  
8 (xiv) Nonsurgical extractions of periodontally diseased permanent  
9 teeth with class III mobility if the teeth are erupted, are not  
10 impacted, are not fractured, and do not need to be sectioned for  
11 removal;  
12 (xv) Taking final impressions; and  
13 (xvi) Authority to dispense and orally administer medications as  
14 provided in section 6 of this act.

15 NEW SECTION. **Sec. 6.** (1) Advanced function dental auxiliaries may  
16 dispense and orally administer the following drugs within the  
17 parameters of the practice protocols established by a supervising  
18 dentist and an advanced function dental auxiliary: Nonnarcotic  
19 analgesics, anti-inflammatories, preventive agents, and antibiotics.

20 (2) The authority to dispense and administer extends only to the  
21 categories of drugs identified in this section and may be further  
22 limited by practice protocols established by a supervising dentist.

23 (3) The authority to dispense includes the authority to dispense  
24 sample drugs within the categories identified in this section if  
25 dispensing is permitted by the practice protocols established by a  
26 supervising dentist.

27 (4) Advanced function dental auxiliaries may not dispense and  
28 administer narcotic drugs as defined in chapter 69.50 RCW.

29 NEW SECTION. **Sec. 7.** (1) An advanced function dental auxiliary  
30 may only work within the parameters of a written practice agreement  
31 entered into between the dentist and the advanced function dental  
32 auxiliary. If the supervisory relationship terminates, the advanced  
33 function dental auxiliary must discontinue practice until a practice  
34 agreement is established with another supervising dentist.

35 (2) The practice agreement must include the delegated functions the

1 advanced function dental auxiliary is permitted to perform and practice  
2 protocols established by a supervising dentist. The practice protocols  
3 must, at a minimum, contain the following:

4 (a) Protocols determining how the dentist delegates treatment after  
5 diagnosis;

6 (b) Any limitations on the services or procedures the advanced  
7 function dental auxiliary may provide;

8 (c) A plan to manage medical emergencies and specific written  
9 protocols governing situations within the advanced function dental  
10 auxiliary's scope of practice; and

11 (d) Protocols for allowing dental assistants and expanded function  
12 dental auxiliaries to assist advanced function dental auxiliaries.

13 (3) Practice agreements must be submitted to the commission when  
14 created and when modified. Practice agreements must be made available  
15 to the public upon request.

16 NEW SECTION. **Sec. 8.** (1) Advanced function dental auxiliaries may  
17 only practice in federally qualified health centers. All practice  
18 locations must be approved by the commission.

19 (2) A dentist may supervise no more than two advanced function  
20 dental auxiliaries.

21 (3) By November 15, 2022, the commission must submit a  
22 recommendation to the legislature on maintaining, modifying, or  
23 removing the practice restrictions of this section.

24 NEW SECTION. **Sec. 9.** (1) An advanced function dental auxiliary,  
25 at all times when meeting or treating patients, must wear a badge  
26 identifying him or her as an advanced function dental auxiliary. No  
27 advanced function dental auxiliary may be presented in any manner which  
28 would tend to mislead the patients or the public as to his or her  
29 title.

30 (2) Patient consents related to services provided by an advanced  
31 function dental auxiliary must include specific disclosure of the  
32 services that will be provided by an advanced function dental auxiliary  
33 and not by a dentist. For the purposes of this subsection, "patients"  
34 includes parents of minors and guardians.

1        NEW SECTION.    **Sec. 10.**    The commission may adopt rules to implement  
2 this chapter including rules relating to:

3        (1) License renewals and the circumstances under which a license  
4 may be suspended, denied, or withdrawn, such as a finding of  
5 unprofessional conduct under chapter 18.130 RCW; and

6        (2) Continuing education requirements.

7        NEW SECTION.    **Sec. 11.**    Nothing in this chapter prohibits or  
8 restricts:

9        (1) The practice of dental therapy in the discharge of official  
10 duties by government employees on behalf of the United States  
11 government, including the armed forces, coast guard, public health  
12 service, veteran's bureau, or bureau of Indian affairs;

13        (2) Advanced function dental auxiliary education programs and  
14 preceptorships approved by the commission and the practice as an  
15 advanced function dental auxiliary by students in advanced function  
16 dental auxiliary education programs and preceptorships approved by the  
17 commission, when acting under the direction and supervision of a  
18 dentist.

19        NEW SECTION.    **Sec. 12.**    Chapter 18.130 RCW governs the unlicensed  
20 practice, the issuance and denial of licenses, and the discipline of  
21 those credentialed under this chapter.    The commission is the  
22 disciplinary authority under this chapter.

23        **Sec. 13.**    RCW 18.32.030 and 2012 c 23 s 7 are each amended to read  
24 as follows:

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

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

33        (2) The practice of dentistry in the discharge of official duties  
34 by dentists in the United States federal services on federal

1 reservations, including but not limited to the armed services, coast  
2 guard, public health service, veterans' bureau, or bureau of Indian  
3 affairs;

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

8 (4) The practice of dentistry by licensed dentists of other states  
9 or countries while appearing as clinicians at meetings of the  
10 Washington state dental association, or component parts thereof, or at  
11 meetings sanctioned by them, or other groups approved by the  
12 commission;

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

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

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

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

34 (9) The performing of dental operations or services by registered  
35 dental assistants and licensed expanded function dental auxiliaries  
36 holding a credential issued under chapter 18.260 RCW and advanced  
37 function dental auxiliaries licensed under chapter 18.--- RCW (the new  
38 chapter created in section 20 of this act) when performed under the



1 supervision of a licensed dentist, or by other persons not licensed  
2 under this chapter if the person is licensed pursuant to chapter 18.29,  
3 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and  
4 advanced registered nurse practitioners, each while acting within the  
5 scope of the person's permitted practice under the person's license:  
6 PROVIDED HOWEVER, That such persons shall in no event perform the  
7 following dental operations or services unless permitted to be  
8 performed by the person under this chapter or chapters 18.29, 18.57,  
9 18.71, 18.79 as it applies to registered nurses and advanced registered  
10 nurse practitioners, ~~((and)) 18.260 ((RCW)), and 18.---~~ RCW (the new  
11 chapter created in section 20 of this act):

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

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

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

20 (d) Any oral prophylaxis;

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

24 (10) The performing of dental services described in RCW 18.350.040  
25 by dental anesthesia assistants certified under chapter 18.350 RCW when  
26 working under the supervision and direction of an oral and  
27 maxillofacial surgeon or dental anesthesiologist.

28 **Sec. 14.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to  
29 read as follows:

30 The Washington state dental quality assurance commission is  
31 established, consisting of ~~((sixteen))~~ seventeen members each appointed  
32 by the governor to a four-year term. No member may serve more than two  
33 consecutive full terms. ~~((In appointing the initial members of the~~  
34 ~~commission, it is the intent of the legislature that, to the extent~~  
35 ~~possible, members of the previous boards and committees regulating~~  
36 ~~these professions be appointed to the commission.))~~ Members of the  
37 commission hold office until their successors are appointed. ~~((The~~

1 ~~governor may appoint members of the initial commission to staggered~~  
2 ~~terms of from one to four years. Thereafter, all))~~ Members shall be  
3 appointed to ~~((full))~~ staggered four-year terms. Twelve members of the  
4 commission must be dentists, ~~((two members must be expanded function~~  
5 ~~dental auxiliaries licensed under chapter 18.260 RCW, and))~~ two members  
6 must be public members, and three members must be dental auxiliaries  
7 licensed under either chapter 18.260 or 18.--- RCW (the new chapter  
8 created in section 20 of this act). Of the three dental auxiliary  
9 members, one member must be an expanded function dental auxiliary, one  
10 member must be an advanced function dental auxiliary, and the third  
11 member must be either an expanded function dental auxiliary or an  
12 advanced function dental auxiliary.

13 **Sec. 15.** RCW 18.120.020 and 2012 c 153 s 14, 2012 c 137 s 18, and  
14 2012 c 23 s 8 are each reenacted and amended to read as follows:

15 The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17 (1) "Applicant group" includes any health professional group or  
18 organization, any individual, or any other interested party which  
19 proposes that any health professional group not presently regulated be  
20 regulated or which proposes to substantially increase the scope of  
21 practice of the profession.

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

27 (3) "Grandfather clause" means a provision in a regulatory statute  
28 applicable to practitioners actively engaged in the regulated health  
29 profession prior to the effective date of the regulatory statute which  
30 exempts the practitioners from meeting the prerequisite qualifications  
31 set forth in the regulatory statute to perform prescribed occupational  
32 tasks.

33 (4) "Health professions" means and includes the following health  
34 and health-related licensed or regulated professions and occupations:  
35 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
36 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
37 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;

1 dental anesthesia assistants under chapter 18.350 RCW; dispensing  
2 opticians under chapter 18.34 RCW; hearing instruments under chapter  
3 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral  
4 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;  
5 nursing home administration under chapter 18.52 RCW; optometry under  
6 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;  
7 osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW;  
8 pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters  
9 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW;  
10 physical therapy under chapter 18.74 RCW; practical nurses under  
11 chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered  
12 nurses under chapter 18.79 RCW; occupational therapists licensed under  
13 chapter 18.59 RCW; respiratory care practitioners licensed under  
14 chapter 18.89 RCW; veterinarians and veterinary technicians under  
15 chapter 18.92 RCW; health care assistants under chapter 18.135 RCW;  
16 massage practitioners under chapter 18.108 RCW; East Asian medicine  
17 practitioners licensed under chapter 18.06 RCW; persons registered  
18 under chapter 18.19 RCW; persons licensed as mental health counselors,  
19 marriage and family therapists, and social workers under chapter 18.225  
20 RCW; dietitians and nutritionists certified by chapter 18.138 RCW;  
21 radiologic technicians under chapter 18.84 RCW; nursing assistants  
22 registered or certified under chapter 18.88A RCW; ~~((and))~~  
23 reflexologists certified under chapter 18.108 RCW; ~~((and))~~ medical  
24 assistants-certified, medical assistants-hemodialysis technician,  
25 medical assistants-phlebotomist, and medical assistants-registered  
26 certified and registered under chapter 18.360 RCW; and advanced  
27 function dental auxiliaries licensed under chapter 18.--- RCW (the new  
28 chapter created in section 20 of this act).

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

33 (6) "Legislative committees of reference" means the standing  
34 legislative committees designated by the respective rules committees of  
35 the senate and house of representatives to consider proposed  
36 legislation to regulate health professions not previously regulated.

37 (7) "License," "licensing," and "licensure" mean permission to  
38 engage in a health profession which would otherwise be unlawful in the

1 state in the absence of the permission. A license is granted to those  
2 individuals who meet prerequisite qualifications to perform prescribed  
3 health professional tasks and for the use of a particular title.

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

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

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

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

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

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

32 **Sec. 16.** RCW 18.120.020 and 2012 c 153 s 15, 2012 c 137 s 18, and  
33 2012 c 23 s 8 are each reenacted and amended to read as follows:

34 The definitions in this section apply throughout this chapter  
35 unless the context clearly requires otherwise.

36 (1) "Applicant group" includes any health professional group or  
37 organization, any individual, or any other interested party which

1 proposes that any health professional group not presently regulated be  
2 regulated or which proposes to substantially increase the scope of  
3 practice of the profession.

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

9 (3) "Grandfather clause" means a provision in a regulatory statute  
10 applicable to practitioners actively engaged in the regulated health  
11 profession prior to the effective date of the regulatory statute which  
12 exempts the practitioners from meeting the prerequisite qualifications  
13 set forth in the regulatory statute to perform prescribed occupational  
14 tasks.

15 (4) "Health professions" means and includes the following health  
16 and health-related licensed or regulated professions and occupations:  
17 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
18 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
19 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
20 dental anesthesia assistants under chapter 18.350 RCW; dispensing  
21 opticians under chapter 18.34 RCW; hearing instruments under chapter  
22 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral  
23 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;  
24 nursing home administration under chapter 18.52 RCW; optometry under  
25 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;  
26 osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW;  
27 pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters  
28 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW;  
29 physical therapy under chapter 18.74 RCW; practical nurses under  
30 chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered  
31 nurses under chapter 18.79 RCW; occupational therapists licensed under  
32 chapter 18.59 RCW; respiratory care practitioners licensed under  
33 chapter 18.89 RCW; veterinarians and veterinary technicians under  
34 chapter 18.92 RCW; massage practitioners under chapter 18.108 RCW; East  
35 Asian medicine practitioners licensed under chapter 18.06 RCW; persons  
36 registered under chapter 18.19 RCW; persons licensed as mental health  
37 counselors, marriage and family therapists, and social workers under  
38 chapter 18.225 RCW; dietitians and nutritionists certified by chapter

1 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing  
2 assistants registered or certified under chapter 18.88A RCW; (~~and~~)  
3 reflexologists certified under chapter 18.108 RCW; (~~and~~) medical  
4 assistants-certified, medical assistants-hemodialysis technician,  
5 medical assistants-phlebotomist, and medical assistants-registered  
6 certified and registered under chapter 18.360 RCW; and advanced  
7 function dental auxiliaries licenced under chapter 18.--- RCW (the new  
8 chapter created in section 20 of this act).

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

13 (6) "Legislative committees of reference" means the standing  
14 legislative committees designated by the respective rules committees of  
15 the senate and house of representatives to consider proposed  
16 legislation to regulate health professions not previously regulated.

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

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

27 (9) "Practitioner" means an individual who (a) has achieved  
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29 specified health profession.

30 (10) "Public member" means an individual who is not, and never was,  
31 a member of the health profession being regulated or the spouse of a  
32 member, or an individual who does not have and never has had a material  
33 financial interest in either the rendering of the health professional  
34 service being regulated or an activity directly related to the  
35 profession being regulated.

36 (11) "Registration" means the formal notification which, prior to  
37 rendering services, a practitioner shall submit to a state agency  
38 setting forth the name and address of the practitioner; the location,

1 nature and operation of the health activity to be practiced; and, if  
2 required by the regulatory entity, a description of the service to be  
3 provided.

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

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

12 **Sec. 17.** RCW 18.130.040 and 2012 c 208 s 10, 2012 c 153 s 16, 2012  
13 c 137 s 19, and 2012 c 23 s 6 are each reenacted and amended to read as  
14 follows:

15 (1) This chapter applies only to the secretary and the boards and  
16 commissions having jurisdiction in relation to the professions licensed  
17 under the chapters specified in this section. This chapter does not  
18 apply to any business or profession not licensed under the chapters  
19 specified in this section.

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

22 (i) Dispensing opticians licensed and designated apprentices under  
23 chapter 18.34 RCW;

24 (ii) Midwives licensed under chapter 18.50 RCW;

25 (iii) Ocularists licensed under chapter 18.55 RCW;

26 (iv) Massage practitioners and businesses licensed under chapter  
27 18.108 RCW;

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

29 (vi) East Asian medicine practitioners licensed under chapter 18.06  
30 RCW;

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

33 (viii) Respiratory care practitioners licensed under chapter 18.89  
34 RCW;

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

1 (x) Persons licensed as mental health counselors, mental health  
2 counselor associates, marriage and family therapists, marriage and  
3 family therapist associates, social workers, social work associates--  
4 advanced, and social work associates--independent clinical under  
5 chapter 18.225 RCW;

6 (xi) Persons registered as nursing pool operators under chapter  
7 18.52C RCW;

8 (xii) Nursing assistants registered or certified or medication  
9 assistants endorsed under chapter 18.88A RCW;

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

11 (xiv) Dietitians and nutritionists certified under chapter 18.138  
12 RCW;

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

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

17 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
18 RCW 18.71.205;

19 (xviii) Denturists licensed under chapter 18.30 RCW;

20 (xix) Orthotists and prosthetists licensed under chapter 18.200  
21 RCW;

22 (xx) Surgical technologists registered under chapter 18.215 RCW;

23 (xxi) Recreational therapists under chapter 18.230 RCW;

24 (xxii) Animal massage practitioners certified under chapter 18.240  
25 RCW;

26 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

27 (xxiv) Home care aides certified under chapter 18.88B RCW;

28 (xxv) Genetic counselors licensed under chapter 18.290 RCW; ((and))

29 (xxvi) Reflexologists certified under chapter 18.108 RCW; and

30 (xxvii) Medical assistants-certified, medical assistants-  
31 hemodialysis technician, medical assistants-phlebotomist, and medical  
32 assistants-registered certified and registered under chapter 18.360  
33 RCW.

34 (b) The boards and commissions having authority under this chapter  
35 are as follows:

36 (i) The podiatric medical board as established in chapter 18.22  
37 RCW;



1 (ii) The chiropractic quality assurance commission as established  
2 in chapter 18.25 RCW;

3 (iii) The dental quality assurance commission as established in  
4 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
5 licenses and registrations issued under chapter 18.260 RCW, licenses  
6 issued under chapter 18.--- RCW (the new chapter created in section 20  
7 of this act), and certifications issued under chapter 18.350 RCW;

8 (iv) The board of hearing and speech as established in chapter  
9 18.35 RCW;

10 (v) The board of examiners for nursing home administrators as  
11 established in chapter 18.52 RCW;

12 (vi) The optometry board as established in chapter 18.54 RCW  
13 governing licenses issued under chapter 18.53 RCW;

14 (vii) The board of osteopathic medicine and surgery as established  
15 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
16 18.57A RCW;

17 (viii) The board of pharmacy as established in chapter 18.64 RCW  
18 governing licenses issued under chapters 18.64 and 18.64A RCW;

19 (ix) The medical quality assurance commission as established in  
20 chapter 18.71 RCW governing licenses and registrations issued under  
21 chapters 18.71 and 18.71A RCW;

22 (x) The board of physical therapy as established in chapter 18.74  
23 RCW;

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

26 (xii) The nursing care quality assurance commission as established  
27 in chapter 18.79 RCW governing licenses and registrations issued under  
28 that chapter;

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

31 (xiv) The veterinary board of governors as established in chapter  
32 18.92 RCW; and

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

34 (3) In addition to the authority to discipline license holders, the  
35 disciplining authority has the authority to grant or deny licenses.  
36 The disciplining authority may also grant a license subject to  
37 conditions.

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

5 **Sec. 18.** RCW 18.130.040 and 2012 c 208 s 10, 2012 c 153 s 17, 2012  
6 c 137 s 19, and 2012 c 23 s 6 are each reenacted and amended to read as  
7 follows:

8 (1) This chapter applies only to the secretary and the boards and  
9 commissions having jurisdiction in relation to the professions licensed  
10 under the chapters specified in this section. This chapter does not  
11 apply to any business or profession not licensed under the chapters  
12 specified in this section.

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

15 (i) Dispensing opticians licensed and designated apprentices under  
16 chapter 18.34 RCW;

17 (ii) Midwives licensed under chapter 18.50 RCW;

18 (iii) Ocularists licensed under chapter 18.55 RCW;

19 (iv) Massage practitioners and businesses licensed under chapter  
20 18.108 RCW;

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

22 (vi) East Asian medicine practitioners licensed under chapter 18.06  
23 RCW;

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

26 (viii) Respiratory care practitioners licensed under chapter 18.89  
27 RCW;

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

30 (x) Persons licensed as mental health counselors, mental health  
31 counselor associates, marriage and family therapists, marriage and  
32 family therapist associates, social workers, social work associates--  
33 advanced, and social work associates--independent clinical under  
34 chapter 18.225 RCW;

35 (xi) Persons registered as nursing pool operators under chapter  
36 18.52C RCW;

1 (xii) Nursing assistants registered or certified or medication  
2 assistants endorsed under chapter 18.88A RCW;

3 (xiii) Dietitians and nutritionists certified under chapter 18.138  
4 RCW;

5 (xiv) Chemical dependency professionals and chemical dependency  
6 professional trainees certified under chapter 18.205 RCW;

7 (xv) Sex offender treatment providers and certified affiliate sex  
8 offender treatment providers certified under chapter 18.155 RCW;

9 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
10 18.71.205;

11 (xvii) Denturists licensed under chapter 18.30 RCW;

12 (xviii) Orthotists and prosthetists licensed under chapter 18.200  
13 RCW;

14 (xix) Surgical technologists registered under chapter 18.215 RCW;

15 (xx) Recreational therapists under chapter 18.230 RCW;

16 (xxi) Animal massage practitioners certified under chapter 18.240  
17 RCW;

18 (xxii) Athletic trainers licensed under chapter 18.250 RCW;

19 (xxiii) Home care aides certified under chapter 18.88B RCW;

20 (xxiv) Genetic counselors licensed under chapter 18.290 RCW;

21 ((and))

22 (xxv) Reflexologists certified under chapter 18.108 RCW; and

23 (xxvi) Medical assistants-certified, medical assistants-  
24 hemodialysis technician, medical assistants-phlebotomist, and medical  
25 assistants-registered certified and registered under chapter 18.360  
26 RCW.

27 (b) The boards and commissions having authority under this chapter  
28 are as follows:

29 (i) The podiatric medical board as established in chapter 18.22  
30 RCW;

31 (ii) The chiropractic quality assurance commission as established  
32 in chapter 18.25 RCW;

33 (iii) The dental quality assurance commission as established in  
34 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
35 licenses and registrations issued under chapter 18.260 RCW, licenses  
36 issued under chapter 18.--- RCW (the new chapter created in section 20  
37 of this act), and certifications issued under chapter 18.350 RCW;

1 (iv) The board of hearing and speech as established in chapter  
2 18.35 RCW;

3 (v) The board of examiners for nursing home administrators as  
4 established in chapter 18.52 RCW;

5 (vi) The optometry board as established in chapter 18.54 RCW  
6 governing licenses issued under chapter 18.53 RCW;

7 (vii) The board of osteopathic medicine and surgery as established  
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
9 18.57A RCW;

10 (viii) The board of pharmacy as established in chapter 18.64 RCW  
11 governing licenses issued under chapters 18.64 and 18.64A RCW;

12 (ix) The medical quality assurance commission as established in  
13 chapter 18.71 RCW governing licenses and registrations issued under  
14 chapters 18.71 and 18.71A RCW;

15 (x) The board of physical therapy as established in chapter 18.74  
16 RCW;

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

19 (xii) The nursing care quality assurance commission as established  
20 in chapter 18.79 RCW governing licenses and registrations issued under  
21 that chapter;

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

24 (xiv) The veterinary board of governors as established in chapter  
25 18.92 RCW; and

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

27 (3) In addition to the authority to discipline license holders, the  
28 disciplining authority has the authority to grant or deny licenses.  
29 The disciplining authority may also grant a license subject to  
30 conditions.

31 (4) All disciplining authorities shall adopt procedures to ensure  
32 substantially consistent application of this chapter, the uniform  
33 disciplinary act, among the disciplining authorities listed in  
34 subsection (2) of this section.

35 **Sec. 19.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to  
36 read as follows:

37 (1) The commission shall adopt rules relating to the scope of

1 expanded function dental auxiliary services related to patient care and  
2 laboratory duties that may be performed by expanded function dental  
3 auxiliaries.

4 (2) The scope of expanded function dental auxiliary services that  
5 the commission identifies in subsection (1) of this section includes:

6 (a) In addition to the dental assisting services that a dental  
7 assistant may perform under the close supervision of a supervising  
8 dentist, the performance of the following services under the general  
9 supervision of a supervising dentist as the dentist may allow:

10 (i) Performing coronal polishing;

11 (ii) Giving fluoride treatments;

12 (iii) Applying sealants;

13 (iv) Placing dental x-ray film and exposing and developing the  
14 films;

15 (v) Giving patient oral health instruction; (~~and~~)

16 (vi) Dressing changes;

17 (vii) Suture removal;

18 (viii) Placement of temporary restorations; and

19 (ix) Placement of temporary crowns;

20 (b) Notwithstanding any prohibitions in RCW 18.260.040, the  
21 performance of the following services under the close supervision of a  
22 supervising dentist as the dentist may allow:

23 (i) Placing and carving direct restorations; (~~and~~)

24 (ii) Taking final impressions;

25 (iii) Administration of local anesthesia;

26 (iv) Supragingival scaling;

27 (v) Oral prophylaxis and removal of deposits and stains from the  
28 surfaces of the teeth; and

29 (vi) Gross debridement.

30 (3) A dentist may not assign an expanded function dental auxiliary  
31 to perform services until the expanded function dental auxiliary has  
32 demonstrated skills necessary to perform competently all assigned  
33 duties and responsibilities.

34 NEW SECTION. **Sec. 20.** Sections 1 through 12 of this act  
35 constitute a new chapter in Title 18 RCW.

1        NEW SECTION.    **Sec. 21.**    (1) Section 14 of this act takes effect  
2 July 1, 2018.

3        (2) Sections 16 and 18 of this act take effect July 1, 2016.

4        NEW SECTION.    **Sec. 22.**    Sections 15 and 17 of this act expire July  
5 1, 2016.

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