H-1184.2

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**HOUSE BILL 1935**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Caldier, Cody, and Pollet

AN ACT Relating to dental assistants, expanded function dental auxiliaries, and dental hygienists; and amending RCW 18.260.010, 18.260.040, 18.260.070, and 18.29.190.

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

**Sec.**  RCW 18.260.010 and 2007 c 269 s 1 are each amended to read as follows:

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

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

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

(3) "Dental assistant" means a person who is registered by the commission to provide supportive services to a licensed dentist to the extent provided in this chapter and under the ((~~close~~)) specified supervision of a dentist.

(4) "Dentist" means an individual who holds a license to practice dentistry under chapter 18.32 RCW.

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

(6) "Expanded function dental auxiliary" means a person who is licensed by the commission to provide supportive services to a licensed dentist to the extent provided in this chapter and under the specified level of supervision of a dentist.

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

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

(9) "Supervising dentist" means a dentist licensed under chapter 18.32 RCW that is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

**Sec.**  RCW 18.260.040 and 2015 c 120 s 3 are each amended to read as follows:

(1)(a) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants.

(b) In addition to the services and duties authorized by the rules adopted under (a) of this subsection, a dental assistant may:

(i) Apply topical anesthetic agents;

(ii) Perform dental prophylaxis with supragingival scaling;

(iii) Perform periodontal probing; and

(iv) Perform gross debridement with an ultrasonic device.

(c) All dental services performed by dental assistants under (a) or (b) of this subsection must be performed under the close supervision of a supervising dentist as the dentist may allow. In order to provide the services and duties in (b) of this subsection, a dental assistant must complete a one-time training approved by the commission.

(2) In addition to the dental assisting services and duties allowed under subsection (1) of this section, a dental assistant may perform the following services and duties under the general supervision of a supervising dentist as the dentist may allow:

(a) Disinfect operatories; and

(b) Sterilize equipment.

(3) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

(a) ((~~Any scaling procedure;~~

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

~~(c)~~)) Administration of any general or local anesthetic, including intravenous sedation;

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

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

((~~(f)~~)) (d) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, other than impressions allowed as a delegated duty for dental assistants pursuant to rules adopted by the commission.

((~~(3)~~)) (4) A dentist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

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

(1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

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

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

(i) Performing coronal polishing;

(ii) Giving fluoride treatments;

(iii) Applying sealants;

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

(v) Disinfect operatories;

(vi) Sterilize equipment;

(vii) Giving patient oral health instruction; and

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

(i) Placing and carving direct restorations; and

(ii) Taking final impressions.

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

**Sec.**  RCW 18.29.190 and 2015 c 120 s 2 are each amended to read as follows:

(1) The department shall issue an initial limited license without the examination required by this chapter to any applicant who, as determined by the secretary:

(a) Holds a valid license in another state or Canadian province that allows a substantively equivalent scope of practice in subsection (3)(a) through (j) of this section;

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

~~(c)~~)) Files with the secretary documentation certifying that the applicant:

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

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

(iii) Is licensed to practice in another state or Canadian province;

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

((~~(e)~~)) (d) Demonstrates to the secretary a knowledge of Washington state law pertaining to the practice of dental hygiene, including the administration of legend drugs;

((~~(f)~~)) (e) Pays any required fees; and

((~~(g)~~)) (f) Meets requirements for AIDS education.

(2) The term of the initial limited license issued under this section is eighteen months and it is renewable, as either a renewed anesthetic limited license or a renewed hygiene only limited license upon:

(a) For a renewed anesthetic limited license:

(i) Demonstration of successful passage of a substantively equivalent dental hygiene patient evaluation/prophylaxis examination;

((~~(b)~~)) (ii) Demonstration of successful passage of a substantively equivalent local anesthesia examination; ((~~and~~

~~(c)~~)) (iii) Demonstration of didactic and clinical competency in the administration of nitrous oxide analgesia; or

(b) For a renewed hygiene only limited license: Demonstration of successful passage of a substantively equivalent dental hygiene patient evaluation and/or prophylaxis examination.

(3) A person practicing with an initial limited license granted under this section has the authority to perform hygiene procedures that are limited to:

(a) Oral inspection and measuring of periodontal pockets;

(b) Patient education in oral hygiene;

(c) Taking intra-oral and extra-oral radiographs;

(d) Applying topical preventive or prophylactic agents;

(e) Polishing and smoothing restorations;

(f) Oral prophylaxis and removal of deposits and stains from the surface of the teeth;

(g) Recording health histories;

(h) Taking and recording blood pressure and vital signs;

(i) Performing subgingival and supragingival scaling; and

(j) Performing root planing.

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

(i) Give injections of local anesthetic;

(ii) Place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration;

(iii) Soft tissue curettage; or

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person licensed in another state or Canadian province who can demonstrate substantively equivalent licensing standards in the administration of local anesthetic may receive a temporary endorsement to administer local anesthesia. For purposes of the renewed limited license, this endorsement demonstrates the successful passage of the local anesthesia examination.

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

(5)(a) A person practicing with a renewed anesthetic limited license granted under this section may:

(i) Perform hygiene procedures as provided under subsection (3) of this section;

(ii) Give injections of local anesthetic;

(iii) Perform soft tissue curettage; and

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person practicing with a renewed anesthetic limited license granted under this section may not place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration.

(6)(a) A person practicing with a renewed hygiene only limited license granted under this section may perform hygiene procedures as provided under subsection (3) of this section.

(b) A person practicing with a renewed hygiene only limited license granted under this section may not:

(i) Place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, or adjust contacts and occlusion of the restoration;

(ii) Give injections of local anesthetic;

(iii) Perform soft tissue curettage; or

(iv) Administer nitrous oxide and/or oxygen analgesia.

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