

# HOUSE BILL REPORT

## ESHB 1466

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### As Passed Legislature

**Title:** An act relating to currently credentialed dental auxiliaries.

**Brief Description:** Concerning currently credentialed dental auxiliaries.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Leavitt and Morgan).

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/7/23, 2/17/23 [DPS].

**Floor Activity:**

Passed House: 3/4/23, 95-0.

Senate Amended.

Passed Senate: 4/11/23, 48-0.

House Concurred.

Passed House: 4/13/23, 96-0.

Passed Legislature.

**Brief Summary of Engrossed Substitute Bill**

- Modifies the initial limited license for dental hygienists by changing the name to a temporary license and extending the expiration to five years.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard, Bronoske, Davis, Graham, Harris, Macri, Maycumber, Mosbrucker, Orwall, Simmons, Stonier, Thai and Tharinger.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Kim Weidenaar (786-7120).

**Background:**

Licensing of Dental Hygienists.

In order to be licensed, dental hygienists must complete an educational program and pass an examination approved by the Dental Hygiene Examining Committee. Under state law, a dental hygienist may remove deposits and stains from the surfaces of teeth; apply topical, preventive, or prophylactic agents; polish and smooth restorations; and perform root planing, soft tissue curettage, and other operations and services delegated to him or her by a dentist. Generally, dental hygienists must be supervised by a licensed dentist. Dental Quality Assurance Committee rules authorize a dental hygienist working under supervision of a dentist to perform additional services and tasks including administering local anesthetic agents, administering nitrous oxide analgesia, and placing restorations into the cavity prepared by the dentist, and thereafter carving, contouring, and adjusting contacts and occlusion of the restoration.

Initial Limited Licenses.

A dental hygienist licensed in another state or a Canadian province may be temporarily licensed without examination if the applicant provides the Department of Health with certain documentation and information; demonstrates a knowledge of Washington law pertaining to the practice of dental hygiene; is currently engaged in active practice in their home state or province, which means at least 560 hours of practice in the preceding 24 months; pays required fees; and meets requirements for AIDS education. The procedures a dental hygienist with an initial limited license may perform are limited, although the holder of an initial limited license may obtain endorsements for local anesthesia, restorative procedures, or nitrous oxide analgesia. The term for initial limited license is 18 months and it may be renewed upon demonstration of:

- successful passage of:
  - a substantively equivalent dental hygiene patient evaluation or prophylaxis examination;
  - a substantially equivalent local anesthesia examination; and
  - an educational program on the administration of local anesthesia and nitrous oxide analgesia; and
- didactic and clinical competency in the administration of nitrous oxide analgesia.

In addition to the other procedures a limited license holder may provide, a person practicing with a renewed limited license may also give injections of local anesthetic, perform soft tissue curettage, and administer nitrous oxide or oxygen analgesia.

**Summary of Engrossed Substitute Bill:**

The name of the initial and renewed limited license is changed to an initial and renewed temporary license. The requirements that an applicant for an initial limited license, now an

initial temporary license, is currently engaged in active practice in another state or Canadian province and meets requirements for AIDS education are removed. The expiration of an initial temporary license is extended to five years. The Secretary of Health must issue an initial temporary license to all dental hygienists with an existing active limited license, which expires five years after the date the initial limited license was issued.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The goal of this bill is to make licensure easier for dental hygienists and to address the significant shortage of dental hygienists. There is no one single solution to address oral access needs. There is a lot of misinformation regarding this bill. It does not change the scope of practice and it does not require the dental hygiene programs to change what they teach.

This model is very similar to what other states have and is nearly identical to Oregon's laws. This bill removes barriers for those with out-of-state licenses since 16 states do not have nitrous oxide or local anesthesia in the scope of dental hygienists. This bill brings Washington's licensure process in line with a majority of other states, which makes it easier for those coming from other states to be licensed. Washington is the hardest state in which to get a dental hygiene license.

Surveys of dentists across the state show that many offices have dental hygiene vacancies and that it takes exceptionally long to fill a dental hygiene position. Inflation and staff shortages are leading dentists to consider leaving the Access to Baby and Child Dentistry (known as ABCD). Dentists are having to fill these roles meaning that they are not working to their full scope. This is a persistent, unmet need that requires policy change.

(Opposed) This bill creates more burdens not less. Practicing hygienists today only need one license. Under the bill they will need four. The state should be making the licensure process easier and faster, but this bill makes it worse. Dental practices will only want to hire dental hygienists with the lowest level of requirements, which are jobs that dental hygienists do not want.

New graduates are going to suffer under this proposed change. They will need to take additional exams and obtain more licenses, otherwise they will not be practicing at the highest level of their license, which is a waste.

This bill will not help workforce challenges, and the Legislature is already looking at real solutions such as the dental hygienist compacts. The dental hygienists do not want these changes and do not want to pay for them. This bill will require dental practices to have to verify each endorsement.

This bill will harm dental hygiene programs in Washington because the Commission on Dental Accreditation requires programs to teach the specific standards in the state, so the programs must continue to teach the entire scope. However, students may choose to get an education out of state where they do not teach these three services, because the program will be shorter and cheaper.

Washington was the first state in the nation to allow dental hygienists to perform these three tasks and dental hygienists perform these tasks daily. Removing these three tasks from the scope and mandating the endorsements is a major step backwards. Washington should continue to be a leader. The limited license already addresses licensure for those from states that do not allow these tasks for dental hygienists.

**Persons Testifying:** (In support) Representative Marcus Riccelli, prime sponsor; Diane Oakes, Delta Dental of Washington; Bracken Killpack and Ashley Ulmer, Washington State Dental Association; and Scott Henderson, Walla Walla Valley Dental Society.

(Opposed) Colleen Gaylord, Jennifer Zbaraschuk, Kathy Mueller, Camille Luke, and Melissa Johnson, Washington Dental Hygienists Association; Rebekah Woods, Columbia Basin College; and Kellie Whitcomb.

**Persons Signed In To Testify But Not Testifying:** None.