



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Dental Quality Assurance Commission

- Preproposal Statement of Inquiry was filed as WSR 13-19-084 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision. Adds application of topical anesthetic agents to the list of acts that a licensed dental hygienist may perform under the general supervision of a dentist.

**Hearing location(s):** Department of Health  
Point Plaza East Room 152/153  
310 Israel Rd. S.E.  
Tumwater, WA 98501

Date: 04/18/2014

Time: 8:05 a.m.

**Submit written comments to:**

Name: Jennifer Santiago  
Address: PO Box 47852  
Olympia, WA 98504-7852  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2901 by (date) 04/11/2014

**Assistance for persons with disabilities:** Contact

Jennifer Santiago by 04/11/2014

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 04/18/2014

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposal would enact rules to carry out House Bill 1330 (chapter 87, Laws of 2013), which amended RCW 18.29.050 and authorized a dentist to delegate to a dental hygienist application of topical anesthetic agents.

**Reasons supporting proposal:**

WAC 246-817-550 lists the acts a dentist may allow a dental hygienist to perform under the dentist's general supervision. The proposed rule will provide a reference source for both dentists and dental hygienists regarding the application of topical anesthetic agents.

**Statutory authority for adoption:**

RCW 18.32.0365 and RCW 18.29.050

**Statute being implemented:**

RCW 18.32.0365 and RCW 18.29.050

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**DATE** 02/10/2014

**NAME** (type or print)

Trina Castle

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** February 10, 2014

**TIME:** 10:05 AM

**WSR 14-05-024**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington State Dental Quality Assurance Commission  Private  
 Public  
 Governmental

<b>Name of agency personnel responsible for:</b>		
Name	Office Location	Phone
Drafting..... Jennifer Santiago	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4893
Implementation....Jennifer Santiago	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4893
Enforcement.....Jennifer Santiago	111 Israel Rd. SE, Tumwater, WA 98501	360-236-4893

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(c), a SBEIS is not required for proposed rules that adopt or incorporate by reference - without material change - federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards;

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jennifer Santiago

Address: PO BOX 47852

Olympia, WA 98504-7852

phone 360-236-4893

fax 360-236-2901

e-mail [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov)

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

**WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision.** A dentist may allow a dental hygienist licensed under the provisions of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

(1) Oral inspection and measuring of periodontal pockets, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Take intra-oral and extra-oral radiographs.

(4) Apply topical preventive or prophylactic agents.

(5) Polish and smooth restorations.

(6) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.

(7) Record health histories.

(8) Take and record blood pressure and vital signs.

(9) Perform sub-gingival and supra-gingival scaling.

(10) Perform root planing.

(11) Apply sealants.

(12) Apply topical anesthetic agents.