



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 09-13-097 ; 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 14-04-022
- Continuance of WSR

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

WAC 246-817-310 Maintenance and retention of records, and new WAC 246-817-305 and -315. Creating new rules and renaming and amending an existing rule to set requirements for dental treatment record content, retention and accessibility. This is a supplemental notice to WSR 14-04-022.

Hearing location(s): Department of Health
310 Israel Rd SE, Room 152/153
Tumwater, WA 98501

Date: March 6, 2015 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) 02/27/2015

Assistance for persons with disabilities: Contact

Jennifer Santiago by 02/27/2015

TTY (800) 833-6388 or () 711

Date of intended adoption: 03/06/2015

(Note: This is NOT the effective date)

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

The proposal renames and modifies WAC 246-817-310 and creates two new rules, WAC 246-817-305 and -315. The proposed rules detail patient record content requirements, move business record related requirements to a new rule, and separate business and patient record accessibility. The current proposal is different from the previous proposal as it modifies and moves deleted requirements for ownership and lessee requirement to WAC 246-817-315.

Reasons supporting proposal:

A complete and accurate patient record is vital for patient safety and for appropriate regulation. Thorough records are necessary to inform the work of other treatment providers who subsequently treat the patient, as well as for the commission when investigating complaints and regulating practitioners. The proposed rules clarify what should be included in patient records and ensure that patient records are complete, legible, and consistent. The commission agreed with stakeholder comments at the April 18, 2014 hearing and modified the rules to include the existing requirements.

Statutory authority for adoption:

RCW 18.32.655 and 18.32.0365

Statute being implemented:

RCW 18.32.655 and 18.32.0365

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 01/14/2015

NAME (type or print)
Robert Shaw, D.M.D.

SIGNATURE

TITLE
Dental Quality Assurance Commission Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 15, 2015

TIME: 1:29 PM

WSR 15-03-067

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

Name of agency personnel responsible for:

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 was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

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

No: Please explain:

NEW SECTION

WAC 246-817-305 Record content. (1) A licensed dentist who treats patients shall maintain legible, complete, and accurate patient records.

(2) The patient record must reflect diagnosis and treatment performed and contain financial records.

(3) The patient record must include at least the following information:

(a) For each record entry, the signature or electronic verification of the responsible dentist or dental hygienist;

(b) The date of each patient record entry, document, radiograph or model;

(c) An up-to-date treatment plan;

(d) The physical examination findings documented by subjective complaints, objective findings, and an assessment or diagnosis of the patient's condition;

(e) Up-to-date dental and medical history that may affect dental treatment;

(f) Any diagnostic aid used including, but not limited to, images, radiographs, and test results. Retention of molds or study models except for orthodontia or full mouth reconstruction is at the discretion of the practitioner;

(g) A complete description of all treatment/procedures administered at each visit;

(h) An accurate record of any medication(s) administered, prescribed or dispensed including:

(i) The date prescribed or the date dispensed;

(ii) The name of the patient prescribed or dispensed to;

(iii) The name of the medication; and

(iv) The dosage and amount of the medication prescribed or dispensed, including refills;

(i) Referrals and any communication to and from any health care provider;

(j) Notation of communication to or from the patient or patient's parent or guardian, including:

(i) Discussion of potential risk(s) and benefit(s) of proposed treatment, recommended tests, and alternatives to treatment, including no treatment or tests;

(ii) Posttreatment instructions;

(iii) Patient complaints and resolutions; and

(iv) Termination of doctor-patient relationship; and

(k) A copy of each laboratory referral retained for three years as required in RCW 18.32.655.

(4) Complete manual treatment entries must not be erased or deleted from the record.

(a) Mistaken manual entries must be corrected with a single line drawn through the incorrect information. New or corrected information must be initialed and dated.

(b) Complete electronic treatment entries must include deletions, edits, and corrections.

WAC 246-817-310 ((Maintenance and)) Patient record retention ((of records)) and accessibility requirements. ((Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to X rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the DQAC or its authorized representative: X rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

Every dentist who operates a dental office in the state of Washington must maintain a comprehensive written and dated record of all services rendered to his/her patients. In offices where more than one dentist is performing the services the records must specify the dentist who performed the services. Whenever requested to do so, by the secretary or his/her authorized representative, the dentist shall supply documentary proof:

(1) That he/she is the owner or purchaser of the dental equipment and/or the office he occupies.

(2) That he/she is the lessee of the office and/or dental equipment.

(3) That he/she is, or is not, associated with other persons in the practice of dentistry, including prosthetic dentistry, and who, if any, the associates are.

(4) That he/she operates his office during specific hours per day and days per week, stipulating such hours and days.)) (1) A licensed dentist who treats patients eighteen years and older shall keep readily accessible patient records for at least six years from the date of the last treatment.

(2) A licensed dentist who treats patients under the age of eighteen years old shall keep readily accessible patient records for at least six years after the patient reaches eighteen years old.

(3) A licensed dentist shall respond to a written request to examine or copy a patient's record within fifteen working days after receipt. A licensed dentist shall comply with chapter 70.02 RCW for all patient record requests.

(4) A licensed dentist shall comply with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act, 45 C.F.R. destruction and privacy regulations.

NEW SECTION

WAC 246-817-315 Business records accessibility. If requested, a licensed dentist who operates a dental practice in the state of Washington shall provide:

(1) Documentation to the dental quality assurance commission that the licensed dentist is:

(a) The owner, purchaser, or lessee of the dental equipment;

(b) The owner, purchaser, or lessee of the office the dentist occupies; and

(c) Associated with other persons in the practice of dentistry, whether or not the associate is licensed to practice dentistry.

(2) All contracts or agreements governing the dental practice business relationships with co-owners, partners, and associates.