



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 06, 2026

TIME: 4:19 PM

WSR 26-02-062

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 25-04-089; 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); or

Proposal is exempt under RCW ____.

Title of rule and other identifying information: (describe subject)

Dental hygienist and dental assistant usage of silver diamine fluoride in school-based and school-linked programs and the requirement of participation in regional health coalition meetings.

The Department of Health (department) in consultation with the Dental Quality Assurance Commission (commission) and Dental Hygiene Examining Committee (committee) is proposing amendments to WAC 246-814-020, Practices Authorized, by adding clarifying language around the use of silver diamine fluoride in school-settings and school-linked programs. The department is also proposing amendments to WAC 246-814-030, Application process and documentation to training required for endorsement, to remove the requirement that dental assistants and their supervising dentists, as well as dental hygienists participate in oral health coalition meetings.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
February 10, 2026	10:00 a.m.	Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_16PvrDhXRIC1r5SkjZLMGg After registering, you will receive a confirmation email containing information about joining the webinar.	The Department of Health will hold a virtual only hearing. Individuals may provide testimony by attending the virtual or by submitting testimony in writing.

Date of intended adoption: February 17, 2026 (Note: This is NOT the effective date)

Submit written comments to:

Name Kitty Einert

Address PO Box 47852, Olympia, WA 98504-7852

Email kitty.einert@doh.wa.gov

Fax N/A

Other <https://fortress.wa.gov/doh/policyreview/>

Beginning (date and time) The date and time of this filing.

By (date and time) February 10, 2026 at 11:59 p.m.

Assistance for persons with disabilities:

Contact Kitty Einert

Phone 360-236-4843

Fax N/A

TTY 711

Email kitty.einert@doh.wa.gov

Other

By (date) January 27, 2026

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

The department received a petition on June 3, 2024, requesting rulemaking to clarify, revise, or add language around the use of Silver Diamine Fluoride (SDF) in school settings and school linked programs for both dental hygienists and dental assistants.

The department is proposing to clarify the use of SDF in WAC 246-814-020. SDF is a low-cost fluoride that can arrest carious lesions and strengthen tooth enamel. Clarifying the use of SDF ensures the rule accurately reflects current use and supports consistent understanding and implementation across school-based oral health programs. Dental hygienists and dental assistants currently work in these environments and the department anticipates that this will increase access to care for vulnerable populations of children.

On October 2, 2024, the department received an additional petition requesting to remove the requirement of WAC 246-814-030(6), which requires dental assistants, their supervising dentists, and dental hygienists to participate in local oral health coalition meetings. In response, the department is proposing to remove the requirement. The rule has proven difficult to enforce due to the limited number of coalitions statewide and it may discourage providers from offering services out of concern for potential disciplinary action.

Reasons supporting proposal: Clarification and modernization of these rules is needed to ensure clear and consistent direction for credentialed dental hygienists and dental assistants in school-settings and school-linked programs. SDF is currently used in school and school-based settings, the existing WAC does not specifically reference this practice. Adding this clarification ensures the rule accurately reflects current use and supports consistent understanding and implementation across school-based oral health programs. The department anticipates that this will increase access to care for vulnerable populations of children.

WAC 246-814-030(6), requires dental assistants, supervising dentists, and dental hygienists to participate in local oral health coalition meetings. The requirement is outdated and no longer serving its purpose because only a few coalitions remain statewide, and they cover limited geographic areas. The department is proposing to remove this requirement because it creates a barrier to care and dental hygienists and dental assistants may avoid providing services because they do not want to be disciplined for not following the outdated rule requirements.

Statutory authority for adoption: RCW 18.29.210 and 43.70.650

Statute being implemented: RCW 18.29.220

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Health
Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Kitty Einert	111 Israel Road SE, Tumwater, WA 98501	360-236-4843
Implementation	Kitty Einert	111 Israel Road SE, Tumwater, WA 98501	360-236-4843
Enforcement	Kitty Einert	111 Israel Road SE, Tumwater, WA 98501	360-236-4943

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name
Address
Phone

Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name
Address
Phone
Fax
TTY
Email
Other
- No: Please explain: This rule is exempt under RCW 34.05.328(5)(b)(iv) clarifies the rule without changing the effect.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW

Explanation of how the above exemption(s) applies to the proposed rule: The proposed rule is exempt under RCW 19.85.025 because it only affects the dental hygienists and dental assistant credentials, which is not considered a small business under RCW 19.85.020.

(2) Scope of exemptions: Check one.

- The rule proposal: Is fully exempt. (Skip section 3.) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (Complete section 3.) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (Complete section 3.) No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.


If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: January 6, 2026	Signature:
Name: Kristin Peterson, JD for Dennis E. Worsham	
Title: Chief of Policy for Secretary of Health	

AMENDATORY SECTION (Amending WSR 18-21-048, filed 10/8/18, effective 11/8/18)

WAC 246-814-020 Practices authorized. (1) Dental hygienists.

Solely for purposes of providing services under this chapter, dental hygienists holding endorsements under this chapter may assess by determining the need for (i.e., the absence of gross carious lesions and sealants) and acceptability of dental sealant or fluoride varnish treatment for children in school-based and school-linked programs. Dental hygienists may apply dental sealants and fluoride varnish treatments, including silver diamine fluoride, and may remove deposits and stains from the surfaces of teeth, without the supervision of a licensed dentist. This determination does not include or involve diagnosing conditions or constitute a dental examination.

(2) **Dental assistants.** A dental assistant is currently defined in RCW 18.260.010 as a person who is registered by the dental quality assurance commission to provide supportive services to a licensed dentist to the extent provided in chapter 18.260 RCW and under the close supervision of a dentist. Solely for purposes of this chapter, authorized dental assistants may apply dental sealants and fluoride varnish treatments, including silver diamine fluoride, to children in school-based and school-linked programs under the *general* supervision of a Washington state licensed dentist, as described in this chapter.

(a) *Close supervision* requires the supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist is continuously on-site and physically present in the treatment facility when the treatment is provided.

(b) *General supervision* requires the supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist does not have to be in the treatment facility when the treatment is provided.

(3) Dental assistants and their supervising dentists, as well as dental hygienists shall coordinate with local public health jurisdictions and local oral health coalitions prior to providing services under this chapter, consistent with RCW 18.29.220 and 18.32.226.

AMENDATORY SECTION (Amending WSR 18-21-048, filed 10/8/18, effective 11/8/18)

WAC 246-814-030 Application process and documentation of training required to qualify for endorsement. (1) The department has issued endorsements to all dental hygienists holding valid licenses on or before April 19, 2001, the effective date of RCW 18.29.220.

(2) Dental hygienists licensed after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.29.220 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;
- (c) Information of having a valid Washington state dental hygiene license for reference; and

(d) Proof of the completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(3) Dental assistants employed by a Washington state licensed dentist on or before April 19, 2001, are not required to obtain an endorsement but may voluntarily do so without having to meet the additional requirements in RCW 18.32.226.

(4) Dental assistants employed by a Washington state licensed dentist for two hundred hours after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.32.226 and must submit the following to the department:

(a) Application for endorsement;

(b) Fee;

(c) Proof of two hundred hours of employment as a dental assistant by a Washington state licensed dentist that has included theoretical and clinical training in the application of dental sealants and fluoride varnish treatments, verified by a declaration provided by the licensed dentist who provided the training; and

(d) Proof of completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(5) Dental assistants and their supervising dentists, as well as dental hygienists should use the Washington state department of health sealant/fluoride varnish guidelines described in WAC 246-814-040 and other protocols that may be in place for the geographic region when coordinating with local public health jurisdictions.

~~((6) Dental assistants and their supervising dentists, as well as dental hygienists shall coordinate with established local oral health coalitions by participating in oral health coalition meetings that may be held in the geographical region.))~~