

Significant Legislative Rule Analysis

WAC 246-817-550 and 560 Acts that may be performed by licensed dental hygienists under general and close supervision

July 19, 2016

SECTION 1:

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The proposed rules amendments update the listing of allowable duties a dentist may delegate to a licensed dental hygienist under general and close supervision. The Dental Hygiene Examining Committee (hygiene committee) requested the Dental Quality Assurance Commission (commission) to move specific tasks from close supervision to general supervision and add new tasks for dental hygienists. Close supervision requires the dentist to be physically present in the treatment facility during the performance of a delegated task while general supervision does not.

Specifically, the proposed rules:

- Add head and neck examination to general supervision;
- Add administering local anesthetics including reversal agents and buffered anesthetic under general supervision when certain conditions are met, and clarifies when these tasks are required under close supervision;
- Add taking specific impressions to general supervision;
- Add delivery of pre-medication for antibiotic prophylaxis to general supervision; and
- Amends administering of local anesthetics in close supervision by adding reversal agents, buffered anesthetic, and reference when general supervision is appropriate under WAC 246-817-550 (6).

Dental hygienists routinely treat patients under general supervision. Administering local anesthetic may be necessary for some patients for scaling and root planing. Scaling and root planing are currently acceptable under general supervision but cannot be done if local anesthetic is necessary. Adding administering local anesthetic under general supervision will better serve dental patients with consistent treatment and appointment availability. Proposed rules allow administration of local anesthetic under both general and close supervision. The licensed dentist and identified patient criteria determine whether general or close supervision of administration of local anesthetic is appropriate. Additionally, other added tasks are necessary to clarify current standards of practice.

SECTION 2:

Is a Significant Analysis required for this rule?

Yes, as defined in RCW 34.05.328 the proposed rule requires a significant analysis. The proposed rule amendments subject a licensed dentist and a licensed dental hygienist to a penalty or sanction for violation of rules.

SECTION 3:

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

RCW 18.32.0365 gives the commission authority to adopt rules. RCW 18.29.050 allows dental hygienists to perform duties under general or close supervision of a dentist. Senate Bill (SB) 5606, Chapter 120, Laws of 2015, added an exemption to a prohibition of taking of any impressions under RCW 18.29.050. The bill allows the commission to adopt rules to identify specific allowable impressions that may be performed by dental hygienists. Proposed new subsection WAC 246-817-550 (16) is based on SB 5606.

SECTION 4:

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

The commission has identified the need to provide clarity in duties that a licensed dentist may delegate to a licensed dental hygienist. Identifying a list of acceptable tasks that may be delegated for licensed dentists and licensed dental hygienists in rule establishes enforceable practice standards while ensuring patient safety.

Senate Bill (SB) 5606, Chapter 120, Laws of 2015, added an exemption to a prohibition of taking of any impressions under RCW 18.29.050. The bill allows the commission to adopt rules to identify specific allowable impressions that may be performed by dental hygienists. Proposed new subsection WAC 246-817-550 (16) is based on SB 5606.

Rules are necessary to clarify and amend the list of tasks to current practice standards eliminating confusion for dental professionals and the public receiving dental care. If the proposed rule amendments are not adopted, the commission will be hampered in its ability to provide clear requirements for acceptable delegation of tasks.

SECTION 5:

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and

quantitative benefits and costs and the specific directives of the statute being implemented.

Rule Overview – WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision.

The proposed rule amendments add three new tasks and includes one task from close supervision in general supervision.

Specifically, the proposed rule amendments:

- Add head and neck examination to general supervision;
- Add administering local anesthetics including reversal agents and buffered anesthetic under general supervision when certain conditions are met, and clarifies when these tasks are required under close supervision;
- Add taking specific impressions to general supervision;
- Add delivery of pre-medication for antibiotic prophylaxis to general supervision.

Rule Cost/Benefit Analysis

There is no cost for licensed dentists, or licensed dental hygienists to comply with this proposed rule. The benefit of the proposed rule provides better service to dental patients with consistent treatment and appointment availability.

Rule Overview – WAC 246-817-560 Acts that may be performed by licensed dental hygienists under close supervision.

The proposed rule amends administering of local anesthetics in close supervision by adding reversal agents, buffered anesthetic, and reference to when general supervision is appropriate under WAC 246-817-550 (6).

Rule Cost/Benefit Analysis

There is no cost for licensed dentists or licensed dental hygienists to comply with this proposed rule. The benefit of the proposed rule provides better service to dental patients with consistent treatment and appointment availability.

SECTION 6:

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome

alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision.

Description of alternatives considered

Four alternatives considered:

1. Included “cancer screenings” as part of head and neck examinations. The commission determined the cancer screening was unnecessary as it is part of a head and neck examination.
2. Did not include administering local anesthetic under general supervision or include conditions under paragraph (6) (a) through (d).
3. Listed buffered anesthetics separately. The commission determined to include under administering local anesthetic as an adjunctive procedure.
4. Included injection as method to administer local anesthetic. Local anesthetic nasal sprays are now available for administration and the commission determined the method of injection was unnecessary in the rule.

WAC 246-817-560 Acts that may be performed by licensed dental hygienists under close supervision.

Description of alternatives considered

One alternative considered removing administering local anesthetic from close supervision completely. The commission determined it needed to remain in close supervision in addition to being listed in general supervision with patient parameters.

Proposed rules are the least burdensome alternative for dentists and dental hygienists that routinely treat patients under general supervision. Administering local anesthetic may be necessary for some patients for scaling and root planing. Scaling and root planing are currently acceptable under general supervision but cannot be provided under general supervision if local anesthetic is necessary. Adding administering local anesthetic under general supervision will better serve dental patients with consistent treatment and appointment availability. Proposed rules allow administration of local anesthetic under both general and close supervision.

SECTION 7:

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

SECTION 8:

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

SECTION 9:

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

SECTION 10:

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

Dental hygienist licensure is regulated under chapter 18.29 RCW. The commission created the Dental Collaboration Committee with members of the Dental Hygiene Examining Committee to consider the proposed rules. The Dental Collaboration Committee and the Dental Hygiene Examining Committee support the proposed rules.