

Significant Legislative Rule Analysis (SA)
Chapter 246-817 WAC
Rules concerning establishing dental anesthesia assistant certification.

Section 1. What is the scope of the rule?

The proposed rules establish certification requirements for dental anesthesia assistants (DAA). The DAA would work under supervision of an oral and maxillofacial surgeon or dental anesthesiologist. The proposed rules restate allowable tasks detailed in Engrossed Second Substitute Senate Bill (E2SSB) 5620. Some tasks such as initiating and discontinuing an intravenous line may be performed under close supervision for the oral and maxillofacial surgeon or dental anesthesiologist. Other tasks such as preparing medications, would be done under direct visual supervision. Close supervision is currently defined in RCW 18.260.010 as authorizing the procedures to be performed while continuously on-site in the treatment facility. Direct visual supervision is defined by E2SSB 5620 as providing verbal command under direct line of sight.

Section 2. What are the general goals and specific objectives of the proposed rule's authorizing statute?

The general goal of E2SSB 5620 is to ensure the people of this state have qualified individuals assisting oral and maxillofacial surgeons and dental anesthesiologists in the administration of anesthesia.

The statute's objectives the rule implements are:

1. Establish minimum education and training;
2. Establish renewal and minimum continuing education; and
3. Establish dental anesthesia assistant profession under the commission's regulatory authority.

RCW 18.260.040 prohibits dental assistants from assisting in any administration of any general or local anesthetic, including intravenous sedation.

Section 3. What is the justification for the proposed rule package?

The proposed rules will achieve the authorizing statute's goals and objectives because minimum education and training must be established to issue a dental anesthesia assistant certification. The proposed rules also provide continuing education requirements that are consistent with national certification requirements.

The commission has assessed and determined that there are no feasible alternatives to rulemaking because rules are necessary to implement E2SSB 5620. Standards must be in rule to ensure minimum education and training for dental anesthesia assistants.

If propose rules are not adopted, the commission would be unable to enforce minimum education and training of dental anesthesia assistants.

Section 4. What are the costs and benefits of each rule included in the rules package? What is the total probable cost and total probable benefit of the rule package?

1. Identification of total number of rules in package

- WAC 246-817-185 Temporary practice permits – Eligibility
- WAC 246-817-205 Dental anesthesia assistant certification requirements
- WAC 246-817-440 Dentist continuing education requirements
- WAC 246-817-445 Dental anesthesia assistant continuing education requirements
- WAC 246-817-450 Definitions
- WAC 246-817-460 Sexual Misconduct
- WAC 246-817-710 Definitions
- WAC 246-817-720 Basic life support requirements
- WAC 246-817-771 Dental anesthesia assistant

2. Non-Significant Rule Identification Table

Table: Non-Significant Rule Identification

#	WAC Section	Section Title	Section Subject	Reason
1	WAC 246-817-440	Dentist continuing education	Continuing education requirements for dentists. Modification only adds “dentist” to title. Modification does not impose any new requirement.	RCW 34.05.328 (5)(b)(iv) The proposed rules clarify that the standards only apply to dentists.
2	WAC 246-817-710	Definitions (for administration of anesthetic agents)	Amendments to the definitions are consistent with statute.	RCW 34.05.328 (5)(b)(iii) The proposed rule includes definitions from the statute without material change.
3	WAC 246-817-720	Basic life support (BLS) requirements	BLS requirements for dentists and supportive personnel.	RCW 34.05.328 (5)(b)(v) The proposed rules

			Adds dental anesthesia assistants to list of supportive personnel that must maintain BLS certification.	content is explicitly and specifically dictated by statute. E2SSB 5620 requires dental anesthesia assistant to obtain BLS for initial certification.
4	WAC 246-817-771	Dental anesthesia assistant	Practice and supervision requirements.	RCW 34.05.328 (5)(b)(v) Rule restates E2SSB 5620 in a clear concise area of dental rules. The proposed rules content is explicitly and specifically dictated by statute.

3. Significant Rule Analysis

A. WAC 246-817-185 Temporary practice permits – Eligibility

Rule Overview

The current rule allows temporary permits to be issued to dentists, expanded function dental auxiliaries, and dental assistants while a fingerprint-based national background check is completed. The process to complete the national background check is lengthy and has caused licensing delays that affect the public's access to health care. The proposed rule adds dental anesthesia assistants to allowable individuals that may request a temporary permit.

Rule Cost/Benefit Analysis

There is no cost to the applicant for the temporary permit. By providing the temporary permit, practitioners may provide services during the review of background information which allows additional practitioners care of patients.

B. WAC 246-817-205 Dental anesthesia assistant certification requirements

Rule Overview

The proposed rule establishes credentialing requirements established by E2SSB 5620 to include a dental anesthesia assistant training course, training in intravenous access or phlebotomy that includes starting and maintaining intravenous lines approved by the commission.

Rule Cost/Benefit Analysis –

The dental anesthesia assistant training proposed in the rule can be obtained at a cost of \$300 to \$450 in a minimum of six months. E2SSB 5620 requires intravenous or phlebotomy training that can be obtained through a variety of organizations at a cost of \$100 to \$1,500. The range of education spans from an eight hour course to a multiple quarters in a community college. Four to eight hour basic life support and seven hours of HIV/AIDS training is also required and can be obtained through a variety of organizations at a cost of \$0 to \$100. The benefit is to ensure that appropriate education and training of individuals assisting in the administration of anesthesia.

C. WAC 246-817-445 Dental anesthesia assistant continuing education requirements

Rule Overview

The proposed rule establishes 12 continuing education hours every three years for dental anesthesia assistants. The proposed rule also lists subject and methods acceptable for continuing education hours.

Rule Cost/Benefit Analysis

The proposed 12 continuing education hours every three years reporting period is consistent with the general anesthesia permit holder continuing education requirements. General anesthesia permit holders must complete 18 hours of continuing education every three years. National certification for dental anesthesia assistants requires 30 continuing education hours every five years (average of six hours per year) to maintain the national certification. There are multiple alternatives to complete national certification continuing education. The proposed rule establishes less hours than the national average because the dental anesthesia assistant is under close and direct visual supervision of a general anesthesia permit holder who maintains sufficient continuing competency. Continuing education hours can be obtained at a cost of \$0 to \$300. The proposed rule establishes a variety of methods to obtain continuing education hours. The benefit is the dental anesthesia assistant receives ongoing training to keep informed of current best practices, equipment, and procedures.

D. WAC 246-817-450 Definitions (Sexual Misconduct)

Rule Overview

The current rule provides definitions for the section in chapter 246-817 WAC Sexual Misconduct. The proposed rule modifies the definition of “dentist” to “health care provider” to include all credential holders under the regulatory authority of the Dental Quality Assurance Commission to include dentists, dental anesthesia assistants, dental assistants, and expanded function dental auxiliaries.

Rule Cost/Benefit Analysis

The benefit is that health care providers, dentists, dental anesthesia assistants, dental assistants, and expanded function dental auxiliaries are officially notified that they may not engage in sexual misconduct. Rules are necessary to enforce sexual misconduct violations. The benefits exceed the cost as there is no compliance cost to this rule.

E. WAC 246-817-460 Sexual Misconduct

Rule Overview

The current rule provides what actions constitute sexual misconduct. The proposed rule modifies the reference of “dentist” to “health care provider” to include all credential holders under the regulatory authority of the Dental Quality Assurance Commission to include dentists, dental anesthesia assistants, dental assistants, and expanded function dental auxiliaries.

Rule Cost/Benefit Analysis

The benefit is that health care providers, dentists, dental anesthesia assistants, dental assistants, and expanded function dental auxiliaries are officially notified that they may not engage in sexual misconduct. Rules are necessary to enforce sexual misconduct. The benefits exceed the cost as there is no compliance cost to this rule.

4. Rule Package Cost-Benefit Conclusion

Cost summary

The proposed rules implements E2SSB 5620. The commission is required to establish minimum education and training and renewal with minimum continuing education requirements.

Benefit summary

There are costs for individuals to obtain the dental anesthesia assistant certification, which includes costs for training and education. Establishing the certification criteria for this new profession will ensure individuals are qualified to assist during anesthesia procedures thereby protecting public health.

Section 5. What alternative versions of the rule did we consider? Is the proposed rule the least burdensome approach?

WAC 246-817-205 Dental anesthesia assistant certification requirements

Descriptions of alternatives considered

One alternative considered required the intravenous access or phlebotomy education to be completed within 180 days. The alternative also required twenty successful intravenous starts.

Least burdensome determination

Compared to this alternative version, the proposed rule is less burdensome for those required to comply because it allows the ability to obtain the training through a wide variety of education organization and reduces the minimum number of successful intravenous starts to ten. Other professionals, such as paramedics currently complete ten successful intravenous starts in their approved training.

WAC 246-817-445 Dental anesthesia assistant continuing education requirements

Descriptions of alternatives considered

Two alternatives were considered for continuing education requirements. The first alternative considered required eight hours of continuing education every year. It also provided the required subject area that continuing education must be obtained in.

The second alternative considered required eight hours of continuing education every year. It also provided a list of activities allowed to obtain continuing education.

Least burdensome determination

The proposed rule is the least burdensome option as it reduces the number of required continuing education hours and frequency of reporting. The proposed rule establishes less hours than the national average because the dental anesthesia assistant is under close and direct visual supervision of a general anesthesia permit holder who maintains sufficient continuing competency. The proposed rule also combines both alternatives into one rule to provide clarity to dental anesthesia assistants.

WAC 246-817-710 Definitions

Descriptions of alternatives considered

One alternative considered provided the definition of close supervision as written in WAC 246-817-510. The dental anesthesia assistant definition alternative considered used the term certified dental anesthesia assistant.

Least burdensome determination

The proposed rule is the least burdensome option as it defines both the terms as written in E2SSB 5620 to provided clarity to stakeholders.

WAC 246-817-771 Dental anesthesia assistant

Descriptions of alternatives considered

One alternative considered utilized E2SSB 5620 language as written.

Least burdensome determination

The proposed rule is the least burdensome option as it provides a concise clear list of allowable tasks under appropriate supervision.

Section 6. Did you determine that the rule does not require anyone to take an action that violates 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 7. Did we determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless the difference is required in federal or state law?

The Department of Health determined that the rule does not impose more stringent performance requirements on private entities than on public entities.

Section 8. Did you determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, did we 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 9. Did we demonstrate that the rule has been coordinated, to the maximum extent possible, with other federal, state, and local laws applicable to the same activity or subject matter?

There are no other applicable laws.