

Significant Legislative Rule Analysis (SA)
WAC 246-817-220
a Rule Concerning an Inactive License for Dentists.

Section 1. What is the scope of the rule?

The Dental Quality Assurance Commission (commission) is proposing a new rule to establish an inactive dentist license status. The proposed rule establishes how a dentist can 1) obtain an inactive dentist license, 2) renew an inactive dental license, and 3) return to active dental license status.

The proposed rule, as drafted, allows a dentist to obtain an inactive license while they are not practicing in Washington State. The rule ensures consistency with current licensure rules in chapter 246-817 WAC and chapter 246-12 WAC.

A fee may be charged to obtain the inactive license, not to exceed the amount authorized during the 2010 legislative session (ESSB 6444, Chapter 37 Laws 2010), however the fee is not proposed in this rule. RCW 43.70.250 requires all fees to be established in rule by the Secretary of the Department of Health and they must cover the costs to administer the program. Additionally, all costs must be borne by the members of that profession. The Department of Health will propose rules to set the inactive licensing fee during separate rulemaking. The fee rulemaking will coincide with this rule process.

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

RCW 18.32.0365 Rules.

The commission may adopt rules in accordance with chapter 34.05 RCW to implement this chapter and chapter 18.130 RCW.

RCW 18.32.185 Inactive License Status

RCW 18.32.185 grants the commission authority to adopt rules authorizing an inactive license status. The general goal of RCW 18.32.185 is to allow licensed dentists to place his or her license on inactive status, but restricts them from practicing dentistry without first reactivating their license.

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

The commission has assessed and determined that there are no feasible alternatives to rulemaking because rules are required to implement RCW 18.32.185. Standards must be in rule to be enforced. The proposed rule establishes how a dentist can 1) obtain an inactive dentist license, 2) renew an inactive dental license, and 3) return to active dental license status.

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 246-817-220 Inactive License is the only rule in this package.

2. Significant Rule Analysis

A. WAC 246-817-220 Inactive License

Rule Overview – The proposed rule defines how a dentist may obtain an inactive license, establishes renewal requirements of an inactive license, and establishes requirements to return to active status:

- A licensed dentist must hold an active license in good standing to obtain an inactive license.
- A dentist who holds an inactive license:
 - May not practice in Washington; and
 - Pay applicable fees to renew annually.
- A dentist may return to active status:
 - If holds inactive status three years or less:
 - Pay applicable fees;
 - Complete 42 hours of CE within last two years; or
 - If holds inactive status more than three years and has practiced in another state:
 - Pay applicable fees;
 - Provide certification of active state license from other state;
 - Provide verification of active practice in another state within last three years;
 - Complete 42 hours of CE within last two years; or
 - If holds inactive status more than three years and has not been in active practice in another state:
 - Written request of change;
 - Pay applicable fees;
 - Proof of practical examination within last five years or qualifying postgraduate residency program, approved by the commission;
 - Provide certification of all state licenses from other states;
 - Complete 42 hours of CE within last two years;
 - Proof of successful completion of jurisprudence examination within the past year;
 - Proof of malpractice insurance with claim history; and
 - Proof of AIDS education, if never previously provided.

Rule Cost/Benefit Analysis – There has been a high volume of inquires from dentists, whom are not currently practicing in Washington State, about obtaining a license other than an active

practice license. The inactive license option would allow dentists to keep a license for a fee that is less than the active license fee. The rule does not impose additional costs to the dentists. The standards established will ensure practitioners are current with dental practices before obtaining an active license to return to practicing dentistry in Washington.

3. Rule Package Cost-Benefit Conclusion

There are no regulatory compliance costs associated with this rule. If a dentist elects to obtain an inactive license, the fee will be less than the fee for an active license. Providing an inactive license option allows dentists to enter and remain in an inactive status but also protects the public by requiring dentists to first obtain an active status license before they practice dentistry in Washington. Therefore, the total probable benefits of this rule exceed the total probable costs.

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

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Alternative #1

The alternative considered used the term credential throughout the rule. It was changed to license because the dental license is the only license type authorized for an inactive status. The alternative also referenced multiple rules that listed requirements rather than listing the requirements in this rule itself. Additionally, the alternative did not include how long a dentist needed to be in active practice to meet the requirement under paragraph #4.

Least burdensome determination

Compared to this alternative version, the proposed rule is less burdensome for those required to comply because the rule clearly details appropriate requirements for a dentist to return to active status. The requirements are listed to ensure dentists are capable of providing appropriate dental care to patients.

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.