
SUBSTITUTE SENATE BILL 5620

State of Washington

62nd Legislature

2011 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Becker, Keiser, and Parlette)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the certification of dental anesthesia
2 assistants; amending RCW 18.32.030 and 18.120.020; reenacting and
3 amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Close supervision" has the same meaning as in RCW 18.260.010.

8 (2) "Commission" means the dental quality assurance commission
9 established in RCW 18.32.0351.

10 (3) "Department" means the department of health.

11 (4) "Direct visual supervision" means supervision by an oral and
12 maxillofacial surgeon or dental anesthesiologist by verbal command and
13 under direct line of sight.

14 (5) "Oral and maxillofacial surgeon" has the same meaning as in RCW
15 18.32.020.

16 (6) "Secretary" means secretary of health.

17 NEW SECTION. **Sec. 2.** (1) No person may practice or represent
18 himself or herself as a certified dental anesthesia assistant by use of

1 any title or description without being certified by the commission as
2 having met the standards established for certification under this
3 chapter.

4 (2) A certified dental anesthesia assistant may not practice or
5 represent himself or herself as a registered dental assistant without
6 being registered by the commission as having met the standards for
7 registration under chapter 18.260 RCW.

8 NEW SECTION. **Sec. 3.** (1) Each applicant for certification as a
9 dental anesthesia assistant must submit to the department:

10 (a) An application, on a form provided by the department, with the
11 applicant's name, address, and name and location of the oral and
12 maxillofacial surgeon or dental anesthesiologist where the assistant
13 will be performing his or her services;

14 (b) An application fee, as determined by the secretary of health as
15 provided in RCW 43.70.250 and 43.70.280; and

16 (c) Satisfactory evidence of:

17 (i) Completion of a commission-approved dental anesthesia assistant
18 training course, to include intravenous access or phlebotomy. This
19 training must include experience starting and maintaining intravenous
20 lines;

21 (ii) Completion of a commission-approved basic life support/cardiac
22 pulmonary resuscitation course; and

23 (iii) The valid general anesthesia permit of the oral and
24 maxillofacial surgeon or dental anesthesiologist where the assistant
25 will be performing his or her services.

26 (2) The commission may adopt rules for the requirements for renewal
27 of the certification, including continuing education requirements
28 consistent with national oral and maxillofacial surgery requirements.

29 (3) The secretary shall establish the administrative procedures,
30 administrative requirements, and fees for renewal of certifications as
31 provided in RCW 43.70.250 and 43.70.280.

32 NEW SECTION. **Sec. 4.** (1) Any dental anesthesia assistant
33 certified pursuant to this chapter shall perform the functions
34 authorized in this chapter only by delegation of authority from the
35 oral and maxillofacial surgeon or dental anesthesiologist and under the
36 supervision, as described in subsections (2) and (3) of this section,

1 of the oral and maxillofacial surgeon or dental anesthesiologist acting
2 within the scope of his or her license. The responsibility for
3 monitoring a patient and determining the selection of the drug, dosage,
4 and timing of all anesthetic medications rests solely with the oral and
5 maxillofacial surgeon or dental anesthesiologist.

6 (2) Under close supervision, the dental anesthesia assistant may:

7 (a) Initiate and discontinue an intravenous line for a patient
8 being prepared to receive intravenous medications, sedation, or general
9 anesthesia; and

10 (b) Adjust the rate of intravenous fluids infusion.

11 (3) Under direct visual supervision, the dental anesthesia
12 assistant may:

13 (a) Draw up and prepare medications;

14 (b) Follow instructions to deliver medications into an intravenous
15 line upon verbal command;

16 (c) Adjust an electronic device to provide medications, such as an
17 infusion pump;

18 (d) Administer emergency medications to a patient in order to
19 assist the oral and maxillofacial surgeon or dental anesthesiologist in
20 an emergency.

21 (4) Any oral and maxillofacial surgeon or dental anesthesiologist
22 delegating duties under this section must have a valid general
23 anesthesia permit and, if the dental anesthesia assistant does not
24 possess advanced cardiac life support training, must be current in such
25 training.

26 NEW SECTION. **Sec. 5.** The uniform disciplinary act, chapter 18.130
27 RCW, governs unlicensed practice, the issuance and denial of
28 certification, and the discipline of certified dental anesthesia
29 assistants under this chapter.

30 **Sec. 6.** RCW 18.130.040 and 2010 c 286 s 18 and 2010 c 65 s 3 are
31 each reenacted and amended to read as follows:

32 (1) This chapter applies only to the secretary and the boards and
33 commissions having jurisdiction in relation to the professions licensed
34 under the chapters specified in this section. This chapter does not
35 apply to any business or profession not licensed under the chapters
36 specified in this section.

1 (2)(a) The secretary has authority under this chapter in relation
2 to the following professions:

3 (i) Dispensing opticians licensed and designated apprentices under
4 chapter 18.34 RCW;

5 (ii) Naturopaths licensed under chapter 18.36A RCW;

6 (iii) Midwives licensed under chapter 18.50 RCW;

7 (iv) Ocularists licensed under chapter 18.55 RCW;

8 (v) Massage operators and businesses licensed under chapter 18.108
9 RCW;

10 (vi) Dental hygienists licensed under chapter 18.29 RCW;

11 (vii) East Asian medicine practitioners licensed under chapter
12 18.06 RCW;

13 (viii) Radiologic technologists certified and X-ray technicians
14 registered under chapter 18.84 RCW;

15 (ix) Respiratory care practitioners licensed under chapter 18.89
16 RCW;

17 (x) Hypnotherapists and agency affiliated counselors registered and
18 advisors and counselors certified under chapter 18.19 RCW;

19 (xi) Persons licensed as mental health counselors, mental health
20 counselor associates, marriage and family therapists, marriage and
21 family therapist associates, social workers, social work associates--
22 advanced, and social work associates--independent clinical under
23 chapter 18.225 RCW;

24 (xii) Persons registered as nursing pool operators under chapter
25 18.52C RCW;

26 (xiii) Nursing assistants registered or certified under chapter
27 18.88A RCW;

28 (xiv) Health care assistants certified under chapter 18.135 RCW;

29 (xv) Dietitians and nutritionists certified under chapter 18.138
30 RCW;

31 (xvi) Chemical dependency professionals and chemical dependency
32 professional trainees certified under chapter 18.205 RCW;

33 (xvii) Sex offender treatment providers and certified affiliate sex
34 offender treatment providers certified under chapter 18.155 RCW;

35 (xviii) Persons licensed and certified under chapter 18.73 RCW or
36 RCW 18.71.205;

37 (xix) Denturists licensed under chapter 18.30 RCW;

38 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

1 (xxi) Surgical technologists registered under chapter 18.215 RCW;
2 (xxii) Recreational therapists;
3 (xxiii) Animal massage practitioners certified under chapter 18.240
4 RCW;
5 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;
6 (xxv) Home care aides certified under chapter 18.88B RCW; and
7 (xxvi) Genetic counselors licensed under chapter 18.290 RCW.
8 (b) The boards and commissions having authority under this chapter
9 are as follows:
10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;
12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;
14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW
16 ~~((and))~~, licenses and registrations issued under chapter 18.260 RCW,
17 and certifications issued under chapter 18.--- RCW (the new chapter
18 created in section 9 of this act);
19 (iv) The board of hearing and speech as established in chapter
20 18.35 RCW;
21 (v) The board of examiners for nursing home administrators as
22 established in chapter 18.52 RCW;
23 (vi) The optometry board as established in chapter 18.54 RCW
24 governing licenses issued under chapter 18.53 RCW;
25 (vii) The board of osteopathic medicine and surgery as established
26 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
27 18.57A RCW;
28 (viii) The board of pharmacy as established in chapter 18.64 RCW
29 governing licenses issued under chapters 18.64 and 18.64A RCW;
30 (ix) The medical quality assurance commission as established in
31 chapter 18.71 RCW governing licenses and registrations issued under
32 chapters 18.71 and 18.71A RCW;
33 (x) The board of physical therapy as established in chapter 18.74
34 RCW;
35 (xi) The board of occupational therapy practice as established in
36 chapter 18.59 RCW;
37 (xii) The nursing care quality assurance commission as established

1 in chapter 18.79 RCW governing licenses and registrations issued under
2 that chapter;

3 (xiii) The examining board of psychology and its disciplinary
4 committee as established in chapter 18.83 RCW; and

5 (xiv) The veterinary board of governors as established in chapter
6 18.92 RCW.

7 (3) In addition to the authority to discipline license holders, the
8 disciplining authority has the authority to grant or deny licenses.
9 The disciplining authority may also grant a license subject to
10 conditions.

11 (4) All disciplining authorities shall adopt procedures to ensure
12 substantially consistent application of this chapter, the Uniform
13 Disciplinary Act, among the disciplining authorities listed in
14 subsection (2) of this section.

15 **Sec. 7.** RCW 18.32.030 and 2007 c 269 s 15 are each amended to read
16 as follows:

17 The following practices, acts, and operations are excepted from the
18 operation of the provisions of this chapter:

19 (1) The rendering of dental relief in emergency cases in the
20 practice of his or her profession by a physician or surgeon, licensed
21 as such and registered under the laws of this state, unless the
22 physician or surgeon undertakes to or does reproduce lost parts of the
23 human teeth in the mouth or to restore or to replace in the human mouth
24 lost or missing teeth;

25 (2) The practice of dentistry in the discharge of official duties
26 by dentists in the United States federal services on federal
27 reservations, including but not limited to the armed services, coast
28 guard, public health service, veterans' bureau, or bureau of Indian
29 affairs;

30 (3) Dental schools or colleges approved under RCW 18.32.040, and
31 the practice of dentistry by students in accredited dental schools or
32 colleges approved by the commission, when acting under the direction
33 and supervision of Washington state-licensed dental school faculty;

34 (4) The practice of dentistry by licensed dentists of other states
35 or countries while appearing as clinicians at meetings of the
36 Washington state dental association, or component parts thereof, or at

1 meetings sanctioned by them, or other groups approved by the
2 commission;

3 (5) The use of roentgen and other rays for making radiographs or
4 similar records of dental or oral tissues, under the supervision of a
5 licensed dentist or physician;

6 (6) The making, repairing, altering, or supplying of artificial
7 restorations, substitutions, appliances, or materials for the
8 correction of disease, loss, deformity, malposition, dislocation,
9 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
10 associated tissues or parts; providing the same are made, repaired,
11 altered, or supplied pursuant to the written instructions and order of
12 a licensed dentist which may be accompanied by casts, models, or
13 impressions furnished by the dentist, and the prescriptions shall be
14 retained and filed for a period of not less than three years and shall
15 be available to and subject to the examination of the secretary or the
16 secretary's authorized representatives;

17 (7) The removal of deposits and stains from the surfaces of the
18 teeth, the application of topical preventative or prophylactic agents,
19 and the polishing and smoothing of restorations, when performed or
20 prescribed by a dental hygienist licensed under the laws of this state;

21 (8) A qualified and licensed physician and surgeon or osteopathic
22 physician and surgeon extracting teeth or performing oral surgery
23 pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

24 (9) The performing of dental operations or services by registered
25 dental assistants and licensed expanded function dental auxiliaries
26 holding a credential issued under chapter 18.260 RCW when performed
27 under the supervision of a licensed dentist, or by other persons not
28 licensed under this chapter if the person is licensed pursuant to
29 chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered
30 nurses and advanced registered nurse practitioners, each while acting
31 within the scope of the person's permitted practice under the person's
32 license: PROVIDED HOWEVER, That such persons shall in no event perform
33 the following dental operations or services unless permitted to be
34 performed by the person under this chapter or chapters 18.29, 18.57,
35 18.71, 18.79 as it applies to registered nurses and advanced registered
36 nurse practitioners, and 18.260 RCW:

37 (a) Any removal of or addition to the hard or soft tissue of the
38 oral cavity;

1 (b) Any diagnosis of or prescription for treatment of disease,
2 pain, deformity, deficiency, injury, or physical condition of the human
3 teeth or jaws, or adjacent structure;

4 (c) Any administration of general or injected local anaesthetic of
5 any nature in connection with a dental operation, including intravenous
6 sedation;

7 (d) Any oral prophylaxis;

8 (e) The taking of any impressions of the teeth or jaw or the
9 relationships of the teeth or jaws, for the purpose of fabricating any
10 intra-oral restoration, appliance, or prosthesis; and

11 (10) The performing of dental services described in section 4 of
12 this act by dental anesthesia assistants certified under chapter 18.---
13 RCW (the new chapter created in section 9 of this act) when working
14 under the supervision and direction of an oral and maxillofacial
15 surgeon or dental anesthesiologist.

16 **Sec. 8.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
17 read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Applicant group" includes any health professional group or
21 organization, any individual, or any other interested party which
22 proposes that any health professional group not presently regulated be
23 regulated or which proposes to substantially increase the scope of
24 practice of the profession.

25 (2) "Certificate" and "certification" mean a voluntary process by
26 which a statutory regulatory entity grants recognition to an individual
27 who (a) has met certain prerequisite qualifications specified by that
28 regulatory entity, and (b) may assume or use "certified" in the title
29 or designation to perform prescribed health professional tasks.

30 (3) "Grandfather clause" means a provision in a regulatory statute
31 applicable to practitioners actively engaged in the regulated health
32 profession prior to the effective date of the regulatory statute which
33 exempts the practitioners from meeting the prerequisite qualifications
34 set forth in the regulatory statute to perform prescribed occupational
35 tasks.

36 (4) "Health professions" means and includes the following health
37 and health-related licensed or regulated professions and occupations:

1 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
2 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
3 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
4 dental anesthesia assistants under chapter 18.--- RCW (the new chapter
5 created in section 9 of this act); dispensing opticians under chapter
6 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths
7 under chapter 18.36A RCW; embalming and funeral directing under chapter
8 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home
9 administration under chapter 18.52 RCW; optometry under chapters 18.53
10 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine
11 and surgery under chapters 18.57 and 18.57A RCW; pharmacy under
12 chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A
13 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under
14 chapter 18.74 RCW; practical nurses under chapter 18.79 RCW;
15 psychologists under chapter 18.83 RCW; registered nurses under chapter
16 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW;
17 respiratory care practitioners licensed under chapter 18.89 RCW;
18 veterinarians and veterinary technicians under chapter 18.92 RCW;
19 health care assistants under chapter 18.135 RCW; massage practitioners
20 under chapter 18.108 RCW; East Asian medicine practitioners licensed
21 under chapter 18.06 RCW; persons registered under chapter 18.19 RCW;
22 persons licensed as mental health counselors, marriage and family
23 therapists, and social workers under chapter 18.225 RCW; dietitians and
24 nutritionists certified by chapter 18.138 RCW; radiologic technicians
25 under chapter 18.84 RCW; and nursing assistants registered or certified
26 under chapter 18.88A RCW.

27 (5) "Inspection" means the periodic examination of practitioners by
28 a state agency in order to ascertain whether the practitioners'
29 occupation is being carried out in a fashion consistent with the public
30 health, safety, and welfare.

31 (6) "Legislative committees of reference" means the standing
32 legislative committees designated by the respective rules committees of
33 the senate and house of representatives to consider proposed
34 legislation to regulate health professions not previously regulated.

35 (7) "License," "licensing," and "licensure" mean permission to
36 engage in a health profession which would otherwise be unlawful in the
37 state in the absence of the permission. A license is granted to those

1 individuals who meet prerequisite qualifications to perform prescribed
2 health professional tasks and for the use of a particular title.

3 (8) "Professional license" means an individual, nontransferable
4 authorization to carry on a health activity based on qualifications
5 which include: (a) Graduation from an accredited or approved program,
6 and (b) acceptable performance on a qualifying examination or series of
7 examinations.

8 (9) "Practitioner" means an individual who (a) has achieved
9 knowledge and skill by practice, and (b) is actively engaged in a
10 specified health profession.

11 (10) "Public member" means an individual who is not, and never was,
12 a member of the health profession being regulated or the spouse of a
13 member, or an individual who does not have and never has had a material
14 financial interest in either the rendering of the health professional
15 service being regulated or an activity directly related to the
16 profession being regulated.

17 (11) "Registration" means the formal notification which, prior to
18 rendering services, a practitioner shall submit to a state agency
19 setting forth the name and address of the practitioner; the location,
20 nature and operation of the health activity to be practiced; and, if
21 required by the regulatory entity, a description of the service to be
22 provided.

23 (12) "Regulatory entity" means any board, commission, agency,
24 division, or other unit or subunit of state government which regulates
25 one or more professions, occupations, industries, businesses, or other
26 endeavors in this state.

27 (13) "State agency" includes every state office, department, board,
28 commission, regulatory entity, and agency of the state, and, where
29 provided by law, programs and activities involving less than the full
30 responsibility of a state agency.

31 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute
32 a new chapter in Title 18 RCW.

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