

Significant Legislative Rule Analysis

WAC 246-812-492 and
246-812-501
Rules Concerning
Denturists
Prefabricated Implant
Abutments and
Infection Control



JULY 2023



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For more information or additional copies of this report:

Washington State Department of Health

Office of Health Professions

Vicki Brown

PO Box 47852

Olympia, WA 98504-7852

360-236-4865

360-236.2901 (fax)

vicki.brown@doh.wa.gov

SECTION 1

A brief description of the proposed rule including the current situation/rule, followed by the history of the issue and why the proposed rule is needed.

The proposed rule amendment ensures that a licensed dentist develops and maintains written infection control policies and procedures appropriate for the dentist services provided by the facility. During a recent infection control investigation, an investigator found that a dentist had no written policies and procedures for the investigator to review to ensure the dentist was in compliance with the infection prevention and control in their facility. The board decided a rule is necessary to make this requirement clear.

The board is also proposing new rules for the use of prefabricated implant abutments. The board received a question asking if a dentist could place a prefabricated implant abutment. The Dental Collaboration Committee (committee) met with interested individuals to discuss the placement of prefabricated implant abutments by dentists. The committee asked the board to further evaluate chapters 18.30 RCW and 246-812 WAC related to the scope of practice. Based on the discussions with the committee, the board decided to start the official rule making process to clarify when a dentist can place the abutment.

SECTION 2

Significant Analysis Requirement

As defined in RCW 34.05.328, portions of the rule require significant analysis because they adopt requirements under delegated legislative authority the violation of which subjects a violator to a penalty or sanction.

The following SA Table 1. identifies the rule section that has been determined exempt from significant analysis based on the exemption provided in RCW 34.05.328(5) (b) (iv).

SA Table 1. Summary of Sections not requiring Significant Analysis

WAC Section and Title	Description of Proposed Changes	Rationale for Exemption Determination
246-812-501 Purpose	The proposed changes clarify that a licensed dentist must have written policies, procedures, and requirements for infection prevention and control in their office.	The proposed amendment clarifies the language without changing the effect of the rule under RCW 34.05.328(5)(b)(iv).

SECTION 3

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Goals and objectives of the statute that the rule implements.

The general goal of chapter 18.30 RCW is to ensure the public's health, provide a mechanism for consumer protection, and offer cost-effective alternatives for denture care services and products to individual consumers and the state. No person may represent himself or herself as a licensed dentist or use any title or description of services without applying for licensure, meeting the required qualifications, and being licensed as a dentist by the board.

The proposed rules are used to ensure the public's health and protection by implementing the following objectives:

- Adding a process for the placement of a prefabricated implant abutment; and
- Amending the purpose statement to clarify that policies and procedures must be written.

SECTION 4

Explanation of why the rule is needed to achieve the goals and objectives of the statute, including alternatives to rulemaking and consequences of not adopting the proposed rule.

The proposed rule amendment in WAC 246-812-501 achieves the authorizing statute's goals and objectives by requiring that a licensed dentist have written policies, procedures, and requirements for infection prevention and control and that they are clear, concise, and necessary to ensure patient safety.

The proposed new rule, WAC 246-812-462, achieves the statute's goals and objectives by providing requirements that are clear, concise, and necessary to ensure patient safety by detailing the process for the placement of an abutment on an implant.

The proposed rules represent the board's commitment to achieve its statutorily defined goals and objectives identified in chapter 18.30 RCW.

The board and interested individuals agreed that rulemaking is appropriate to promote clear and consistent guidance to persons seeking and maintaining a dentist credential. Rulemaking provides licensees with articulately described requirements for infection prevention and control policies and procedures and the process and requirements that must be met before an abutment can be placed on an implant.

If the rules are not adopted, there will be confusion regarding if the policies for infection prevention and control must be in writing or not, and there will not be a rule in place describing the process that must be followed to place an abutment on an implant.

The board assessed and determined that there are no feasible alternatives to rulemaking as rules are required by statute. The standards need to be established in rule to be enforced.

SECTION 5

Analysis of the probable costs and benefits (both qualitative and quantitative) of the proposed rule being implemented, including the determination that the probable benefits are greater than the probable costs.

WAC 246-812-462 Prefabricated implant abutments.

Description: The proposed rule language sets out the process and requirements that must be followed prior to a licensed dentist placing an abutment on an implant for the purpose of fabricating, repairing, or rebasing a denture.

Cost(s): The board anticipates there may be an additional cost for existing licensed denturists that currently do not perform this technique to obtain education and training on the placement of prefabricated implant abutments. The board does not anticipate any additional costs for existing licensed denturists that currently perform this technique and have already obtained this education.

For existing licensed denturists that currently do not perform this technique that need to obtain education and training, this education and training is usually done in coordination/conjunction with a licensed dentist and is done as on-the-job training. The board estimates that it would take an average of one hour of on-the-job training to adequately learn this technique. The average salary of a licensed dentist in Washington is \$35 per hour.¹² This means the total potential cost for a licensed dentist to receive education and training could be \$35 for the trainee. It is assumed that the training does not include the opportunity cost of the trainer as it is assumed that the training happens during an actual placement for a patient. Though there are courses available to existing licensed denturists that encompass the placement of abutments, most of the course is on how to place an implant which a licensed dentist cannot perform and must be done by a licensed dentist.

Currently all students graduating from a board-approved denturist program receive education and training in the placement of prefabricated implant abutments, so new licensees would receive adequate training as part of their initial education.

There would not be additional cost to the patient for a licensed dentist to examine the patient clinically and document that the implant is sufficiently osseointegrated, the surrounding soft tissues are stable and healthy, and provide a documented diagnosis that the implant is ready to restore. There would not be a new cost to have the abutment seat verified by radiographic assessment by a licensed dentist. Patients already receive this examination and verification and the written documentation does not pose an extra cost.

¹ Annual average salary of a dentist in Washington State is \$71,738
<https://www.salary.com/research/salary/recruiting/denturist-salary/wa> (Accessed July 24, 2023)

² Average annual salary of a dentist in Washington State was used to calculate the average salary per hour. Average Salary per hour was calculated by taking the average annual salary and dividing by 52 weeks in a year and then dividing by 40 hours per week. $((71,738) / 52) / 40 = \$34.49$. This was then rounded up to be \$35 average annual salary per year.

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Commented [AH1]: We should be using the practice of rounding up to the nearest dollar. We always prefer an overestimate to an underestimate. I need to be better about catching this in the future. And this will go into guidance forthcoming.

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+stephanie.vaughn@doh.wa.gov

I have no problem with this and it is good informaton for the future.

Benefit(s): A benefit is that prior to placing an abutment, a licensed denturist will have a documented diagnosis that the implant is ready to restore with the placement of the abutment. The public health and safety will be protected by knowing that a licensed denturist has the education and training and dentist’s approval to safely place the abutment.

Summary of all Cost(s) and Benefit(s)

SA Table 2. Summary of Section 5 probable cost(s) and benefit(s)

WAC Section and Title	Probable Cost(s)	Probable Benefit(s)
246-812-462 Prefabricated implant abutments	\$35 one time cost for an hour of time for a denturist to have on-the-job training with a licensed dentist	Decreasing risk to public health and safety.

Determination

Probable Benefits greater than Probable Costs

It was determined that the probable benefits of decreasing risk to public health and safety of the proposed rule are greater than the probable costs of \$35 of licensee time.

SECTION 6

List of alternative versions of the rule that were considered including the reason why the proposed rule is the least burdensome alternative for those that are required to comply and that will achieve the goals and objectives of the proposed rule.

The board and staff worked closely with interested individuals and other constituents to minimize the burden of the rules. The board and committee held numerous rules workshops where the proposed rule language was developed with the public. During the public rule workshops and meetings, comments were provided to the board and staff. After careful consideration, the board's interested party process encouraged participants to:

- Identify any burdensome areas of the proposed rules;
- Propose initial or draft rule amendments; and
- Refine those amendments.

The board discussed the final draft rule language at their regular board meeting held on April 27, 2023. Public comments were solicited using the denturist GovDelivery list and during the April 27, 2023 public meeting.

The board took into consideration how best to include the requirement for written policies and procedures and the requirements for the placement of prefabricated implant abutments in the least burdensome way.

The Washington State Dental Association (WSDA) shared concerns that there should be a 30-day time frame listed in the rule for the patient to be seen by a dentist to determine if the implant has been fully osseointegrated prior to the placement of the abutment. The board determined that it would not be reasonable to require a patient to see their dentist within the 30-day time frame.

Some interested parties shared the concern that a denturist does not have enough training to be able to place an abutment on an implant and that only a dentist should be able to place an abutment. The board considered this concern, but ultimately determined that the combination of the required dental exam along with the training was sufficient to cover health and safety concerns.

SECTION 7

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

SECTION 8

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

SECTION 9

Determination 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 proposed rule does not differ than any federal regulation or statute applicable to the same activity or subject matter.

SECTION 10

Demonstration 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.

The proposed rule does not differ from any federal regulation or statute applicable to the same activity or subject matter.