



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 18, 2020

TIME: 11:04 AM

WSR 20-19-103

Agency: Department of Health

☒ Original Notice

☐ Supplemental Notice to WSR

☐ Continuance of WSR

☒ Preproposal Statement of Inquiry was filed as WSR 19-17-048 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR ; or

☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

☐ Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) Chapter 246-315 WAC, Dental Laboratories. The Department of Health is creating a new chapter to establish registration, regulation and fees for dental laboratories as required by House Bill (HB 1177) (Chapter 68, Laws of 2019).

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
10/28/2020	1:00pm	<p>In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Department of Health will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space will be held instead.</p> <p>To access the meeting: Please join my meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/246294429</p> <p>You can also dial in using your phone. United States: +1 (872) 240-3212</p> <p>Access Code: 246-294-429</p> <p>New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/246294429</p>	none

Date of intended adoption: 11/04/2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Bruce Bronoske, Jr.
Address: Washington State Department of Health
PO Box 47852
Olympia WA 98504

Email: <https://fortress.wa.gov/doh/policyreview>

Fax: (360) 236-4901

Other: bruce.bronoske@doh.wa.gov

By (date) 10/28/2020

Assistance for persons with disabilities:

Contact Bruce Bronoske, Jr.

Phone: (360) 236-4843

Fax: (360) 236-4901

TTY: 711

Email: bruce.bronoske@doh.wa.gov

Other:

By (date) 10/21/2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department of Health (department) proposes new rules to implement HB 1177. This bill created a dental laboratory registration within the department. The bill establishes minimum standards for dental laboratories, and instructs the department to register and assign registration numbers for dental laboratory registrations, and establish fees.

The department will maintain a registration database for dental laboratories and is proposing rules that establish standards for denial of a registration and disciplinary action. The proposed rules also establish fees for registration. The proposed rules restate the requirements in the statute for background and continuity, and provide clarity as needed.

Reasons supporting proposal: The statute and proposed new rules will increase public safety by establishing minimum registration requirements for dental laboratories including fees. The proposed rules also clarifies material disclosure requirements by mandating that the disclosures be provided in writing to the prescribing dentist. The goal of HB 1177 is to protect the safety of Washington residents, and the department proposes to achieve that goal through the establishment of this rule.

Statutory authority for adoption: RCW 43.70.250, RCW 43.70.280, HB 1177 (chapter 68, Laws of 2019)

Statute being implemented: HB 1177 (chapter 68, Laws of 2019)

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington State Department of Health

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Bruce Bronoske, Jr.	111 Israel Rd SE, Tumwater WA 98501	(360) 236-4843
Implementation:	Bruce Bronoske, Jr.	111 Israel Rd SE, Tumwater WA 98501	(360) 236-4843
Enforcement:	Bruce Bronoske, Jr.	111 Israel Rd SE, Tumwater WA 98501	(360) 236-4843

Is a school district fiscal impact statement required under RCW 28A.305.135?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Bruce Bronoske, Jr.

Address: PO Box 47852
Olympia, WA 98504

Phone: (360) 236-4843

Fax: (360) 236-4901

TTY: 711

Email: bruce.bronoske@doh.wa.gov

Other:

☐ No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)
(Internal government operations)

☐ RCW 34.05.310 (4)(c)
(Incorporation by reference)

☒ RCW 34.05.310 (4)(d)
(Correct or clarify language)

☒ RCW 34.05.310 (4)(e)
(Dictated by statute)

☒ RCW 34.05.310 (4)(f)
(Set or adjust fees)

☐ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency's analysis showing how costs were calculated. The proposed rules do not impose costs on businesses.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 09/17/2020

Name: Jessica Todorovich for John Wiesman, DrPH, MPH

Title: Chief of Staff for Secretary of Health

Signature:



**Chapter 246-315 WAC
DENTAL LABORATORIES**

NEW SECTION

WAC 246-315-001 Purpose. The purpose of these rules is to further clarify and define chapter 70.352 RCW, Dental laboratories.

NEW SECTION

WAC 246-315-010 Definitions. The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

(1) "Department" means the Washington state department of health.

(2) "Responsible person" means an owner or employee who meets the requirements listed in RCW 70.352.050 (1) and (2).

(3) "Supervising dentist" means an individual licensed to practice dentistry pursuant to chapter 18.32 RCW, and who has personally authorized the procedures to be performed.

NEW SECTION

WAC 246-315-020 Registration required. As of January 31, 2021, each dental laboratory operating, doing business, or intending to operate or do business in this state must possess a current registration issued by the department, unless exempt under RCW 70.352.020(3) or 70.352.900.

NEW SECTION

WAC 246-315-030 Registration application requirements. An applicant for a dental laboratory registration shall submit to the department the following:

(1) An application on forms provided by the department;

(2) A verification that the dental laboratory meets the requirements listed in RCW 70.352.050;

(3) An acknowledgment by the responsible person or supervising dentist who is licensed in this state attesting that the dental laboratory will provide written material disclosure to the prescribing dentist that contains the information required in RCW 70.352.030 (1)(e);

(4) An acknowledgment by the responsible person or supervising dentist who is licensed in this state attesting that the dental laboratory will disclose in writing to the prescribing dentist the point

of origin of the manufacture of each prescribed restoration as required in RCW 70.352.030 (1)(f); and
(5) The fee required under WAC 246-315-990.

NEW SECTION

WAC 246-315-040 Denial of registration and disciplinary action.

(1) Under RCW 70.352.070 and chapter 34.05 RCW the department may deny a registration to any applicant who does not comply with the requirements or standards listed in chapter 70.352 RCW or the rules adopted in this chapter.

(2) Pursuant to chapter 34.05 RCW, the department may impose conditions, suspend or revoke the registration of any dental laboratory which fails or refuses to comply with the requirements of chapter 70.352 RCW or the rules adopted in this chapter.

NEW SECTION

WAC 246-315-990 Registration renewal and fees. Dental laboratory registration fees, renewal requirements and renewal cycle.

(1) Registration must be renewed annually prior to July 31st of each year as provided in RCW 70.352.060.

(2) The department will renew the dental laboratory registration when the responsible person or supervising dentist submits:

(a) A completed renewal form, provided by the department;

(b) The designated renewal fee; and

(c) A signed attestation verifying that the dental laboratory continues to meet the registration requirements listed in RCW 70.352.030 and 70.352.050(3).

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$250.00
Renewal	250.00
Late renewal penalty	125.00
Expired registration reissuance	125.00
Registration verification	25.00
Duplicate registration	15.00