

Frequently Asked Questions

Washington State's Tribal DHAT Law

What does [Enrolled SSB 5079](#) authorize?

Dental Health Aide Therapist services are authorized under the following conditions:

- the person providing services is a DHAT certified by a federally authorized Community Health Aide Program Certification Board (CHAPCB) or a federally recognized Indian tribe that has adopted certification standards that meet or exceed those of a CHAPCB;
- services are rendered within the boundaries of a tribal reservation;
- services are operated by an Indian health program;
- on persons who are members of a federally recognized tribe or otherwise eligible for services as defined by the Indian Health Care Improvement Act, 25 U.S.C. Sec. 1601 et seq;
- services are provided within the scope of practice set by the CHAPCB or tribe and pursuant to any written orders from a supervising dentist; and
- when a person is working within the scope and direction of a certified DHAT training program.

Does the bill include scope of practice, education, or supervision requirements?

No, the bill refers back to the federal Community Health Aide Program (CHAP) and the scope of practice, education, and supervision requirements of the CHAP form the base requirements for DHAT providers in Washington.

Does the state have any role in the certification of DHATs?

No, and DHAT services are exempted from licensing requirements for other dental professions.

Does the state have any role in Medicaid reimbursement for DHAT services?

Indirectly. The Health Care Authority is directed to coordinate with the Centers for Medicare and Medicaid Services to provide that DHAT services are eligible for federal funding of up to 100 percent. This does not guarantee reimbursement, but directs the state to be proactive in enabling full FMAP reimbursement in line with other tribal dental services. This requires the submittal of a State Plan Amendment from the Health Care Authority, which is "in process"

Does this law include Urban Indian Programs or tribes that operate dental programs off tribal lands?

Unfortunately, no. In order to secure the neutrality of the Washington State Dental Association for passage of the bill, this law was only able to authorize DHAT services within the boundaries of reservations. This is a definite limitation in the strategy to increase oral health access to AI/ANs in Washington State. NPAIHB support efforts going forward to expand DHAT services to Urban Indian Programs

How will DHATs be certified in Washington if there is currently no Federal Certification Board outside of Alaska?

With some modifications to a Tribe's tribal law and departments, Washington Tribes can use their existing tribal government structure to license/certify their own providers. Several options for the development of a federally recognized CHAPCB in the Portland Area are also being explored at this time, including the use of the existing Dental Health Provider Licensing Board at Swinomish as an interim licensing body.

Does this law allow Tribes to use their IHS funding for DHAT services?

Yes. The restriction that prohibited IHS funding of DHAT services is removed if "use of dental health aide therapist services or midlevel dental health provider services is authorized under State law to supply such services in accordance with State law" IHCA section 1616l. (d)

Does this law set up a DHAT training program in Washington?

No. It authorizes DHAT services when working within the scope, supervision, and direction of a dental health aide therapy training program. Without the state authorization of DHATs on tribal lands, there would be a very limited student and employer base upon which a training program could rely. Creating a DHAT training program in Washington is in its exploratory phase, including at Swinomish and Tribes wishing to educate a DHAT student are encouraged to have them apply to the [ANTHC DHAT Education Program](#). The ANTHC DHAT training program is a 2 year training program. Applications are due by April 15, 2017.

Are there Tribes in Washington that oppose this new law?

No. There was widespread support from [Tribes and tribal organizations](#) to recognize sovereignty and the exceptional need for increased access to oral health care in every tribal community.

Is there bi-partisan support for this new law?

SB 5079 passed the Republican-led Senate unanimously, and the Democratic-led House (80-18). It was the first bill passed in this legislative session, and the first signed by Governor Inslee in 2017.

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