
HOUSE BILL 1689

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By Representatives Cody, Moeller, Appleton, Morrell, Clibborn, Green, Kenney, Murray, Schual-Berke and Chase

Read first time 02/02/2005. Referred to Committee on Health Care.

1 AN ACT Relating to dental health services; and amending RCW
2 18.32.030, 18.32.040, and 48.14.0201.

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

4 **Sec. 1.** RCW 18.32.030 and 2003 c 282 s 1 are each amended to read
5 as follows:

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

8 (1) The rendering of dental relief in emergency cases in the
9 practice of his or her profession by a physician or surgeon, licensed
10 as such and registered under the laws of this state, unless the
11 physician or surgeon undertakes to or does reproduce lost parts of the
12 human teeth in the mouth or to restore or to replace in the human mouth
13 lost or missing teeth;

14 (2) The practice of dentistry in the discharge of official duties
15 by dentists in the United States federal services on federal
16 reservations, including but not limited to the armed services, coast
17 guard, public health service, veterans' bureau, or bureau of Indian
18 affairs;

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

5 (4) The practice of dentistry by licensed dentists of other states
6 or countries while appearing as clinicians at meetings of the
7 Washington state dental association, or component parts thereof, or at
8 meetings sanctioned by them, or other groups approved by the
9 commission;

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

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

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

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

31 (9) The practice of dentistry by individuals in a postdoctoral
32 dental residency program as provided under RCW 18.32.040 for the
33 duration of the program;

34 (10) The performing of dental operations or services by persons not
35 licensed under this chapter when performed under the supervision of a
36 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall
37 in no event perform the following dental operations or services unless

1 permitted to be performed by the person under this chapter or chapters
2 18.29, 18.57, 18.71, and 18.79 RCW as it applies to registered nurses
3 and advanced registered nurse practitioners:

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

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

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

12 (d) Any oral prophylaxis;

13 (e) The taking of any impressions of the teeth or jaw or the
14 relationships of the teeth or jaws, for the purpose of fabricating any
15 intra-oral restoration, appliance, or prosthesis.

16 **Sec. 2.** RCW 18.32.040 and 1994 sp.s. c 9 s 211 are each amended to
17 read as follows:

18 The commission shall require that every applicant for a license to
19 practice dentistry shall:

20 (1) Present satisfactory evidence of graduation from a dental
21 college, school, or dental department of an institution approved by the
22 commission;

23 (2) Submit, for the files of the commission, a recent picture duly
24 identified and attested; and

25 (3)(a) Pass an examination prepared or approved by and administered
26 under the direction of the commission. The dentistry licensing
27 examination shall consist of practical and written tests upon such
28 subjects and of such scope as the commission determines. (~~The~~
29 ~~commission may accept, in lieu of all or part of a written examination,~~
30 ~~a certificate granted by a national or regional testing organization~~
31 ~~approved by the commission.)) The commission shall set the standards
32 for passing the examination. The secretary shall keep on file the
33 examination papers and records of examination for at least one year.
34 This file shall be open for inspection by the applicant or the
35 applicant's agent unless the disclosure will compromise the examination
36 process as determined by the commission or is exempted from disclosure
37 under RCW 42.17.250 through 42.17.340.~~

1 (b) The commission may accept, in lieu of all or part of the
2 written examination required in (a) of this subsection, a certificate
3 granted by a national or regional testing organization approved by the
4 commission.

5 (c) The commission may accept, in lieu of the practical examination
6 required in (a) of this subsection, proof that an applicant has
7 satisfactorily completed a postdoctoral dental residency program
8 approved by the commission, of at least one year's duration, in a
9 community health clinic that serves predominantly low-income patients
10 or is located in a dental care health professional shortage area in
11 this state. The commission shall, with the recommendations of the
12 University of Washington dental school, develop criteria for community
13 clinics to use when sponsoring students in a residency program under
14 this subsection, including guidelines for the proper supervision of the
15 resident and measuring the resident's competence to practice dentistry.

16 **Sec. 3.** RCW 48.14.0201 and 2004 c 260 s 24 are each amended to
17 read as follows:

18 (1) As used in this section, "taxpayer" means a health maintenance
19 organization as defined in RCW 48.46.020, a health care service
20 contractor as defined in RCW 48.44.010, or a self-funded multiple
21 employer welfare arrangement as defined in RCW 48.125.010.

22 (2) Each taxpayer shall pay a tax on or before the first day of
23 March of each year to the state treasurer through the insurance
24 commissioner's office. The tax shall be equal to the total amount of
25 all premiums and prepayments for health care services received by the
26 taxpayer during the preceding calendar year multiplied by the rate of
27 two percent.

28 (3) Taxpayers shall prepay their tax obligations under this
29 section. The minimum amount of the prepayments shall be percentages of
30 the taxpayer's tax obligation for the preceding calendar year
31 recomputed using the rate in effect for the current year. For the
32 prepayment of taxes due during the first calendar year, the minimum
33 amount of the prepayments shall be percentages of the taxpayer's tax
34 obligation that would have been due had the tax been in effect during
35 the previous calendar year. The tax prepayments shall be paid to the
36 state treasurer through the commissioner's office by the due dates and
37 in the following amounts:

- 1 (a) On or before June 15, forty-five percent;
2 (b) On or before September 15, twenty-five percent;
3 (c) On or before December 15, twenty-five percent.

4 (4) For good cause demonstrated in writing, the commissioner may
5 approve an amount smaller than the preceding calendar year's tax
6 obligation as recomputed for calculating the health maintenance
7 organization's, health care service contractor's, self-funded multiple
8 employer welfare arrangement's, or certified health plan's prepayment
9 obligations for the current tax year.

10 (5) Moneys collected under this section shall be deposited in the
11 general fund through March 31, 1996, and in the health services account
12 under RCW 43.72.900 after March 31, 1996.

13 (6) The taxes imposed in this section do not apply to:

14 (a) Amounts received by any taxpayer from the United States or any
15 instrumentality thereof as prepayments for health care services
16 provided under Title XVIII (medicare) of the federal social security
17 act.

18 ~~(b) ((Amounts received by any health care service contractor, as~~
19 ~~defined in RCW 48.44.010, as prepayments for health care services~~
20 ~~included within the definition of practice of dentistry under RCW~~
21 ~~18.32.020.~~

22 ~~(e))~~ Participant contributions to self-funded multiple employer
23 welfare arrangements that are not taxable in this state.

24 (7) Beginning January 1, 2000, the state does hereby preempt the
25 field of imposing excise or privilege taxes upon taxpayers and no
26 county, city, town, or other municipal subdivision shall have the right
27 to impose any such taxes upon such taxpayers. This subsection shall be
28 limited to premiums and payments for health benefit plans offered by
29 health care service contractors under chapter 48.44 RCW, health
30 maintenance organizations under chapter 48.46 RCW, and self-funded
31 multiple employer welfare arrangements as defined in RCW 48.125.010.
32 The preemption authorized by this subsection shall not impair the
33 ability of a county, city, town, or other municipal subdivision to
34 impose excise or privilege taxes upon the health care services directly
35 delivered by the employees of a health maintenance organization under
36 chapter 48.46 RCW.

37 (8) The taxes imposed by this section apply to a self-funded
38 multiple employer welfare arrangement only in the event that they are

1 not preempted by the employee retirement income security act of 1974,
2 as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the
3 commissioner shall initially request an advisory opinion from the
4 United States department of labor or obtain a declaratory ruling from
5 a federal court on the legality of imposing state premium taxes on
6 these arrangements. If there has not been a final determination by the
7 United States department of labor or a federal court that the taxes are
8 not preempted by federal law, the taxes provided for in this section
9 become effective on March 1, 2005, or thirty days following the
10 issuance of a certificate of authority, whichever is later. During the
11 time period between March 1, 2005, or thirty days following the
12 issuance of a certificate of authority, whichever is later, and the
13 final determination by the United States department of labor or a
14 federal court, any taxes shall be deposited in an interest bearing
15 escrow account maintained by the (~~(self-funded))~~) self-funded multiple
16 employer welfare arrangement. Upon a final determination that the
17 taxes are not preempted by the employee retirement income security act
18 of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the
19 interest bearing escrow account shall be transferred to the state
20 treasurer.

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