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HOUSE BILL 1514

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Jenkins, Manweller, and Cody

Read first time 01/22/15. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to dental office support services; amending RCW  
2 18.32.010, 18.32.020, 18.32.030, 18.32.655, and 18.32.675; and adding  
3 new sections to chapter 18.32 RCW.

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

5 **Sec. 1.** RCW 18.32.010 and 1994 sp.s. c 9 s 202 are each amended  
6 to read as follows:

7 ~~((Words used in the singular in this chapter may also be applied  
8 to the plural of the persons and things; words importing the plural  
9 may be applied to the singular; words importing the masculine gender  
10 may be extended to females also; the term "commission" used in this  
11 chapter shall mean the Washington state dental quality assurance  
12 commission; and the term "secretary" shall mean the secretary of  
13 health of the state of Washington.)) The definitions in this section  
14 apply throughout this chapter unless the context clearly requires  
15 otherwise.~~

16 (1) "Active patient" means any person who has received clinical  
17 dental services from a dental practice during the two-year period  
18 before the dental practice owner's discontinuation of the dental  
19 practice.

1       (2) "Clinical" means the practice of dentistry as defined in RCW  
2 18.32.020 (1) and (2). "Clinical" does not include the provision of  
3 services specified in RCW 18.32.030(11).

4       (3) "Commission" means the Washington state dental quality  
5 assurance commission.

6       (4) "Dental practice" means a business operation that engages in  
7 the clinical practice of dentistry that does not include the  
8 activities specified in RCW 18.32.030.

9       (5) "Dental practice owner" means a dentist licensed under this  
10 chapter who owns a dental practice as a sole proprietor or a  
11 professional entity that owns a dental practice.

12       (6) "Professional entity" means a professional corporation or  
13 other entity that is wholly owned by one or more dentists licensed  
14 under this chapter and that is authorized to engage in the clinical  
15 practice of dentistry in this state.

16       (7) "Secretary" means the secretary of health.

17       **Sec. 2.** RCW 18.32.020 and 2011 c 336 s 477 are each amended to  
18 read as follows:

19       A person practices dentistry, within the meaning of this chapter,  
20 who (1) represents himself or herself as being able to diagnose,  
21 treat, remove stains and concretions from teeth, operate or prescribe  
22 for any disease, pain, injury, deficiency, deformity, or physical  
23 condition of the human teeth, alveolar process, gums, or jaw, or (2)  
24 offers or undertakes by any means or methods to diagnose, treat,  
25 remove stains or concretions from teeth, operate or prescribe for any  
26 disease, pain, injury, deficiency, deformity, or physical condition  
27 of the same, or take impressions of the teeth or jaw, or (3) owns(~~or~~  
28 ~~maintains, or operates an office for the~~) a dental practice to  
29 engage in the clinical practice of dentistry, or (4) engages in any  
30 of the practices included in the curricula of recognized and approved  
31 dental schools or colleges, or (5) professes to the public by any  
32 method to furnish, supply, construct, reproduce, or repair any  
33 prosthetic denture, bridge, appliance, or other structure to be worn  
34 in the human mouth.

35       The fact that a person uses any dental degree, or designation, or  
36 any card, device, directory, poster, sign, or other media whereby he  
37 or she represents himself or herself to be a dentist, shall be prima  
38 facie evidence that such person is engaged in the practice of  
39 dentistry.

1 X-ray diagnosis as to the method of dental practice in which the  
2 diagnosis and examination is made of the normal and abnormal  
3 structures, parts, or functions of the human teeth, the alveolar  
4 process, maxilla, mandible or soft tissues adjacent thereto, is  
5 hereby declared to be the practice of dentistry. Any person other  
6 than a regularly licensed physician or surgeon who makes any  
7 diagnosis or interpretation or explanation, or attempts to diagnose  
8 or to make any interpretation or explanation of the registered shadow  
9 or shadows of any part of the human teeth, alveolar process, maxilla,  
10 mandible or soft tissues adjacent thereto by the use of X-ray is  
11 declared to be engaged in the practice of dentistry, medicine, or  
12 surgery.

13 The practice of dentistry includes the performance of any dental  
14 or oral and maxillofacial surgery. "Oral and maxillofacial surgery"  
15 means the specialty of dentistry that includes the diagnosis and  
16 surgical and adjunctive treatment of diseases, injuries, and defects  
17 of the hard and soft tissues of the oral and maxillofacial region.

18 **Sec. 3.** RCW 18.32.030 and 2012 c 23 s 7 are each amended to read  
19 as follows:

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

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

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

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

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

1 at 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  
12 of 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  
15 shall be available to and subject to the examination of the secretary  
16 or the 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  
19 agents, and the polishing and smoothing of restorations, when  
20 performed or prescribed by a dental hygienist licensed under the laws  
21 of this state;

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

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

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

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

4 (c) Any administration of general or injected local anaesthetic  
5 of any nature in connection with a dental operation, including  
6 intravenous 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  
10 any intra-oral restoration, appliance, or prosthesis; (~~and~~)

11 (10) The performing of dental services described in RCW  
12 18.350.040 by dental anesthesia assistants certified under chapter  
13 18.350 RCW when working under the supervision and direction of an  
14 oral and maxillofacial surgeon or dental anesthesiologist; and

15 (11) Performing functions that support but do not constitute the  
16 clinical practice of dentistry in exchange for a fee calculated on  
17 any basis and agreed to by the dental practice owner, including:

18 (a) Ownership or leasehold of any assets used by a dental  
19 practice, including real property, furnishings, and inventory, but  
20 not including the dental practice or the dental records of patients;

21 (b) Employing or contracting for the services of personnel other  
22 than licensed dentists or licensed dental hygienists; and

23 (c) Management of the business or administrative aspects of a  
24 dental practice that do not include the clinical practice of  
25 dentistry, including as a sole provider of such management services.

26 NEW SECTION. Sec. 4. A new section is added to chapter 18.32  
27 RCW to read as follows:

28 A person that is not licensed under this chapter or an entity  
29 that is not a professional entity practices dentistry in violation of  
30 this chapter if the person or entity:

31 (1) Employs or contracts for the services of a licensed dentist  
32 or licensed dental hygienist for the clinical practice of dentistry;

33 (2) Owns a dental practice or dental patient records; or

34 (3) Interferes with a licensed dentist's independent clinical  
35 judgment by:

36 (a) Limiting or imposing requirements on the length of time a  
37 licensed dentist spends with a patient or performing dental services,  
38 or otherwise placing conditions on the number of patients a licensed  
39 dentist must treat in a certain period of time or the number of

1 certain types of procedures a licensed dentist must complete in a  
2 certain time period;

3 (b) Limiting or imposing requirements on the decision of a  
4 licensed dentist regarding a course or alternative course of  
5 treatment for a patient or the manner in which a course of treatment  
6 is carried out by the dentist;

7 (c) Limiting or imposing requirements on the manner in which a  
8 licensed dentist uses dental equipment or materials for the provision  
9 of dental treatment;

10 (d) Limiting or imposing requirements on the use of a laboratory  
11 or the supplies, instruments, or equipment deemed reasonably  
12 necessary by a licensed dentist to provide diagnoses and treatment  
13 consistent with the standard of care;

14 (e) Limiting or imposing requirements for the professional  
15 training deemed reasonably necessary by a licensed dentist to  
16 properly serve the dentist's patients;

17 (f) Limiting or imposing requirements on the referrals by a  
18 licensed dentist to another licensed dentist specialist or any other  
19 practitioner the licensed dentist determines is necessary;

20 (g) Interfering with a licensed dentist's right to access patient  
21 records at any time;

22 (h) Interfering with a licensed dentist's decision to refund any  
23 payment made by a patient for dental services performed by the  
24 licensed dentist;

25 (i) Limiting or imposing requirements on the advertising of a  
26 dental practice if it would result in a violation of this chapter by  
27 the dental practice; or

28 (j) Limiting or imposing requirements on communications with the  
29 licensed dentist's patients that are clinical in nature.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.32  
31 RCW to read as follows:

32 A dental practice owner who is discontinuing a dental practice  
33 shall make reasonable arrangements for the transfer of the patient  
34 records of active patients of the dental practice, or copies of the  
35 records, to a licensed dentist or professional entity, or at the  
36 written request of any patient, transfer of the patient's records, or  
37 copies of the records to the patient. An unlicensed person or entity  
38 may not intentionally prevent a dental practice owner from complying  
39 with the requirements of this section.

1       **Sec. 6.** RCW 18.32.655 and 1994 sp.s. c 9 s 222 are each amended  
2 to read as follows:

3       The commission shall:

4       (1) Require licensed dentists to keep and maintain a copy of each  
5 laboratory referral instruction, describing detailed services  
6 rendered, for a period to be determined by the commission but not  
7 more than three years, and may require the production of all such  
8 records for examination by the commission or its authorized  
9 representatives; ~~((and))~~

10       (2) Adopt reasonable rules requiring licensed dentists to make,  
11 maintain, and produce for examination by the commission or its  
12 authorized representatives such other records as may be reasonable  
13 and proper in the performance of its duties and enforcing the  
14 provisions of this chapter; and

15       (3) Adopt reasonable rules requiring professional entities that  
16 own dental records made by licensed dentists to maintain and produce  
17 such records for examination by the commission or its authorized  
18 representatives.

19       **Sec. 7.** RCW 18.32.675 and 2003 c 53 s 124 are each amended to  
20 read as follows:

21       (1) No corporation shall practice dentistry or shall solicit  
22 through itself, or its agent, officers, employees, directors or  
23 trustees, dental patronage for any dentists or dental surgeon  
24 employed by any corporation: PROVIDED, That nothing contained in this  
25 chapter shall prohibit a corporation from employing a dentist or  
26 dentists to render dental services to its employees: PROVIDED,  
27 FURTHER, That such dental services shall be rendered at no cost or  
28 charge to the employees; nor shall it apply to corporations or  
29 associations in which the dental services were originated and are  
30 being conducted upon a purely charitable basis for the worthy poor,  
31 nor shall it apply to corporations or associations furnishing  
32 ~~((information or clerical))~~ real property, furnishings, inventory,  
33 goods, or nonclinical services which can be furnished by persons not  
34 licensed to practice dentistry, to any person lawfully engaged in the  
35 practice of dentistry, when such dentist assumes full responsibility  
36 for such ~~((information and))~~ real property, furnishings, inventory,  
37 goods, or nonclinical services.

1           (2) Any corporation violating this section is guilty of a gross  
2 misdemeanor, and each day that this chapter is violated shall be  
3 considered a separate offense.

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