
SUBSTITUTE HOUSE BILL 1950

State of Washington 67th Legislature 2022 Regular Session

By House Health Care & Wellness (originally sponsored by
Representatives Caldier and Walen)

READ FIRST TIME 02/02/22.

1 AN ACT Relating to protecting patients from certain unsafe dental
2 practices; and adding a new section to chapter 18.32 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.32
5 RCW to read as follows:

6 (1) Prior to the diagnosis and correction of malpositions of
7 human teeth or initial use of orthodontic appliances, a treating
8 dentist shall:

9 (a) Perform a physical examination of the patient that includes
10 the review of the patient's most recent diagnostic digital or
11 conventional radiographs or other equivalent bone imaging suitable
12 for orthodontia and that meets the standard of care. New radiographs
13 or other equivalent bone imaging must be ordered if deemed
14 appropriate by the treating dentist; and

15 (b) Perform diagnosis and treatment planning in consultation with
16 the patient.

17 (2) A patient receiving orthodontia services through
18 teledentistry must be provided with the name, direct telephone
19 number, emergency contact telephone number, physical practice
20 address, and Washington state license number of the treating dentist
21 who will be involved in the teledentistry services. The information

1 must be provided to the patient both prior to the provision of
2 services and during treatment.

3 (3) A dentist who provides orthodontia services to a patient
4 through teledentistry must provide the patient with a timely
5 opportunity to have follow-up care to address any concerns regarding
6 the services provided and describe to the patient the protocols for
7 emergencies or follow-up care where the patient needs to be seen by
8 the treating dentist in person.

9 (4) A provider of dental services may not require a patient to
10 sign an agreement that limits the patient's ability to file a
11 complaint with the commission or file a lawsuit seeking civil
12 damages.

13 (5) (a) Violation of this section constitutes unprofessional
14 conduct for purposes of chapter 18.130 RCW.

15 (b) Any dental services provided under this section through
16 teledentistry must be performed by a dentist who is licensed under
17 this chapter and subject to the jurisdiction of the commission. The
18 commission is authorized to investigate complaints and issue cease
19 and desist orders related to the practice of dentistry or the
20 coordination of dental services in violation of this section.

21 (6) The standard of care for treatment provided through
22 teledentistry shall be the same standard of care as treatment
23 provided in person.

24 (7) For the purposes of this section, "teledentistry" means the
25 delivery of dental care services: (a) Through the use of interactive
26 audio and video technology, permitting real-time communication
27 between the patient at the originating site and the provider to
28 provide health care services, within their scope of practice
29 including, but not limited to, assessment, diagnosis, consultation,
30 treatment, and monitoring of a patient; transfer of medical data;
31 patient and professional health-related education; public health
32 services; and health administration; or (b) through asynchronous,
33 store and forward technology for the transmission and acquisition of
34 images, diagnostics, data, and medical or dental information.
35 "Teledentistry" does not include internet questionnaires, email
36 messages, or facsimile transmissions.

37 (8) For any patient receiving dental treatment, in order for the
38 patient's informed consent to be treated to be valid and effective,
39 the treating dentist must provide the patient with an opportunity to
40 directly communicate with the treating dentist, whether in person, by

1 telephone, or through synchronous teledentistry technology, so that
2 the patient may ask the treating dentist questions about the
3 treatment to be provided.

--- **END** ---