

HOUSE BILL REPORT

SHB 2009

As Passed House:
February 13, 2024

Title: An act relating to the use of dental records in missing person investigations.

Brief Description: Facilitating the use of dental records in missing person investigations.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Mosbrucker, Goodman, Leavitt, Ramos, Jacobsen, Graham, Cheney, Gregerson, Orwall, Riccelli and Davis).

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/16/24, 1/18/24 [DP];
Appropriations: 2/1/24, 2/3/24 [DPS].

Floor Activity:

Passed House: 2/13/24, 96-0.

Brief Summary of Substitute Bill

- Requires the Washington State Patrol and the Dental Quality Assurance Commission to develop a process for dentists to submit information indicating that a patient has consented to the release of their dental records in the event the patient becomes the subject of a missing person investigation.
- Authorizes the investigating agency for a missing person case to contact the missing person's dentist without permission from the missing person's family or next of kin if the missing person already consented to the release of their dental records.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Corey Patton (786-7388).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Stonier, Tharinger and Wilcox.

Staff: Emily Stephens (786-7157).

Background:

When a person reported missing has not been found within 30 days of the report, or at any time criminal activity is suspected to be the basis of the person being missing, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person must ask the missing person's family or next of kin to give written consent to contact the missing person's dentist for the missing person's dental records, subject to certain exceptions where the investigating agency may contact the dentist without permission from the family or next of kin.

The Washington State Patrol maintains a dental identification system that is used to compare the dental records from unidentified bodies and human remains with dental records from reported missing persons.

Summary of Substitute Bill:

By November 1, 2024, the Washington State Patrol (WSP) and the Dental Quality Assurance Commission (DQAC) must develop a process for dentists to collect and submit information to the WSP indicating which of their patients have consented to the release of their dental records in the event of becoming the subject of a missing person investigation.

The DQAC must also:

- develop and publish a standardized consent form;
- adopt rules requiring dentists to inform patients of the option to consent in advance to the release of their dental records using a trauma-informed approach, explain the nature of the release using a trauma-informed approach, maintain ongoing records of

which patients have consented to the release by signing a consent form, and periodically submit information to the WSP that identifies any patients who have consented; and

- adopt rules regarding how long a patient's consent remains valid, and how frequently dentists must check with their patients to update any expired consent forms.

The investigating agency for a missing person case is not required to obtain written consent from the missing person's family or next of kin before contacting the missing person's dentist if the missing person already consented to the release of their dental records through a valid signed consent form.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Community Safety, Justice, & Reentry):

(In support) This bill tasks the Washington State Patrol (WSP) and the Dental Quality Assurance Commission (DQAC) with collaborating on a process for dental patients to consent to the disclosure of their dental records to the WSP in the event they later become the subject of a missing person investigation. Dental records will not be automatically transferred to the WSP. A patient's consent will simply be registered with the WSP to help facilitate investigations. The DQAC will also engage in rule-making to establish the length of time that a consent form remains valid, and how a patient may later withdraw consent. Many people do not know who their family members' dentists are, and families that report a missing loved one may fail to learn that the loved one has been deceased for several years without access to the dental records. The process created by this bill is intended to help provide closure to those families.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill does not send dental records to the Washington State Patrol. It only records a patient's permission to do so if they become a missing person. This bill could give families of victims closure.

(Opposed) None.

Persons Testifying (Community Safety, Justice, & Reentry): Representative Gina Mosbrucker, prime sponsor; and James McMahan, Washington Association of Sheriffs and

Police Chiefs.

Persons Testifying (Appropriations): James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying (Community Safety, Justice, & Reentry): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.