H-4568.1

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**SUBSTITUTE HOUSE BILL 2531**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Caldier, Leavitt, Harris, Cody, and Davis)

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

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

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

(1)(a) Prior to the initial diagnosis and correction of malpositions of human teeth or initial use of orthodontic appliances:

(i) A treating dentist must perform an examination that includes the review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia. New radiographs or other equivalent bone imaging must be ordered if deemed appropriate by the treating dentist; or

(ii) The patient must have received dental clearance within the previous six months from a dentist other than the treating dentist that finds that the patient does not have any cavities, periodontal disease, or other abnormalities, and has been approved for orthodontia services.

(b) Following the examination in (a) of this subsection, the treating dentist must perform diagnosis and treatment planning in consultation with the patient.

(2) A patient receiving orthodontia services through telemedicine must be provided with the name, direct telephone number, emergency contact telephone number, practice address, and Washington state license number of the dentist who will be involved in the provision of the services, including any dentist providing services related to the interpretation of any dental scans, analysis of impressions, or creation of appliances based on an impression. The information must be provided both prior to the provision of services and during treatment if there is a change in any person providing dental services to the patient.

(3) A dentist who provides orthodontia services to a patient through telemedicine must provide the patient with a timely opportunity to have follow-up care to address any concerns regarding the services provided and describe to the patient the protocols for emergencies or follow-up care.

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

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

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

(6) For the purposes of this section, "telemedicine" means the delivery of dental care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of limited diagnostic services, treatment planning services, or monitoring service for a patient of record.

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