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SENATE BILL 6275

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Rivers and Keiser

Read first time 01/13/16. Referred to Committee on Health Care.

1            AN ACT Relating to dental office support services; and amending  
2            RCW 18.32.010, 18.32.020, 18.32.030, and 18.32.675.

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

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

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

15            (1) "Clinical" means the practice of dentistry as defined in RCW  
16            18.32.020(1) (a) and (b).

17            (2) "Commission" means the Washington state dental quality  
18            assurance commission.

19            (3) "Dental practice" means a business operation that engages in  
20            the clinical practice of dentistry that does not include the  
21            activities specified in RCW 18.32.030.

1 (4) "Dental practice owner" means a dentist licensed under this  
2 chapter who owns a dental practice as a sole proprietor or a  
3 professional entity that owns a dental practice.

4 (5) "Nonclinical" means any activity that is not defined as the  
5 practice of dentistry in RCW 18.32.020(1) (a) and (b). Nonclinical  
6 activities include:

7 (a) Ownership or leasehold of any assets used by a dental  
8 practice, including real property, furnishings, equipment,  
9 instruments, materials, supplies, and inventory, but not including  
10 the dental practice or the dental records of patients;

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

13 (c) Management of the business or administrative aspects of a  
14 dental practice, including as a sole provider of such management  
15 services; and

16 (d) Receiving fees for nonclinical services provided to a dental  
17 practice calculated as agreed to by the dental practice owner.

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

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

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

25 (1) A person practices dentistry, within the meaning of this  
26 chapter, who:

27 ((+1)) (a) Represents himself or herself as being able to  
28 diagnose, treat, remove stains and concretions from teeth, operate or  
29 prescribe for any disease, pain, injury, deficiency, deformity, or  
30 physical condition of the human teeth, alveolar process, gums, or  
31 jaw((τ)); or

32 ((+2)) (b) Offers or undertakes by any means or methods to  
33 diagnose, treat, remove stains or concretions from teeth, operate or  
34 prescribe for any disease, pain, injury, deficiency, deformity, or  
35 physical condition of the same, or take impressions of the teeth or  
36 jaw((τ)); or

37 ((+3)) (c) Owns, maintains, or operates an office for the  
38 practice of dentistry((τ)); or

1 ((+4)) (d) Engages in any of the practices included in the  
2 curricula of recognized and approved dental schools or colleges((+7));  
3 or

4 ((+5)) (e) Professes to the public by any method to furnish,  
5 supply, construct, reproduce, or repair any prosthetic denture,  
6 bridge, appliance, or other structure to be worn in the human mouth.

7 (2) The fact that a person uses any dental degree, or  
8 designation, or any card, device, directory, poster, sign, or other  
9 media whereby he or she represents himself or herself to be a  
10 dentist, shall be prima facie evidence that such person is engaged in  
11 the practice of dentistry.

12 (3) X-ray diagnosis as to the method of ((dental—practice))  
13 dentistry in which the diagnosis and examination is made of the  
14 normal and abnormal structures, parts, or functions of the human  
15 teeth, the alveolar process, maxilla, mandible or soft tissues  
16 adjacent thereto, is hereby declared to be the practice of dentistry.  
17 Any person other than a regularly licensed physician or surgeon who  
18 makes any diagnosis or interpretation or explanation, or attempts to  
19 diagnose or to make any interpretation or explanation of the  
20 registered shadow or shadows of any part of the human teeth, alveolar  
21 process, maxilla, mandible or soft tissues adjacent thereto by the  
22 use of X-ray is declared to be engaged in the practice of dentistry,  
23 medicine, or surgery.

24 (4) The practice of dentistry includes the performance of any  
25 dental or oral and maxillofacial surgery. "Oral and maxillofacial  
26 surgery" means the specialty of dentistry that includes the diagnosis  
27 and surgical and adjunctive treatment of diseases, injuries, and  
28 defects of the hard and soft tissues of the oral and maxillofacial  
29 region.

30 (5) The functions and activities permitted in RCW 18.32.675 and  
31 18.32.030(11) are not the practice of dentistry as defined in  
32 subsection (1)(c) of this section. No corporation other than a  
33 professional entity may engage in the practice of dentistry.

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

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

38 (1) The rendering of dental relief in emergency cases in the  
39 practice of his or her profession by a physician or surgeon, licensed

1 as such and registered under the laws of this state, unless the  
2 physician or surgeon undertakes to or does reproduce lost parts of  
3 the human teeth in the mouth or to restore or to replace in the human  
4 mouth lost or missing teeth;

5 (2) The practice of dentistry in the discharge of official duties  
6 by dentists in the United States federal services on federal  
7 reservations, including but not limited to the armed services, coast  
8 guard, public health service, veterans' bureau, or bureau of Indian  
9 affairs;

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

14 (4) The practice of dentistry by licensed dentists of other  
15 states or countries while appearing as clinicians at meetings of the  
16 Washington state dental association, or component parts thereof, or  
17 at meetings sanctioned by them, or other groups approved by the  
18 commission;

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

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

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

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

1 (9) The performing of dental operations or services by registered  
2 dental assistants and licensed expanded function dental auxiliaries  
3 holding a credential issued under chapter 18.260 RCW when performed  
4 under the supervision of a licensed dentist, or by other persons not  
5 licensed under this chapter if the person is licensed pursuant to  
6 chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered  
7 nurses and advanced registered nurse practitioners, each while acting  
8 within the scope of the person's permitted practice under the  
9 person's license: PROVIDED HOWEVER, That such persons shall in no  
10 event perform the following dental operations or services unless  
11 permitted to be performed by the person under this chapter or  
12 chapters 18.29, 18.57, 18.71, 18.79 as it applies to registered  
13 nurses and advanced registered nurse practitioners, and 18.260 RCW:

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

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

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

22 (d) Any oral prophylaxis;

23 (e) The taking of any impressions of the teeth or jaw or the  
24 relationships of the teeth or jaws, for the purpose of fabricating  
25 any intra-oral restoration, appliance, or prosthesis; ~~((and))~~

26 (10) The performing of dental services described in RCW  
27 18.350.040 by dental anesthesia assistants certified under chapter  
28 18.350 RCW when working under the supervision and direction of an  
29 oral and maxillofacial surgeon or dental anesthesiologist; and

30 (11) Performing nonclinical activities.

31 **Sec. 4.** RCW 18.32.675 and 2003 c 53 s 124 are each amended to  
32 read as follows:

33 (1) No corporation other than a professional entity shall  
34 practice dentistry or shall solicit through itself, or its agent,  
35 officers, employees, directors or trustees, dental patronage for any  
36 dentists or dental surgeon employed by any corporation: PROVIDED,  
37 That nothing contained in this chapter shall prohibit a corporation  
38 from employing a dentist or dentists to render dental services to its  
39 employees: PROVIDED, FURTHER, That such dental services shall be

1 rendered at no cost or charge to the employees; nor shall it apply to  
2 corporations or associations in which the dental services were  
3 originated and are being conducted upon a purely charitable basis for  
4 the worthy poor, nor shall it apply to corporations or associations  
5 furnishing (~~information or clerical~~) real property, furnishings,  
6 equipment, instruments, materials, supplies, inventory, or  
7 nonclinical services which can be furnished by persons not licensed  
8 to practice dentistry, to any person lawfully engaged in the practice  
9 of dentistry, when such dentist assumes full responsibility for such  
10 (~~information and~~) real property, furnishings, equipment,  
11 instruments, materials, supplies, inventory, or nonclinical services.

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

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