

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2229

Chapter 210, Laws of 2018

65th Legislature
2018 Regular Session

DENTAL PRACTICE--INTEGRATED CARE DELIVERY SYSTEMS

EFFECTIVE DATE: June 7, 2018

Passed by the House March 3, 2018
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2018
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Approved March 22, 2018 3:45 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2229** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2018

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2229

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By House Health Care & Wellness (originally sponsored by Representative Macri)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to the applicability of dental practice laws to
2 integrated care delivery systems; and amending RCW 18.32.675.

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

4 **Sec. 1.** RCW 18.32.675 and 2017 c 320 s 2 are each amended to
5 read as follows:

6 (1) No corporation shall practice dentistry or shall solicit
7 through itself, or its agent, officers, employees, directors or
8 trustees, dental patronage for any dentists or dental surgeon
9 employed by any corporation: PROVIDED, That nothing contained in this
10 chapter shall prohibit a corporation from employing a dentist or
11 dentists to render dental services to its employees: PROVIDED,
12 FURTHER, That such dental services shall be rendered at no cost or
13 charge to the employees; nor shall it apply to corporations or
14 associations in which the dental services were originated and are
15 being conducted upon a purely charitable basis for the worthy poor.

16 (2) Nothing in this chapter precludes a person or entity not
17 licensed by the commission from:

18 (a) Ownership or leasehold of any assets used by a dental
19 practice, including real property, furnishings, equipment,
20 instruments, materials, supplies, and inventory, excluding dental
21 records of patients;

1 (b)(i) Employing or contracting for the services of personnel
2 other than licensed dentists, licensed dental hygienists, licensed
3 expanded function dental auxiliaries, certified dental anesthesia
4 assistants, and registered dental assistants;

5 (ii) Contracting for the services of a licensed dentist or
6 employing or contracting for the services of licensed dental
7 hygienists, licensed expanded function dental auxiliaries, certified
8 dental anesthesia assistants, and registered dental assistants if the
9 entity is a health service contractor that is licensed under chapter
10 48.44 RCW and is organized as a nonprofit integrated care delivery
11 system, if all of the following conditions are met:

12 (A) The arrangement between the parties meets the personal
13 services and management contracts safe harbor requirements as
14 provided by 42 C.F.R. Sec. 1001.952(d); and

15 (B) The arrangement between the parties meets either of the
16 following safe harbors:

17 (I) The managed care organization safe harbor requirements as
18 provided by 42 C.F.R. Sec. 1001.952(t); or

19 (II) The space rental safe harbor requirements as provided by 42
20 C.F.R. Sec. 1001.952(b) and the equipment rental safe harbor
21 requirements as provided by 42 C.F.R. Sec. 1001.952(c);

22 (c) Providing business support and management services to a
23 dental practice, including as a sole provider of such services; and

24 (d) Receiving fees for the services in (a) through (c) of this
25 subsection provided to a dental practice calculated as agreed to by
26 the dental practice owner or owners.

27 (3) Nothing in this chapter shall prohibit a health carrier as
28 defined in RCW 48.43.005, while acting in its capacity as a health
29 carrier and in no other capacity, from entering into provider
30 contracts or provider compensation agreements, as defined in RCW
31 48.43.730, with a dentist or dental practice.

32 (4) Any corporation violating this section is guilty of a gross
33 misdemeanor, and each day that this chapter is violated shall be
34 considered a separate offense.

Passed by the House March 3, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 22, 2018.

Filed in Office of Secretary of State March 26, 2018.

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