

FINAL BILL REPORT

SSB 5322

C 320 L 17
Synopsis as Enacted

Brief Description: Concerning agreements between dentists and third parties that provide supportive services to dentists.

Sponsors: Senate Committee on Health Care (originally sponsored by Senators King, Frockt, Miloscia, Conway, Hobbs and Becker).

Senate Committee on Health Care
House Committee on Health Care & Wellness
House Committee on Appropriations

Background: Practice of Dentistry. Dentists are licensed and regulated in Washington by the Dental Quality Assurance Commission (DQAC). The practice of dentistry is defined as:

- representing oneself as being able to diagnose, treat, or remove stains and concretions from teeth; or operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw;
- offering or undertaking to diagnose, treat, or remove stains or concretions from teeth; operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same; or take impressions of the teeth or jaw;
- owning, maintaining, or operating an office for the practice of dentistry;
- engaging in any of the practices included in the curricula of recognized and approved dental schools or colleges; or
- professing to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

Corporations are prohibited from practicing dentistry or soliciting dental patronage for dentists employed by a corporation. This restriction does not apply to corporations or associations that furnish information or clerical services to a licensed dentist, so long as the information or services can be furnished by unlicensed persons and the dentist assumes full responsibility for the information and services.

Summary: Language providing that the prohibition on corporate practice of dentistry does not apply to entities that furnish information or clerical services to a dentist is removed.

Persons not licensed to practice dentistry may:

- own or lease assets used by a dental practice;

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- employ or contract for the services of personnel other than dental professionals;
- provide business support and management services to a dental practice; and
- receive fees for any of these services as agreed to by the dental practice owner or owners.

A person not licensed as a dentist, or an entity that is not a professional entity, practices dentistry in violation of the law and is subject to enforcement under the Uniform Disciplinary Act (UDA) if it interferes with a dentist's independent clinical judgment by:

- limiting the time spent with a patient or performing dental services, or placing conditions on the number of patients treated or procedures completed;
- limiting or imposing requirements on: a dentist's treatment decisions; the manner in which a dentist uses equipment or materials; the use of a laboratory or materials, supplies, instruments, or equipment necessary to provide diagnoses and treatment consistent with the standard of care; professional training necessary to serve patients; referrals to other practitioners; advertising, if it would result in a violation of the dentistry law or the UDA; or communications with patients; or
- interfering with access to patient records or a refund of a payment.

An attending dentist may not neglect, ignore, abandon, or refuse to complete the current procedure for a patient without reasonable cause. A dentist who withdraws responsibility for a patient must advise the patient that: (1) termination of treatment is contemplated and that another dentist should be sought; and (2) the dentist will be reasonably available for up to 15 days to render emergency care.

Communications of complaints or information to a state agency relating to a violation of the Dental Practice Act are covered by whistleblower protections.

Votes on Final Passage:

Senate	49	0
House	96	0

Effective: July 23, 2017