

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2229**

65th Legislature  
2018 Regular Session

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

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**Speaker of the House of Representatives**

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

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**President of the Senate**

Approved

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**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.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2229**

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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.

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