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**SUBSTITUTE SENATE BILL 5322**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Health Care (originally sponsored by Senators King, Frockt, Miloscia, Conway, Hobbs, and Becker)

READ FIRST TIME 02/17/17.

1       AN ACT Relating to patient safeguards in agreements between  
2 dentists and third parties that provide support services to dentists;  
3 amending RCW 18.32.675 and 18.32.091; adding new sections to chapter  
4 18.32 RCW; and creating a new section.

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

6       NEW SECTION.   **Sec. 1.** The legislature finds that Washington law  
7 should allow dentists to determine, based on their individual  
8 circumstances, which dental practice model would allow them to best  
9 serve the needs of their patients. Dentists should have the option to  
10 contract for administrative support services and dentists should also  
11 be able to lease real or personal property in a manner that meets  
12 their individual business needs. The legislature intends that these  
13 contract decisions must not interfere with the independent clinical  
14 judgment of the dentist entering the contract.

15       **Sec. 2.** RCW 18.32.675 and 2003 c 53 s 124 are each amended to  
16 read as follows:

17       (1) No corporation shall practice dentistry or shall solicit  
18 through itself, or its agent, officers, employees, directors or  
19 trustees, dental patronage for any dentists or dental surgeon  
20 employed by any corporation: PROVIDED, That nothing contained in this

1 chapter shall prohibit a corporation from employing a dentist or  
2 dentists to render dental services to its employees: PROVIDED,  
3 FURTHER, That such dental services shall be rendered at no cost or  
4 charge to the employees; nor shall it apply to corporations or  
5 associations in which the dental services were originated and are  
6 being conducted upon a purely charitable basis for the worthy poor(  
7 ~~nor shall it apply to corporations or associations furnishing~~  
8 ~~information or clerical services which can be furnished by persons~~  
9 ~~not licensed to practice dentistry, to any person lawfully engaged in~~  
10 ~~the practice of dentistry, when such dentist assumes full~~  
11 ~~responsibility for such information and services)).~~

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

14 (a) Ownership or leasehold of any assets used by a dental  
15 practice, including real property, furnishings, equipment,  
16 instruments, materials, supplies, and inventory, excluding dental  
17 records of patients;

18 (b) Employing or contracting for the services of personnel other  
19 than licensed dentists, licensed dental hygienists, licensed expanded  
20 function dental auxiliaries, certified dental anesthesia assistants,  
21 and registered dental assistants;

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) Any corporation violating this section is guilty of a gross  
28 misdemeanor, and each day that this chapter is violated shall be  
29 considered a separate offense.

30 NEW SECTION. Sec. 3. A new section is added to chapter 18.32  
31 RCW to read as follows:

32 (1) A person that is not licensed under this chapter or an entity  
33 that is not a professional entity practices dentistry in violation of  
34 this chapter, and subject to enforcement under RCW 18.130.190, if the  
35 person or entity interferes with a licensed dentist's independent  
36 clinical judgment by:

37 (a) Limiting or imposing requirements on the length of time a  
38 dentist spends with a patient or performing dental services, or  
39 otherwise placing conditions on the number of patients a dentist must

1 treat in a certain period of time or the number of certain types of  
2 procedures a dentist must complete in a certain time period;

3 (b) Limiting or imposing requirements on the decision of a  
4 dentist regarding a course or alternative course of treatment for a  
5 patient or the manner in which a course of treatment is carried out  
6 by the dentist;

7 (c) Limiting or imposing requirements on the manner in which a  
8 dentist uses dental equipment or materials for the provision of  
9 dental treatment;

10 (d) Limiting or imposing requirements on the use of a laboratory  
11 or the materials, supplies, instruments, or equipment deemed  
12 reasonably necessary by a dentist to provide diagnoses and treatment  
13 consistent with the standard of care;

14 (e) Limiting or imposing requirements for the professional  
15 training deemed reasonably necessary by a dentist to properly serve  
16 the dentist's patients;

17 (f) Limiting or imposing requirements on the referrals by a  
18 dentist to another licensed dentist specialist or any other  
19 practitioner the dentist determines is necessary;

20 (g) Interfering with a dentist's right to access patient records  
21 at any time;

22 (h) Interfering with a dentist's decision to refund any payment  
23 made by a patient for dental services performed by the dentist;

24 (i) Limiting or imposing requirements on the advertising of a  
25 dental practice if it would result in a violation of this chapter or  
26 RCW 18.130.020(12)(b) by the dental practice; or

27 (j) Limiting or imposing requirements on communications with a  
28 dentist's patients.

29 (2) For the purpose of this section, "dentist" means a dentist  
30 licensed under this chapter.

31 (3) Violations of this section shall be enforced pursuant to RCW  
32 18.130.190, including the authority to issue subpoenas pursuant to  
33 RCW 18.130.050(4). Communication of complaints or information to a  
34 state agency pursuant to RCW 4.24.500 through 4.24.520 are covered by  
35 those provisions.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.32  
37 RCW to read as follows:

38 (1) The attending dentist, without reasonable cause, must not  
39 neglect, ignore, abandon, or refuse to complete the current procedure

1 for a patient. If the dentist chooses to withdraw responsibility for  
2 a patient of record, the dentist shall:

3 (a) Advise the patient that termination of treatment is  
4 contemplated and that another dentist should be sought to complete  
5 the current procedure and for future care; and

6 (b) Advise the patient that the dentist will remain reasonably  
7 available under the circumstances for up to fifteen days from the  
8 date of such notice to render emergency care related to that current  
9 procedure.

10 (2) If a dentist provides dental services as an employee or  
11 contractor of another dentist or an entity authorized to render  
12 dental services pursuant to chapter 18.100, 25.05, or 25.15 RCW or to  
13 operate a dental office pursuant to RCW 18.32.675(1), the other  
14 dentist or entity shall be responsible for the continuing treatment  
15 of patients and a dentist who ceases to be an employee or contractor  
16 of such other dentist or entity is not deemed to have abandoned any  
17 patient, and is not obligated to advise any patient as provided in  
18 this section, with respect to which the continuing treatment  
19 responsibility is retained by the other dentist or entity. If an  
20 entity is responsible for the continuing treatment of patients, any  
21 licensed dentist who is the owner of the entity is considered the  
22 attending dentist responsible for ensuring compliance by the entity  
23 with this section.

24 (3) A dental practice owner who is discontinuing a dental  
25 practice or moving a dental practice to a new location must comply  
26 with the requirements of subsection (1) of this section, or must make  
27 reasonable arrangements for the transfer of the patient records of  
28 active patients of the dental practice, or copies of the records, to  
29 a licensed dentist or professional entity, or at the written request  
30 of any patient, transfer of the patient's records, or copies of the  
31 records, to the patient. An unlicensed person or entity shall not  
32 intentionally prevent a dental practice owner from complying with  
33 this subsection.

34 **Sec. 5.** RCW 18.32.091 and 1987 c 150 s 18 are each amended to  
35 read as follows:

1        No person, unless previously licensed to practice dentistry in  
2 this state, shall begin the practice of dentistry in this state  
3 without first applying to, and obtaining a license.

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