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**HOUSE BILL 1950**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Caldier and Walen

AN ACT Relating to protecting patients from certain unsafe dental practices; and adding a new section to chapter 18.32 RCW.

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

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

(1) Prior to the diagnosis and correction of malpositions of human teeth or initial use of orthodontic appliances, a treating dentist shall:

(a) Perform a physical examination of the patient that includes the review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia and that meets the standard of care. New radiographs or other equivalent bone imaging must be ordered if deemed appropriate by the treating dentist; and

(b) Perform diagnosis and treatment planning in consultation with the patient.

(2) A patient receiving orthodontia services through teledentistry must be provided with the name, direct telephone number, emergency contact telephone number, physical practice address, and Washington state license number of the dentist who will be involved in the teledentistry services, including any dentist providing services related to the interpretation of any dental scans, analysis of impressions or digital images, or creation of appliances based on an impression or digital image. The information must be provided to the patient both prior to the provision of services and during treatment.

(3) A dentist who provides orthodontia services to a patient through teledentistry must provide the patient with a timely opportunity to have follow-up care to address any concerns regarding the services provided and describe to the patient the protocols for emergencies or follow-up care where the patient needs to be seen by the treating dentist in person.

(4) A provider of dental services may not require a patient to sign an agreement that limits the patient's ability to file a complaint with the commission or file a lawsuit seeking civil damages.

(5)(a) Violation of this section constitutes unprofessional conduct for purposes of chapter 18.130 RCW.

(b) Any dental services provided under this section through teledentistry must be performed by a dentist who is licensed under this chapter and subject to the jurisdiction of the commission. The commission is authorized to investigate complaints and issue cease and desist orders related to the practice of dentistry or the coordination of dental services in violation of this section.

(6) For the purposes of this section, "teledentistry" means the delivery of dental care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider to provide health care services, within their scope of practice including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. "Teledentistry" does not include internet questionnaires, email messages, or facsimile transmissions. The standard of care for treatment provided through teledentistry shall be the same standard of care as treatment provided in person.

(7) For any patient receiving dental treatment, in order for the patient's informed consent to be treated to be valid and effective, the treating dentist must provide the patient with an opportunity to directly communicate with the treating dentist, whether in person, by telephone, or through synchronous teledentistry technology, so that the patient may ask the treating dentist questions about the treatment to be provided.

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