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68th Legislature

2024 Regular Session

By Representatives Mosbrucker, Goodman, Leavitt, Ramos, Jacobsen, Graham, Cheney, Gregerson, Orwall, Riccelli, and Davis

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1 AN ACT Relating to the use of dental records in missing person
2 investigations; amending RCW 68.50.310 and 68.50.320; adding a new
3 section to chapter 18.32 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the highly
6 time-sensitive nature of missing person investigations necessitates
7 responsive processes and systems that avoid unnecessary delays in
8 identification. The legislature further finds that although patients'
9 medical privacy rights should be preserved, the current process of
10 requiring investigating agencies to obtain permission from a missing
11 person's family or next of kin before contacting the person's dentist
12 for a copy of the person's dental records impedes prompt
13 investigation efforts in instances where the person would have
14 consented to disclosure if given the opportunity to do so during a
15 dental appointment.

16 Therefore, the legislature intends to balance patients' medical
17 privacy rights with the need for more effective investigation
18 practices and systems by requiring dentists to offer patients at the
19 time of receiving dental care the opportunity to consent to the
20 release of their dental records if they later become the subject of a
21 missing person investigation.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.32
2 RCW to read as follows:

3 By November 1, 2024, and subject to the availability of amounts
4 appropriated for this specific purpose, the commission shall:

5 (1) Work in consultation with the Washington state patrol to
6 develop a process by which licensed dentists may collect and submit
7 information to the Washington state patrol indicating which of their
8 patients have consented to the release of their dental records to the
9 Washington state patrol's dental identification system under RCW
10 68.50.310 in the event the patient becomes the subject of a missing
11 person investigation;

12 (2) Develop and publish a standardized consent form to be signed
13 by any patient who agrees to the release of his or her dental records
14 in the event the patient becomes the subject of a missing person
15 investigation;

16 (3) Adopt rules requiring licensed dentists to:

17 (a) Inform patients at the time of providing dental care that
18 they have the option of consenting to the release of their dental
19 records in the event they become the subject of a missing person
20 investigation;

21 (b) Provide each patient with an explanation of the type of
22 records that would be released, the purpose of consenting to
23 releasing such records, how long the consent form would remain valid,
24 and how the patient may later withdraw consent;

25 (c) Maintain ongoing records of which patients have consented to
26 the release of their dental records in the event they become the
27 subject of a missing person investigation, including copies of any
28 valid signed consent forms; and

29 (d) Periodically submit information to the Washington state
30 patrol that sufficiently identifies any patients who have valid
31 signed consent forms; and

32 (4) Adopt rules regarding how long a patient's consent to the
33 release of his or her dental records as described in this section
34 remains valid, and how frequently licensed dentists must check with
35 their patients to update any expired consent forms.

36 **Sec. 3.** RCW 68.50.310 and 1987 c 331 s 65 are each amended to
37 read as follows:

38 (1) A dental identification system is established in the
39 identification section of the Washington state patrol. The dental

1 identification system shall act as a repository or computer center or
2 both for dental examination records and it shall be responsible for
3 comparing such records with dental records filed under RCW 68.50.330.
4 It shall also determine which scoring probabilities are the highest
5 for purposes of identification and shall submit such information to
6 the coroner or medical examiner who prepared and forwarded the dental
7 examination records. Once the dental identification system is
8 established, operating funds shall come from the state general fund.

9 (2) By November 1, 2024, and subject to the availability of
10 amounts appropriated for this specific purpose, the Washington state
11 patrol shall develop, in consultation with the dental quality
12 assurance commission, a process by which persons licensed to practice
13 dentistry under chapter 18.32 RCW may submit information to the
14 Washington state patrol identifying patients who have consented to
15 the release of their dental records pursuant to section 2 of this act
16 in the event they become the subject of a missing person
17 investigation.

18 **Sec. 4.** RCW 68.50.320 and 2022 c 251 s 5 are each amended to
19 read as follows:

20 When a person reported missing has not been found within
21 (~~thirty~~) 30 days of the report, or at any time the investigating
22 agency suspects criminal activity to be the basis of the victim being
23 missing, the sheriff, chief of police, county coroner or county
24 medical examiner, or other law enforcement authority initiating and
25 conducting the investigation for the missing person shall: (1) File a
26 missing person's report with the Washington state patrol missing and
27 unidentified persons unit; (2) initiate the collection of DNA samples
28 from the known missing person and their family members for nuclear
29 and mitochondrial DNA testing along with the necessary consent forms;
30 (3) ask the missing person's family or next of kin to give written
31 consent to contact the dentist or dentists of the missing person and
32 request the person's dental records, unless the missing person has
33 already consented to the release of their dental records through a
34 valid signed consent form; and (4) enter the case into the national
35 crime information center system through the Washington state patrol
36 electronic database. Upon knowledge from the national crime
37 information center system, the Washington state patrol's crime
38 information center, or similar or subsequent authority, that a person
39 in custody at a jail, or being released from custody, is the subject

1 of a missing person's report, the jail shall notify the agency of
2 original jurisdiction for the missing person's report.

3 The missing person's dentist or dentists shall provide diagnostic
4 quality copies of the missing person's dental records or original
5 dental records to the sheriff, chief of police, county coroner or
6 county medical examiner, or other law enforcement authority, when
7 there is a record of the missing person's valid signed consent form
8 authorizing the release of their dental records or when presented
9 with the written consent from the missing person's family or next of
10 kin or with a statement from the sheriff, chief of police, county
11 coroner or county medical examiner, or other law enforcement
12 authority that the missing person's family or next of kin could not
13 be located in the exercise of due diligence or that the missing
14 person's family or next of kin refuse to consent to the release of
15 the missing person's dental records and there is reason to believe
16 that the missing person's family or next of kin may have been
17 involved in the missing person's disappearance.

18 As soon as possible after collecting the DNA samples, the
19 sheriff, chief of police, or other law enforcement authority shall
20 submit the DNA samples to the appropriate laboratory. Dental records
21 shall be submitted as soon as possible to the Washington state patrol
22 missing and unidentified persons unit.

23 The descriptive information from missing person's reports and
24 dental data submitted to the Washington state patrol missing and
25 unidentified persons unit shall be recorded and maintained by the
26 Washington state patrol missing and unidentified persons unit in the
27 applicable dedicated missing person's databases.

28 When a person reported missing has been found, the sheriff, chief
29 of police, coroner or medical examiner, or other law enforcement
30 authority shall report such information to the Washington state
31 patrol.

32 The dental identification system shall maintain a file of
33 information regarding persons reported to it as missing. The file
34 shall contain the information referred to in this section and such
35 other information as the Washington state patrol finds relevant to
36 assist in the location of a missing person.

1 The files of the dental identification system shall, upon
2 request, be made available to law enforcement agencies attempting to
3 locate missing persons.

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