
Health Care & Wellness Committee

HB 1950

Brief Description: Protecting patients from certain unsafe dental practices.

Sponsors: Representatives Caldier and Walen.

Brief Summary of Bill

- Requires a treating dentist to perform a physical examination of the patient and diagnosis and treatment planning in consultation with the patient before the diagnosis and correction of malpositions of human teeth or the initial use of orthodontic appliances.
- Requires that a patient receiving dental services through teledentistry be provided the dentist's name, direct telephone number, emergency contact telephone number, physical practice address, and Washington license number.
- Prohibits a dental provider from requiring a patient to sign an agreement to limit the ability to file a complaint with the Dental Quality Assurance Commission or a lawsuit for civil damages.

Hearing Date: 1/24/22

Staff: Christopher Blake (786-7392).

Background:

Practice of Dentistry.

The Dental Quality Assurance Commission regulates the practice of dentistry by establishing licensing standards, reviewing complaints of unprofessional conduct, and conducting disciplinary proceedings regarding licensed dentists. The practice of dentistry includes offering, undertaking, or representing oneself as able to diagnose, treat, remove stains and concretions

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from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw. The practice of dentistry also includes holding oneself out to the public as able to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth. In addition, the practice of dentistry includes any of the practices in the curricula of recognized and approved dental schools or maintaining an office for the practice of dentistry.

Telemedicine.

Telemedicine is the use of interactive audio, video, or electronic media for the purpose of diagnosis, consultation, or treatment of a patient at an originating site. An originating site for telemedicine includes a hospital, rural health clinic, federally qualified health center, health care provider's office, behavioral health agency, skilled nursing facility, renal dialysis center, or a home.

Summary of Bill:

Before a diagnosis and correction of malpositions of human teeth or the initial use of orthodontic appliances, the treating dentist must: (1) perform a physical examination of the patient that includes the review of the patient's most recent diagnostic radiographs or other equivalent bone imaging; and (2) perform diagnosis and treatment planning in consultation with the patient.

Patients who receive orthodontia services through teledentistry must be provided the name, direct telephone number, emergency contact telephone number, physical practice address, and Washington license number of the dentist providing the teledentistry services, including interpreting dental scans, analyzing impressions or digital images, or creating appliances based on an impression or digital image. The information must be provided to the patient prior to the provision of services and during treatment.

The standard of care for treatment provided through teledentistry is the same standard of care as treatment provided in person.

Dentists who provide orthodontia services through teledentistry must provide the patient with a timely opportunity for follow-up care and describe to the patient the protocols for emergencies or follow-up care where the patient must be seen by the treating dentist in person.

For a patient's informed consent to be valid and effective, the treating dentist must provide the patient with an opportunity to directly communicate with the treating dentist so the patient may ask the treating dentist questions about the treatment to be provided. The communication may take place in person, by telephone, or through synchronous teledentistry technology.

A provider of dental services may not require a patient to sign an agreement to limit the patient's ability to file a complaint with the Dental Quality Assurance Commission (Commission) or to file a lawsuit for civil damages.

A violation of any of the established standards is considered unprofessional conduct. Dental services performed through teledentistry according to the bill must be performed by a dentist who is licensed in Washington and subject to the Commission's jurisdiction. The Commission may investigate complaints and issue cease and desist orders related to the practice of dentistry or coordination of dental services that are in violation of the bill.

The term "teledentistry" is defined as dental services delivered through interactive audio and video technology that allows real-time communication between the patient and the provider to provide health care services within the provider's scope of practice. The term includes: 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. The term excludes internet questionnaires, email messages, or facsimile transmissions.

Appropriation: None.

Fiscal Note: Requested on January 18, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.