
SUBSTITUTE HOUSE BILL 2009

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Mosbrucker, Goodman, Leavitt, Ramos, Jacobsen, Graham, Cheney, Gregerson, Orwall, Riccelli, and Davis)

READ FIRST TIME 02/05/24.

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

1 missing person investigation. This opportunity must be presented in a
2 trauma-informed manner.

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

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

7 (1) Work in consultation with the Washington state patrol to
8 develop a process by which licensed dentists may collect and submit
9 information to the Washington state patrol indicating which of their
10 patients have consented to the release of their dental records to the
11 Washington state patrol's dental identification system under RCW
12 68.50.310 in the event the patient becomes the subject of a missing
13 person investigation;

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

18 (3) Adopt rules requiring licensed dentists to:

19 (a) Using a trauma-informed approach, inform patients at the time
20 of providing dental care that they have the option of consenting to
21 the release of their dental records in the event they become the
22 subject of a missing person investigation;

23 (b) Using a trauma-informed approach, provide each patient with
24 an explanation of the type of records that would be released, the
25 purpose of consenting to releasing such records, how long the consent
26 form would remain valid, and how the patient may later withdraw
27 consent;

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

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

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

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

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

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

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

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

1 electronic database. Upon knowledge from the national crime
2 information center system, the Washington state patrol's crime
3 information center, or similar or subsequent authority, that a person
4 in custody at a jail, or being released from custody, is the subject
5 of a missing person's report, the jail shall notify the agency of
6 original jurisdiction for the missing person's report.

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

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

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

32 When a person reported missing has been found, the sheriff, chief
33 of police, coroner or medical examiner, or other law enforcement
34 authority shall report such information to the Washington state
35 patrol.

36 The dental identification system shall maintain a file of
37 information regarding persons reported to it as missing. The file
38 shall contain the information referred to in this section and such
39 other information as the Washington state patrol finds relevant to
40 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.

--- **END** ---