

INITIATIVE 607

to the People

Chapter 1, Laws of 1995

DENTURISTS REGULATED

EFFECTIVE DATE: 12/8/94

Approved by the
People of the State of Washington
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November 8, 1994

ORIGINALLY FILED

January 18, 1994

**Secretary of State
State of Washington**

1 AN ACT Relating to denturism; amending RCW 18.120.020 and
2 18.130.040; adding a new section to chapter 48.20 RCW; adding a new
3 section to chapter 48.21 RCW; adding a new section to chapter 48.43
4 RCW; adding a new section to chapter 48.44 RCW; adding a new section to
5 chapter 48.46 RCW; adding a new chapter to Title 18 RCW; and creating
6 a new section.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The state of Washington finds that to
9 realize the state's current statutory policy of regulating health
10 professions at the least restrictive level consistent with the public
11 interest, a program of licensure for denturists should be established.
12 The intent of the legislature is to help assure the public's health,
13 provide a mechanism for consumer protection, and offer cost-effective
14 alternatives for denture care services and products to individual
15 consumers and the state.

16 NEW SECTION. **Sec. 2.** Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout this
18 chapter.

1 (1) "Board" means the state board of denture technology.

2 (2) "Denture" means a removable full or partial upper or lower
3 dental appliance to be worn in the mouth to replace missing natural
4 teeth.

5 (3) "Denturist" means a person licensed under this chapter to
6 engage in the practice of denturism.

7 (4) "Department" means the department of health.

8 (5) "Practice of denturism" means:

9 (a) Making, placing, constructing, altering, reproducing, or
10 repairing a denture; and

11 (b) Taking impressions and furnishing or supplying a denture
12 directly to a person or advising the use of a denture, and maintaining
13 a facility for the same.

14 (6) "Secretary" means the secretary of health or the secretary's
15 designee.

16 NEW SECTION. **Sec. 3.** (1) Before making and fitting a denture, a
17 denturist shall examine the patient's oral cavity.

18 (a) If the examination gives the denturist reasonable cause to
19 believe that there is an abnormality or disease process that requires
20 medical or dental treatment, the denturist shall immediately refer the
21 patient to a dentist or physician. In such cases, the denturist shall
22 take no further action to manufacture or place a denture until the
23 patient has been examined by a dentist or physician and the dentist or
24 physician gives written clearance that the denture will pose no threat
25 to the patient's health.

26 (b) If the examination reveals the need for tissue or teeth
27 modification in order to assure proper fit of a full or partial
28 denture, the denturist shall refer the patient to a dentist and assure
29 that the modification has been completed before taking an impression
30 for the completion of the denture.

31 (2) A denturist who makes or places a denture in a manner not
32 consistent with this section is subject to the sanctions provided in
33 chapter 18.130 RCW, the uniform disciplinary act.

34 (3) A denturist must successfully complete special training in oral
35 pathology prescribed by the board, whether as part of an approved
36 associate degree program or equivalent training, and pass an
37 examination prescribed by the board, which may be a part of the
38 examination for licensure to become a licensed denturist.

1 **NEW SECTION.** **Sec. 4.** No person may represent himself or herself
2 as a licensed denturist or use any title or description of services
3 without applying for licensure, meeting the required qualifications,
4 and being licensed as a denturist by the department, unless otherwise
5 exempted by this chapter.

6 **NEW SECTION.** **Sec. 5.** Nothing in this chapter prohibits or
7 restricts:

8 (1) The practice of a profession by an individual who is licensed,
9 certified, or registered under other laws of this state and who is
10 performing services within the authorized scope of practice;

11 (2) The practice of denturism by an individual employed by the
12 government of the United States while the individual is engaged in the
13 performance of duties prescribed by the laws and regulations of the
14 United States;

15 (3) The practice of denturism by students enrolled in a school
16 approved by the department. The performance of services must be
17 pursuant to a course of instruction or an assignment from an instructor
18 and under the supervision of an instructor; or

19 (4) Work performed by dental labs and dental technicians under the
20 written prescription of a dentist.

21 **NEW SECTION.** **Sec. 6.** (1) The state board of denture technology is
22 created. The board shall consist of seven members appointed by the
23 secretary as follows:

24 (a) Four members of the board must be denturists licensed under
25 this chapter, except initial appointees, who must have five years'
26 experience in the field of denturism or a related field.

27 (b) Two members shall be selected from persons who are not
28 affiliated with any health care profession or facility, at least one of
29 whom must be over sixty-five years of age representing the elderly.

30 (c) One member must be a dentist licensed in the state of
31 Washington.

32 (2) The members of the board shall serve for terms of three years.
33 The terms of the initial members shall be staggered, with the members
34 appointed under subsection (1)(a) of this section serving two-year and
35 three-year terms initially and the members appointed under subsection
36 (1)(b) and (c) of this section serving one-year, two-year, and three-
37 year terms initially. Vacancies shall be filled in the same manner as

1 the original appointments are made. Appointments to fill vacancies
2 shall be for the remainder of the unexpired term of the vacant
3 position.

4 (3) No appointee may serve more than two consecutive terms.

5 (4) Members of the board shall be reimbursed for travel expenses
6 under RCW 43.03.050 and 43.03.060.

7 (5) A member of the board may be removed for just cause by the
8 secretary.

9 **NEW SECTION.** **Sec. 7.** (1) The board shall elect a chairperson of
10 the board annually. The same person may not hold the office of
11 chairperson for more than three years in succession.

12 (2) A majority of the board constitutes a quorum for all purposes,
13 and a majority vote of the members voting governs the decisions of the
14 board.

15 **NEW SECTION.** **Sec. 8.** The board shall:

16 (1) Determine the qualifications of persons applying for licensure
17 under this chapter;

18 (2) Prescribe, administer, and determine the requirements for
19 examinations under this chapter and establish a passing grade for
20 licensure under this chapter;

21 (3) Adopt rules under chapter 34.05 RCW to carry out the provisions
22 of this chapter;

23 (4) Set all licensure, examination, and renewal fees in accordance
24 with RCW 43.70.250;

25 (5) Advise the secretary on the hiring of clerical, administrative,
26 investigative, and other staff as needed to implement this chapter and
27 act on behalf of the board;

28 (6) Evaluate and designate those schools from which graduation will
29 be accepted as proof of an applicant's completion of coursework
30 requirements for licensure; and

31 (7) Act as the disciplining authority under this chapter in
32 accordance with the uniform disciplinary act, chapter 18.130 RCW, which
33 governs unlicensed practice, the issuance and denial of licenses, and
34 the disciplining of license holders under this chapter.

35 **NEW SECTION.** **Sec. 9.** The secretary shall:

1 (1) Issue licenses for the practice of denturism under this
2 chapter;

3 (2) Administer oaths and subpoena witnesses for the purpose of
4 carrying out the activities authorized under this chapter;

5 (3) Establish forms and procedures necessary to administer this
6 chapter;

7 (4) Hire clerical, administrative, investigative, and other staff
8 as needed to implement this chapter and act on behalf of the board; and

9 (5) Issue licenses of endorsement for applicants from states that
10 maintain standards of practice substantially equivalent to this state.

11 NEW SECTION. **Sec. 10.** The secretary shall issue a license to
12 practice denturism to an applicant who submits a completed application,
13 pays the appropriate fees, and meets the following requirements:

14 (1) A person currently licensed to practice denturism under
15 statutory provisions of another state or federal enclave that maintains
16 standards of practice substantially equivalent to this chapter shall be
17 licensed without examination upon providing the department with the
18 following:

19 (a) Proof of successfully passing a written and clinical
20 examination for denturism in a state that the board has determined has
21 substantially equivalent standards as those in this chapter in both the
22 written and clinical examinations; and

23 (b) An affidavit from the state agency where the person is licensed
24 or certified attesting to the fact of the person's licensure or
25 certification.

26 (2) A person graduating from a formal denturism program shall be
27 licensed if he or she:

28 (a) Documents successful completion of formal training with a major
29 course of study in denturism of not less than two years in duration at
30 an educational institution recognized by the board; and

31 (b) Passes a written and clinical examination approved by the
32 board.

33 (3) An applicant who does not otherwise qualify under subsection
34 (1) or (2) of this section shall be licensed within two years of the
35 effective date of this act if he or she:

36 (a) Provides to the board three affidavits by persons other than
37 family members attesting to the applicant's employment in denture

1 technology for at least five years, or provides documentation of at
2 least four thousand hours of practical work within denture technology;
3 (b) Provides documentation of successful completion of a training
4 course approved by the board or completion of an equivalent course
5 approved by the board; and
6 (c) Passes a written and clinical examination administered by the
7 board.

8 **NEW SECTION.** **Sec. 11.** The board shall administer the examinations
9 for licensing under this chapter, subject to the following
10 requirements:

11 (1) Examinations shall determine the qualifications, fitness, and
12 ability of the applicant to practice denturism. The test shall include
13 a written examination and a practical demonstration of skills.

14 (2) Examinations shall be held at least annually.

15 (3) The first examination shall be conducted not later than July 1,
16 1995.

17 (4) The written examination shall cover the following subjects:
18 (a) Head and oral anatomy and physiology; (b) oral pathology; (c)
19 partial denture construction and design; (d) microbiology; (e) clinical
20 dental technology; (f) dental laboratory technology; (g) clinical
21 jurisprudence; (h) asepsis; (i) medical emergencies; and (j)
22 cardiopulmonary resuscitation.

23 (5) Upon payment of the appropriate fee, an applicant who fails
24 either the written or practical examination may have additional
25 opportunities to take the portion of the examination that he or she
26 failed.

27 The board or secretary may hire trained persons licensed under this
28 chapter to administer and grade the examinations or may contract with
29 regional examiners who meet qualifications adopted by the board.

30 **NEW SECTION.** **Sec. 12.** The department shall charge and collect the
31 fees established by the board. Fees collected shall be placed in the
32 health professions account under RCW 43.70.320.

33 **NEW SECTION.** **Sec. 13.** (1) A license issued under section 9 of
34 this act is valid for two years. A license may be renewed by paying
35 the renewal fee.

1 (2) If a license issued is effective on a date other than July 1,
2 it shall be valid until the following June 30.

3 (3) The license shall contain, on its face, the address or
4 addresses where the license holder will perform the denturist services.

5 NEW SECTION. **Sec. 14.** The board shall establish by rule the
6 administrative requirements for renewal of licenses to practice
7 denturism, but shall not increase the licensure requirements provided
8 in this chapter. The board shall establish a renewal and late renewal
9 penalty in accordance with RCW 43.70.250. Failure to renew shall
10 invalidate the license and all privileges granted by the license. The
11 board shall determine by rule whether a license shall be canceled for
12 failure to renew and shall establish procedures and prerequisites for
13 relicensure.

14 NEW SECTION. **Sec. 15.** (1) An individual may place his or her
15 license on inactive status. The holder of an inactive license shall
16 not practice denturism in this state without first activating the
17 license.

18 (2) The inactive renewal fee shall be established by the board.
19 Failure to renew an inactive license shall result in cancellation in
20 the same manner as failure to renew an active license results in
21 cancellation.

22 (3) An inactive license may be placed in an active status upon
23 compliance with rules established by the board.

24 (4) The provisions relating to denial, suspension, and revocation
25 of a license are applicable to an inactive license, except that when
26 proceedings to suspend or revoke an inactive license have been
27 initiated, the license shall remain inactive until the proceedings have
28 been completed.

29 NEW SECTION. **Sec. 16.** Notwithstanding any other provision of
30 state law, a licensed denturist may enter into a partnership or other
31 business association with a dentist, provided that such association
32 does not impede the independent professional judgment of either party.

33 NEW SECTION. **Sec. 17.** This chapter may be known and cited as the
34 Washington state denturist act.

1 **Sec. 18.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
2 read as follows:

3 The definitions contained in this section shall apply throughout
4 this chapter unless the context clearly requires otherwise.

5 (1) "Applicant group" includes any health professional group or
6 organization, any individual, or any other interested party which
7 proposes that any health professional group not presently regulated be
8 regulated or which proposes to substantially increase the scope of
9 practice of the profession.

10 (2) "Certificate" and "certification" mean a voluntary process by
11 which a statutory regulatory entity grants recognition to an individual
12 who (a) has met certain prerequisite qualifications specified by that
13 regulatory entity, and (b) may assume or use "certified" in the title
14 or designation to perform prescribed health professional tasks.

15 (3) "Grandfather clause" means a provision in a regulatory statute
16 applicable to practitioners actively engaged in the regulated health
17 profession prior to the effective date of the regulatory statute which
18 exempts the practitioners from meeting the prerequisite qualifications
19 set forth in the regulatory statute to perform prescribed occupational
20 tasks.

21 (4) "Health professions" means and includes the following health
22 and health-related licensed or regulated professions and occupations:
23 ~~((Podiatry)) podiatric medicine and surgery~~ under chapter 18.22 RCW;
24 chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under
25 chapter 18.29 RCW; dentistry under chapter 18.32 RCW; ~~denturism under~~
26 ~~chapter 18.-- RCW (sections 2 through 17 of this act); dispensing~~
27 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35
28 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
29 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
30 nursing home administration under chapter 18.52 RCW; optometry under
31 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
32 osteopathy and osteopathic medicine and surgery under chapters 18.57
33 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
34 under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under
35 chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical
36 nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW;
37 registered nurses under chapter 18.88 RCW; occupational therapists
38 licensed pursuant to chapter 18.59 RCW; respiratory care practitioners
39 certified under chapter 18.89 RCW; veterinarians and animal technicians

1 under chapter 18.92 RCW; health care assistants under chapter 18.135
2 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists
3 certified under chapter 18.06 RCW; persons registered or certified
4 under chapter 18.19 RCW; dietitians and nutritionists certified by
5 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and
6 nursing assistants registered or certified under chapter 18.88A RCW.

7 (5) "Inspection" means the periodic examination of practitioners by
8 a state agency in order to ascertain whether the practitioners'
9 occupation is being carried out in a fashion consistent with the public
10 health, safety, and welfare.

11 (6) "Legislative committees of reference" means the standing
12 legislative committees designated by the respective rules committees of
13 the senate and house of representatives to consider proposed
14 legislation to regulate health professions not previously regulated.

15 (7) "License," "licensing," and "licensure" mean permission to
16 engage in a health profession which would otherwise be unlawful in the
17 state in the absence of the permission. A license is granted to those
18 individuals who meet prerequisite qualifications to perform prescribed
19 health professional tasks and for the use of a particular title.

20 (8) "Professional license" means an individual, nontransferable
21 authorization to carry on a health activity based on qualifications
22 which include: (a) Graduation from an accredited or approved program,
23 and (b) acceptable performance on a qualifying examination or series of
24 examinations.

25 (9) "Practitioner" means an individual who (a) has achieved
26 knowledge and skill by practice, and (b) is actively engaged in a
27 specified health profession.

28 (10) "Public member" means an individual who is not, and never was,
29 a member of the health profession being regulated or the spouse of a
30 member, or an individual who does not have and never has had a material
31 financial interest in either the rendering of the health professional
32 service being regulated or an activity directly related to the
33 profession being regulated.

34 (11) "Registration" means the formal notification which, prior to
35 rendering services, a practitioner shall submit to a state agency
36 setting forth the name and address of the practitioner; the location,
37 nature and operation of the health activity to be practiced; and, if
38 required by the regulatory entity, a description of the service to be
39 provided.

1 (12) "Regulatory entity" means any board, commission, agency,
2 division, or other unit or subunit of state government which regulates
3 one or more professions, occupations, industries, businesses, or other
4 endeavors in this state.

5 (13) "State agency" includes every state office, department, board,
6 commission, regulatory entity, and agency of the state, and, where
7 provided by law, programs and activities involving less than the full
8 responsibility of a state agency.

9 **Sec. 19.** RCW 18.130.040 and 1993 c 367 s 4 are each amended to
10 read as follows:

11 (1) This chapter applies only to the secretary and the boards
12 having jurisdiction in relation to the professions licensed under the
13 chapters specified in this section. This chapter does not apply to any
14 business or profession not licensed under the chapters specified in
15 this section.

16 (2)(a) The secretary has authority under this chapter in relation
17 to the following professions:

18 (i) Dispensing opticians licensed under chapter 18.34 RCW;
19 (ii) Naturopaths licensed under chapter 18.36A RCW;
20 (iii) Midwives licensed under chapter 18.50 RCW;
21 (iv) Ocularists licensed under chapter 18.55 RCW;
22 (v) Massage operators and businesses licensed under chapter 18.108
23 RCW;

24 (vi) Dental hygienists licensed under chapter 18.29 RCW;
25 (vii) Acupuncturists certified under chapter 18.06 RCW;
26 (viii) Radiologic technologists certified under chapter 18.84 RCW;
27 (ix) Respiratory care practitioners certified under chapter 18.89
28 RCW;

29 (x) Persons registered or certified under chapter 18.19 RCW;
30 (xi) Persons registered as nursing pool operators;
31 (xii) Nursing assistants registered or certified under chapter
32 18.88A RCW;

33 (xiii) Health care assistants certified under chapter 18.135 RCW;
34 (xiv) Dietitians and nutritionists certified under chapter 18.138
35 RCW;

36 (xv) Sex offender treatment providers certified under chapter
37 18.155 RCW; and

1 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
2 18.71.205.

3 (b) The boards having authority under this chapter are as follows:

4 (i) The podiatric medical board as established in chapter 18.22
5 RCW;

6 (ii) The chiropractic disciplinary board as established in chapter
7 18.26 RCW governing licenses issued under chapter 18.25 RCW;

8 (iii) The dental disciplinary board as established in chapter 18.32
9 RCW;

10 (iv) The ((council on)) board on fitting and dispensing of hearing
11 aids as established in chapter 18.35 RCW;

12 (v) The board of funeral directors and embalmers as established in
13 chapter 18.39 RCW;

14 (vi) The board of examiners for nursing home administrators as
15 established in chapter 18.52 RCW;

16 (vii) The optometry board as established in chapter 18.54 RCW
17 governing licenses issued under chapter 18.53 RCW;

18 (viii) The board of osteopathic medicine and surgery as established
19 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
20 18.57A RCW;

21 (ix) The board of pharmacy as established in chapter 18.64 RCW
22 governing licenses issued under chapters 18.64 and 18.64A RCW;

23 (x) The medical disciplinary board as established in chapter 18.72
24 RCW governing licenses and registrations issued under chapters 18.71
25 and 18.71A RCW;

26 (xi) The board of physical therapy as established in chapter 18.74
27 RCW;

28 (xii) The board of occupational therapy practice as established in
29 chapter 18.59 RCW;

30 (xiii) The board of practical nursing as established in chapter
31 18.78 RCW;

32 (xiv) The examining board of psychology and its disciplinary
33 committee as established in chapter 18.83 RCW;

34 (xv) The board of nursing as established in chapter 18.88 RCW;
35 ((and))

36 (xvi) The veterinary board of governors as established in chapter
37 18.92 RCW; and

38 (xvii) Denturists licensed under chapter 18.-- RCW (sections 2
39 through 17 of this act).

1 (3) In addition to the authority to discipline license holders, the
2 disciplining authority has the authority to grant or deny licenses
3 based on the conditions and criteria established in this chapter and
4 the chapters specified in subsection (2) of this section. However, the
5 board of chiropractic examiners has authority over issuance and denial
6 of licenses provided for in chapter 18.25 RCW, the board of dental
7 examiners has authority over issuance and denial of licenses provided
8 for in RCW 18.32.040, and the board of medical examiners has authority
9 over issuance and denial of licenses and registrations provided for in
10 chapters 18.71 and 18.71A RCW. This chapter also governs any
11 investigation, hearing, or proceeding relating to denial of licensure
12 or issuance of a license conditioned on the applicant's compliance with
13 an order entered pursuant to RCW 18.130.160 by the disciplining
14 authority.

15 NEW SECTION. **Sec. 20.** Sections 2 through 17 of this act shall
16 constitute a new chapter in Title 18 RCW.

17 NEW SECTION. **Sec. 21.** A new section is added to chapter 48.20 RCW
18 to read as follows:

19 Notwithstanding any provision of any disability insurance contract
20 covering dental care as provided for in this chapter, effective January
21 1, 1995, benefits shall not be denied thereunder for any service
22 performed by a denturist licensed under chapter 18.-- RCW (sections 2
23 through 17 of this act) if (1) the service performed was within the
24 lawful scope of such person's license, and (2) such contract would have
25 provided benefits if such service had been performed by a dentist
26 licensed under chapter 18.32 RCW.

27 NEW SECTION. **Sec. 22.** A new section is added to chapter 48.21 RCW
28 to read as follows:

29 Notwithstanding any provision of any group disability insurance
30 contract or blanket disability insurance contract covering dental care
31 as provided for in this chapter, effective January 1, 1995, benefits
32 shall not be denied thereunder for any service performed by a denturist
33 licensed under chapter 18.-- RCW (sections 2 through 17 of this act) if
34 (1) the service performed was within the lawful scope of such person's
35 license, and (2) such contract would have provided benefits if such

1 service had been performed by a dentist licensed under chapter 18.32
2 RCW.

3 **NEW SECTION.** **Sec. 23.** A new section is added to chapter 48.43 RCW
4 to read as follows:

5 Notwithstanding any provision of any certified health plan covering
6 dental care as provided for in this chapter, effective January 1, 1995,
7 benefits shall not be denied thereunder for any service performed by a
8 denturist licensed under chapter 18.-- RCW (sections 2 through 17 of
9 this act) if (1) the service performed was within the lawful scope of
10 such person's license, and (2) such plan would have provided benefits
11 if such service had been performed by a dentist licensed under chapter
12 18.32 RCW.

13 **NEW SECTION.** **Sec. 24.** A new section is added to chapter 48.44 RCW
14 to read as follows:

15 Notwithstanding any provision of any health care service contract
16 covering dental care as provided for in this chapter, effective January
17 1, 1995, benefits shall not be denied thereunder for any service
18 performed by a denturist licensed under chapter 18.-- RCW (sections 2
19 through 17 of this act) if (1) the service performed was within the
20 lawful scope of such person's license, and (2) such contract would have
21 provided benefits if such service had been performed by a dentist
22 licensed under chapter 18.32 RCW.

23 **NEW SECTION.** **Sec. 25.** A new section is added to chapter 48.46 RCW
24 to read as follows:

25 Notwithstanding any provision of any health maintenance
26 organization agreement covering dental care as provided for in this
27 chapter, effective January 1, 1995, benefits shall not be denied
28 thereunder for any service performed by a denturist licensed under
29 chapter 18.-- RCW (sections 2 through 17 of this act) if (1) the
30 service performed was within the lawful scope of such person's license,
31 and (2) such agreement would have provided benefits if such service had
32 been performed by a dentist licensed under chapter 18.32 RCW.

33 **NEW SECTION.** **Sec. 26.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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Approved by the People of the State of Washington in the General
Election on November 8, 1994.