

HOUSE BILL REPORT

HB 1177

As Passed Legislature

Title: An act relating to creating the dental laboratory registry within the department of health and establishing minimum standards for dental laboratories serving dentists in Washington state.

Brief Description: Creating the dental laboratory registry within the department of health and establishing minimum standards for dental laboratories serving dentists in Washington state.

Sponsors: Representatives Stonier, Caldier, Cody and Schmick.

Brief History:

Committee Activity:

Health Care & Wellness: 2/5/19, 2/6/19 [DP];

Appropriations: 2/21/19, 2/26/19 [DP].

Floor Activity:

Passed House: 3/7/19, 97-0.

Passed Senate: 4/10/19, 46-0.

Passed Legislature.

Brief Summary of Bill

- Creates a registration program for dental laboratories.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 15 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers, Davis, DeBolt, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

Staff: Jim Morishima (786-7191).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member;

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MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

Staff: Meghan Morris (786-7119).

Background:

Dentists are licensed and disciplined by the Dental Quality Assurance Commission (DQAC). In order to be licensed, a dentist must:

- submit proof of graduation from a dental college, school, or dental department of an institution approved by the DQAC;
- submit a recent picture; and
- pass an examination.

A licensed dentist may perform a variety of services, including diagnosing, treating, removing stains or concentrations from the teeth; operating or prescribing for any oral disease, pain, injury, deficiency, deformity, or physical condition; and furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

A dental laboratory is a facility that manufactures dental care products. Products typically produced by dental laboratories include bridges, crowns, and dentures.

Summary of Bill:

All dental laboratories operating, doing business, or intending to operate or do business in Washington must register with the Department of Health (DOH). A dental laboratory is considered to be doing business in Washington if its work products are prepared pursuant to a work order or work authorization originating in Washington. A dental laboratory is not required to register if it operates under the supervision of a dentist licensed in Washington, as part of a dental practice, or in an educational institution as long as the laboratory does not perform work originating outside of the dentist's office, dental practice, or institution.

"Dental laboratory" is defined as a facility that engages in making, repairing, altering, or supplying artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, or injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts.

To be registered, a dental laboratory must pay an annual registration fee and submit an application to the DOH that includes:

- the name, mailing address, physical address (if different), phone number, and electronic mail (e-mail) address of the laboratory;
- the name, mailing address, phone number, and e-mail address of the responsible person or supervising licensed dentist;

- a statement that the laboratory meets the infectious control requirements under the federal Occupational Safety and Health Administration and the Centers for Disease Control and Prevention; and
- an acknowledgement by the responsible person or supervising dentist that:
 - the laboratory will provide material disclosure to the prescribing dentist that contains the manufacturer and brand name or United States Food and Drug Administration registration number of all patient contact materials contained in the prescribed restoration to include in the patient's record; and
 - the responsible person or supervising dentist will disclose to the prescribing dentist the point of origin of the manufacture of the prescribed restoration. If the restoration was partially or entirely manufactured by a third-party provider, the point-of-origin disclosure must identify the portion manufactured by the third-party provider and the city, state, and country of the provider.

The DOH must assign each registered dental laboratory a registration number, which must appear on all of the laboratory's invoices. The dentist must include the registration number on all work orders.

Beginning January 31, 2021, the applicant for registration must maintain an employee who works at least 30 hours per week who is either certified in good standing as a dental technician by the National Board for Certification in Dental Laboratory Technology or has successfully completed at least 12 hours of continuing education in dental laboratory technology approved by the National Board for Certification in Dental Laboratory Technology during the 12 months prior to the application.

Beginning January 31, 2025, a laboratory that has not been owned and operated by the same individual since January 1, 1996, must maintain a certified dental technician in good standing with the National Board for Certification in Dental Laboratory Technology who works at least 30 hours per week or demonstrate that it is operated under the supervision of a licensed dentist.

Dental laboratories must renew their registrations every year before July 31.

The DOH may maintain an action, in the manner provided by law, against a dental laboratory that violates the registration requirements for an injunction or other process to restrain or prevent the operation of the establishment without a registration. The Attorney General must advise the DOH and represent the agency in the proceedings.

The registration requirements do not apply to the authorized activities of licensed denturists.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Health Care & Wellness):

(In support) This is a patient protection bill. Products being placed in people's mouths need to be regulated to inform patients about allergies and other issues. This bill makes sure dental professionals are able to provide protections to patients. This is a step forward for traceability. If a complaint arises, this bill will place the responsibility on the appropriate individuals. This bill will enhance health and safety by ensuring dental laboratories are compliant and operating under high standards. This bill will help inform dentists on the materials they are using.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The only fiscal impact would be a result of the fees, and the dental laboratories support the measure.

(Opposed) None.

Persons Testifying (Health Care & Wellness): Representative Stonier, prime sponsor; and Brad Tower and Emily Lovell, Washington State Dental Association.

Persons Testifying (Appropriations): Brad Tower, Washington Dental Laboratory Association.

Persons Signed In To Testify But Not Testifying (Health Care & Wellness): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.