
HOUSE BILL 2971

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Braddock, Prentice and Brekke

Read first time 02/05/92. Referred to Committee on Health Care.

1 AN ACT Relating to removable dental prostheses; adding a new
2 chapter to Title 19 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Consumers spend hundreds of dollars for full or partial
6 dentures which are not functionally or aesthetically acceptable. In
7 some cases, after delivery of a removable dental prosthesis, the
8 consumer is charged for office visits for required adjustments to the
9 dental prosthesis. This discourages those with limited resources from
10 acquiring needed modifications to successfully wear their removable
11 dental prosthesis. Some consumers complain of intimidation by
12 providers or their representatives or of having appointments made which
13 are not convenient to the consumer;

1 (2) It has been documented that ill-fitting dentures decrease the
2 consumer's ability to maintain good health; and

3 (3) This chapter will benefit all people of the state of
4 Washington. Senior citizens, handicapped citizens, and citizens
5 receiving medicaid will benefit most from this chapter because of
6 limited health, transportation, and economic resources.

7 NEW SECTION. **Sec. 2.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Removable dental prosthesis" means replacement of a tooth or
11 of a section of teeth by a partial or full denture or modifications
12 associated with a partial or full denture. This definition does not
13 include a removable dental prosthesis associated with orthodontia and
14 does not include dental splints.

15 (2) "Provider" means a dentist, denturist, prosthodontist, or any
16 institution responsible for removable dental prosthesis delivery or any
17 professional described in the laws of any state, province, or country
18 as one who fabricates, is associated with the fabrication of, or
19 delivers removable dental prostheses to the people of the state of
20 Washington.

21 (3) "Consumer" means a purchaser who receives a removable dental
22 prosthesis for his or her personal use from a provider.

23 NEW SECTION. **Sec. 3.** Any person who engages in the fitting
24 and dispensing of a removable dental prosthesis shall provide, to each
25 person who enters into an agreement to purchase a removable dental
26 prosthesis, a receipt at the time of the agreement containing the
27 following information:

28 (1) The consumer's name;

1 (2) The provider's name, signature, license number, address, and
2 phone number of his or her regular place of business;

3 (3) A description of the materials used in the fabrication to
4 substitute the natural dentition and related tissues;

5 (4) A disclosure of the cost of all services including, but not
6 limited to, the cost of materials used in fabrication, impressions,
7 study models, and any adjustments. These costs, which shall include
8 embedding of the consumer's name within the removable dental
9 prosthesis, shall be known as the total purchase price; and

10 (5) A statement of the purchaser's rescission rights under this
11 chapter and an acknowledgement that the purchaser has read and
12 understands these rights.

13 NEW SECTION. **Sec. 4.** (1) In addition to any other rights and
14 remedies a purchaser may have, the purchaser of a removable dental
15 prosthesis shall have the right to rescind the transaction for reasons
16 other than the seller's breach of the purchase agreement if the
17 purchaser:

18 (a) For reasonable cause, returns the removable dental prosthesis
19 within forty-five days of delivery, or holds it at the seller's
20 disposal, if the removable dental prosthesis is in its original
21 condition less normal wear and tear. Reasonable cause, for purposes of
22 this section, is defined as unacceptable aesthetics or not being able
23 to correctly function with the removable dental prosthesis. Reasonable
24 cause does not include a mere change of mind on the part of the
25 purchaser about wearing a removable dental prosthesis.

26 (b) Sends notice of the cancellation to the provider at the
27 provider's place of business by certified mail, return receipt
28 requested, and the notice is mailed not later than forty-five days from
29 the date of delivery. The purchaser and the provider may extend the

1 deadline for mailing the notice of rescission by mutual, written
2 agreement. In the event the removable dental prosthesis is in the
3 possession of the provider or the provider's representative during the
4 forty-five day period from the date of delivery, the deadline for
5 mailing the notice of rescission is extended by the number of days that
6 the removable dental prosthesis is in the possession of the provider or
7 the provider's representative.

8 (c) The time for giving notice of rescission begins to run seven
9 working days after notice under (c)(ii) of this subsection if: (i) A
10 removable dental prosthesis is returned to the provider for any
11 inspection, repair, or modification; (ii) the provider has notified the
12 purchaser that the removable dental prosthesis is available for
13 redelivery; and (iii) the purchaser has not responded by either taking
14 possession of the removable dental prosthesis or instructing the
15 provider to forward it to the purchaser.

16 (2) If a transaction is rescinded under this section, or as
17 otherwise provided by law, and the removable dental prosthesis is
18 returned to the provider or the provider's representative, the provider
19 shall refund to the purchaser any payments or deposits for the
20 removable dental prosthesis. The provider may retain for each
21 removable dental prosthesis fifteen percent of the total purchase price
22 or one hundred dollars, whichever is less. The purchaser shall incur
23 no additional liability for rescission.

24 The provider shall also return any goods traded in contemplation of
25 the sale, less any costs incurred by the provider in making those goods
26 ready for resale.

27 Refunds under this subsection shall be made within ten days after
28 rescission.

1 NEW SECTION. **Sec. 5.** The fitting of removable dental
2 prostheses is a matter affecting the public interest for the purpose of
3 applying chapter 19.86 RCW. The dispensing of ill-fitting removable
4 dental prostheses is not reasonable in relation to the development and
5 preservation of business. A violation of this chapter constitutes an
6 unfair or deceptive act or practice in trade or commerce for the
7 purpose of applying chapter 19.86 RCW.

8 NEW SECTION. **Sec. 6.** A person violating this chapter is
9 guilty of a misdemeanor.

10 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall
11 constitute a new chapter in Title 19 RCW.