
SENATE BILL 5813

State of Washington

52nd Legislature

1991 Regular Session

By Senators Rasmussen and Niemi.

Read first time February 22, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to denturistry; amending RCW 18.120.020; reenacting
2 and amending RCW 18.130.040; adding a new section to chapter 48.20 RCW;
3 adding a new section to chapter 48.21 RCW; adding a new section to
4 chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a
5 new chapter to Title 18 RCW; prescribing penalties; making an
6 appropriation; providing an effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that it is necessary
9 to regulate the practice of denturistry to protect the public health,
10 safety, and welfare. It is the legislature's intent that only
11 individuals who meet and maintain minimum standards of competency and
12 professional conduct may provide denturist service to the public.

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

4 (1) "Committee" means the state denturist advisory committee.

5 (2) "Denture" means any removable full or partial upper or lower
6 prosthetic dental appliance to be worn in the mouth.

7 (3) "Denturist" means a person certified under this chapter to
8 engage in the practice of denturistry.

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

10 (5) "Practice of denturistry" means the taking of impressions of
11 needed x-rays, making, fitting, constructing, altering, reproducing, or
12 repairing of a denture and furnishing or supplying of a denture
13 directly to a person or advising the use of a denture, and maintaining
14 a facility for the same: PROVIDED, That dentists or other persons may
15 perform these services as authorized by law pursuant to section 6 of
16 this act.

17 (6) "Secretary" means the secretary of health or the secretary's
18 designee.

19 NEW SECTION. **Sec. 3.** (1) A denturist certified under this
20 chapter may not:

21 (a) Extract or attempt to extract natural teeth;

22 (b) Initially insert immediate dentures after extraction in the
23 mouth of the intended wearer;

24 (c) Diagnose or surgically treat any abnormality;

25 (d) Recommend any prescription drugs for any oral or medical
26 diseases;

27 (e) Construct or fit orthodontic appliances; or

28 (f) Surgically modify or attempt to surgically modify any natural
29 tissue or teeth.

1 (2) The practice of denturistry under this chapter requires that all
2 laboratory work except cast partial framework be performed at the
3 address shown on the denturist's certificate. Violation of this
4 section is punishable as a misdemeanor.

5 NEW SECTION. **Sec. 4.** (1) Prior to making and fitting a partial
6 denture, a denturist shall:

7 (a) Refer the patient to dentist, with or without x-rays and study
8 models, for exam of existing teeth, tooth cleaning and mouth
9 preparation; and

10 (b) If tissue or tooth modification is needed, send a study model,
11 clearly marked with needed modification, with patient to the dentist.

12 (2) A denturist who makes or fits a partial denture in a manner not
13 consistent with this section is subject to the sanctions provided in
14 chapter 18.130 RCW, the uniform disciplinary act.

15 NEW SECTION. **Sec. 5.** (1) Except as provided in section 6 of this
16 act, a person shall hold a certificate for the practice of denturistry
17 under this chapter in order to:

18 (a) Engage or offer to engage in the practice of denturistry; or

19 (b) Use in connection with his or her name the word "denturist" or
20 any other words, letter, abbreviations, or insignia implying that the
21 person is engaged in the practice of denturistry.

22 (2) No person, firm, or corporation may represent or hold himself
23 or herself out to the public as a denturist or as practicing denturistry
24 unless certified under this chapter.

25 NEW SECTION. **Sec. 6.** Nothing in this chapter may be construed to
26 prohibit or restrict:

1 (1) The practice of a profession by individuals who are licensed,
2 certified, or registered under other laws of this state and who are
3 performing services within their authorized scope of practice;

4 (2) The practice of denturistry by an individual employed by the
5 government of the United States while the individual is engaged in the
6 performance of duties prescribed for him or her by the laws and
7 regulations of the United States; or

8 (3) The practice of denturistry by students enrolled in a school
9 approved by the department. The performance of services shall be
10 pursuant to a course of instruction or assignment from an instructor
11 and under the supervision of an instructor.

12 NEW SECTION. **Sec. 7.** (1) The state denturist advisory committee
13 is created. The committee shall consist of five members appointed by
14 the secretary as follows:

15 (a) Two members of the committee must have at least five years'
16 experience preceding their appointment in the manufacture, fitting,
17 installation, and repair of dentures in this state or in another state,
18 or both, and shall be certified under this chapter, except initial
19 denturist appointees, who shall have five years' experience, and have
20 completed certain courses approved by the secretary.

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

24 (c) One member shall be selected from the field of dental health
25 education.

26 (2) The members of the committee shall serve for terms of three
27 years. The terms of the initial members shall be staggered with the
28 members appointed under subsection (1)(a) of this section serving two
29 and three-year terms initially and the members appointed under

1 subsection (1) (b) and (c) of this section serving one, two, and three-
2 year terms initially. Vacancies shall be filled in the same manner as
3 the original appointments, but appointments to fill vacancies shall be
4 for the remainder of the unexpired term of the vacancies.

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

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

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

9 NEW SECTION. **Sec. 8.** (1) The committee shall elect a chairperson
10 of the committee annually. The same person may not hold the office of
11 chairperson for more than three years in succession.

12 (2) The committee shall advise the secretary concerning the
13 administration of this chapter. The committee may meet at such times
14 as designated by the secretary.

15 (3) A majority of the committee constitutes a quorum for all
16 purposes, and the majority vote of the members voting governs the
17 decisions of the committee.

18 NEW SECTION. **Sec. 9.** The secretary shall have the following
19 powers and duties:

20 (1) To determine the qualifications of persons applying for
21 certification under this chapter;

22 (2) To prescribe, administer, and determine the requirements for
23 examinations pursuant to this chapter and a passing grade for
24 certification under this chapter;

25 (3) To issue certificates for the practice of dentistry under this
26 chapter;

27 (4) To administer oaths and subpoena witnesses for the purpose of
28 carrying out the activities authorized under this chapter;

1 (5) To adopt rules pursuant to chapter 34.05 RCW to carry out the
2 provisions of this chapter;

3 (6) Set all certification, examination, and renewal fees in
4 accordance with RCW 43.70.250;

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

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

9 (9) To issue licenses of endorsement for applicants from states
10 that maintain standards of practice substantially equivalent to this
11 state;

12 (10) To evaluate and designate those schools from which graduation
13 will be accepted as proof of an applicant's completion of course work
14 requirements for certification; and

15 (11) To act as the disciplining authority under this chapter. The
16 uniform disciplinary act, chapter 18.130 RCW, governs uncertified
17 practice, the issuance and denial of certificates, and the disciplining
18 of certificate holders under this chapter.

19 NEW SECTION. **Sec. 10.** The secretary shall issue a certificate
20 to practice dentistry to applicants who submit completed applications,
21 pay the appropriate fees, and meet the following requirements:

22 (1) Persons currently certified to practice dentistry under
23 statutory provisions of other states or federal enclaves that maintain
24 standards of practice substantially equivalent to this chapter shall be
25 certified without examination upon providing the department with the
26 following:

27 (a) Proof of successfully passing a written and clinical
28 examination for dentistry in a state which the department has

1 determined has substantially equivalent standards as those in this
2 chapter in both the written and clinical examinations; and

3 (b) An affidavit from the state agency where the person is licensed
4 or certified attesting to the fact of the person's licensure or
5 certification; or

6 (2) Persons graduating from a formal dentistry program shall be
7 certified if they:

8 (a) Document successful completion of formal training with a major
9 course of study in dentistry of not less than two years in duration at
10 an educational institution accredited by an agency recognized by the
11 secretary; and

12 (b) Pass a written and clinical examination approved by the
13 department; or

14 (3) Applicants who do not otherwise qualify under subsection (1) or
15 (2) of this section shall be certified if they:

16 (a) Provide to the department three affidavits by persons other
17 than family members attesting to the applicant's employment in denture
18 technology for at least five years;

19 (b) Provide documentation of successful completion of courses
20 approved by the secretary; and

21 (c) Pass a written and clinical examination approved by the
22 department.

23 NEW SECTION. **Sec. 11.** The secretary shall administer the
24 examinations for certification, subject to the following requirements:

25 (1) Examinations shall determine the qualifications, fitness, and
26 ability of the applicant to practice dentistry. The form of the test
27 must include a written examination and a practical demonstration of
28 skills.

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

1 (3) The written examination shall cover, but shall not be limited
2 to, the following subjects: (a) Head and oral anatomy and physiology;
3 (b) oral pathology; (c) partial denture construction and design; (d)
4 microbiology; (e) clinical dental technology; (f) dental laboratory
5 technology; (g) clinical jurisprudence; (h) x-ray technology; (i)
6 asepsis; (j) medical emergencies; and (k) cardiopulmonary
7 resuscitation.

8 (4) Applicants who fail either the written or practical
9 examinations may have, upon payment of the appropriate fee, additional
10 opportunities to retake the portion of the examination that they
11 failed. The secretary may hire trained persons certified under this
12 chapter to administer and grade the examinations or may contract with
13 regional examiners who meet qualifications adopted by the committee.

14 NEW SECTION. **Sec. 12.** The department shall charge and collect
15 the fees established by the secretary under RCW 43.70.250. Fees
16 collected shall be placed in the health professions account under RCW
17 43.70.320 to pay for the cost of administering this chapter.

18 NEW SECTION. **Sec. 13.** (1) A certificate is valid for two
19 years. A certificate may be renewed by paying the renewal fee.

20 (2) If a certificate issued is effective on a date other than July
21 1, it shall be valid until the following June 30.

22 (3) The certificate shall contain, on its face, the address or
23 addresses where the certificate holder will perform the denturist
24 services.

25 NEW SECTION. **Sec. 14.** The secretary shall establish by rule
26 the requirements for renewal of certificates. The secretary shall
27 establish a renewal and late renewal penalty as provided for in RCW

1 43.70.250. Failure to renew shall invalidate the certificate and all
2 privileges granted by the certificate. The secretary shall determine by
3 rule whether a certificate shall be canceled for failure to renew and
4 shall establish procedures and prerequisites for recertification.

5 NEW SECTION. **Sec. 15.** (1) An individual may place his or her
6 certificate on inactive status. The holder of an inactive certificate
7 shall not practice dentistry in this state without first activating
8 the certificate.

9 (2) The inactive renewal fee shall be established by the secretary
10 pursuant to RCW 43.70.250. Failure to renew an inactive certificate
11 shall result in cancellation in the same manner as an active
12 certificate.

13 (3) An inactive certificate may be placed in an active status upon
14 compliance with the rules established by the committee.

15 (4) The provisions relating to denial, suspension, and revocation
16 of a certificate shall be applicable to an inactive certificate, except
17 that when proceedings to suspend or revoke an inactive certificate have
18 been initiated, the certificate shall remain inactive until the
19 proceedings have been completed.

20 NEW SECTION. **Sec. 16.** A certified dentist may enter into
21 any lawful agreement with a dentist regarding fees, compensation, or
22 business association.

23 NEW SECTION. **Sec. 17.** The secretary, members of the
24 committee, or individuals acting on their behalf are immune from suit
25 in any civil action based on any certification or disciplinary
26 proceedings or other official acts performed in the course of their
27 duties.

1 NEW SECTION. **Sec. 18.** This chapter may be known and cited as
2 the Washington state denturist act.

3 **Sec. 19.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
4 read as follows:

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

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

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

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

23 (4) "Health professions" means and includes the following health
24 and health-related licensed or regulated professions and occupations:
25 Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and
26 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under
27 chapter 18.32 RCW; denturistry under chapter 18.-- RCW (sections 1
28 through 18 of this act); dispensing opticians under chapter 18.34 RCW;
29 hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A

1 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery
2 under chapter 18.50 RCW; nursing home administration under chapter
3 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists
4 under chapter 18.55 RCW; osteopathy and osteopathic medicine and
5 surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters
6 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72
7 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under
8 chapter 18.74 RCW; practical nurses under chapter 18.78 RCW;
9 psychologists under chapter 18.83 RCW; registered nurses under chapter
10 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59
11 RCW; respiratory care practitioners certified under chapter 18.89 RCW;
12 veterinarians and animal technicians under chapter 18.92 RCW; health
13 care assistants under chapter 18.135 RCW; massage practitioners under
14 chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW;
15 persons registered or certified under chapter 18.19 RCW; dietitians and
16 nutritionists certified by chapter 18.138 RCW; radiologic technicians
17 under chapter 18.84 RCW; and nursing assistants registered or certified
18 under chapter 18.88A
19 RCW.

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

24 (6) "Legislative committees of reference" means the standing
25 legislative committees designated by the respective rules committees of
26 the senate and house of representatives to consider proposed
27 legislation to regulate health professions not previously regulated.

28 (7) "License," "licensing," and "licensure" mean permission to
29 engage in a health profession which would otherwise be unlawful in the
30 state in the absence of the permission. A license is granted to those

1 individuals who meet prerequisite qualifications to perform prescribed
2 health professional tasks and for the use of a particular title.

3 (8) "Professional license" means an individual, nontransferable
4 authorization to carry on a health activity based on qualifications
5 which include: (a) Graduation from an accredited or approved program,
6 and (b) acceptable performance on a qualifying examination or series of
7 examinations.

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

11 (10) "Public member" means an individual who is not, and never
12 was, a member of the health profession being regulated or the spouse of
13 a member, or an individual who does not have and never has had a
14 material financial interest in either the rendering of the health
15 professional service being regulated or an activity directly related to
16 the profession being regulated.

17 (11) "Registration" means the formal notification which, prior to
18 rendering services, a practitioner shall submit to a state agency
19 setting forth the name and address of the practitioner; the location,
20 nature and operation of the health activity to be practiced; and, if
21 required by the regulatory entity, a description of the service to be
22 provided.

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

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

1 **Sec. 20.** RCW 18.130.040 and 1988 c 243 s 7, 1988 c 267 s 22, and
2 1988 c 277 s 13 are each reenacted and amended to read as follows:

3 (1) This chapter applies only to the (~~director~~) secretary and the
4 boards having jurisdiction in relation to the professions licensed
5 under the chapters specified in this section. This chapter does not
6 apply to any business or profession not licensed under the chapters
7 specified in this section.

8 (2) (a) The (~~director~~) secretary has authority under this chapter
9 in relation to the following professions:

- 10 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 11 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 12 (iii) Midwives licensed under chapter 18.50 RCW;
- 13 (iv) Ocularists licensed under chapter 18.55 RCW;
- 14 (v) Massage operators and businesses licensed under chapter 18.108
15 RCW;
- 16 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 17 (vii) Acupuncturists certified under chapter 18.06 RCW;
- 18 (viii) Radiologic technologists certified under chapter 18.84 RCW;
- 19 (ix) Respiratory care practitioners certified under chapter 18.89
20 RCW;
- 21 (x) Persons registered or certified under chapter 18.19 RCW;
- 22 (xi) Persons registered as nursing pool operators;
- 23 (xii) Nursing assistants registered or certified under chapter
24 18.52B RCW; (~~and~~)
- 25 (xiii) Dietitians and nutritionists certified under chapter 18.138
26 RCW; and
- 27 (xiv) Denturists certified under chapter 18.-- RCW (sections 1
28 through 18 of this act).

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

- 30 (i) The podiatry board as established in chapter 18.22 RCW;

1 (ii) The chiropractic disciplinary board as established in chapter
2 18.26 RCW governing licenses issued under chapter 18.25 RCW;
3 (iii) The dental disciplinary board as established in chapter 18.32
4 RCW;
5 (iv) The council on hearing aids as established in chapter 18.35
6 RCW;
7 (v) The board of funeral directors and embalmers as established in
8 chapter 18.39 RCW;
9 (vi) The board of examiners for nursing home administrators as
10 established in chapter 18.52 RCW;
11 (vii) The optometry board as established in chapter 18.54 RCW
12 governing licenses issued under chapter 18.53 RCW;
13 (viii) The board of osteopathic medicine and surgery as established
14 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
15 18.57A RCW;
16 (ix) The medical disciplinary board as established in chapter 18.72
17 RCW governing licenses and registrations issued under chapters 18.71
18 and 18.71A RCW;
19 (x) The board of physical therapy as established in chapter 18.74
20 RCW;
21 (xi) The board of occupational therapy practice as established in
22 chapter 18.59 RCW;
23 (xii) The board of practical nursing as established in chapter
24 18.78 RCW;
25 (xiii) The examining board of psychology and its disciplinary
26 committee as established in chapter 18.83 RCW;
27 (xiv) The board of nursing as established in chapter 18.88 RCW; and
28 (xv) The veterinary board of governors as established in chapter
29 18.92 RCW.

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. 21.** A new section is added to chapter 48.20
16 RCW to read as follows:

17 To ensure freedom of choice in the denture delivery system,
18 coverage may not be denied under a disability insurance contract for
19 services performed by a denturist certified under chapter 18.-- RCW
20 (sections 1 through 18 of this act) if:

21 (1) The services performed were within the lawful scope of the
22 person's certificate;

23 (2) The contract would have covered the services if the services
24 had been performed by a person licensed to practice dentistry under
25 chapter 18.32 RCW; and

26 (3) The reimbursement does not exceed the "usual and customary
27 fee" paid under the contract to persons licensed to practice dentistry
28 under chapter 18.32 RCW.

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

3 To ensure freedom of choice in the denture delivery system,
4 coverage may not be denied under a group or blanket disability
5 insurance contract for services performed by a denturist certified
6 under chapter 18.-- RCW (sections 1 through 18 of this act) if:

7 (1) The services performed were within the lawful scope of the
8 person's certificate;

9 (2) The contract would have covered the services if the services
10 had been performed by a person licensed to practice dentistry under
11 chapter 18.32 RCW; and

12 (3) The reimbursement does not exceed the "usual and customary
13 fee" paid under the contract to persons licensed to practice dentistry
14 under chapter 18.32 RCW.

15 NEW SECTION. **Sec. 23.** A new section is added to chapter 48.44
16 RCW to read as follows:

17 To ensure freedom of choice in the denture delivery system,
18 coverage may not be denied under a health care service contract for
19 services performed by a denturist certified under chapter 18.-- RCW
20 (sections 1 through 18 of this act) if:

21 (1) The services performed were within the lawful scope of the
22 person's certificate;

23 (2) The contract would have covered the services if the services
24 had been performed by a person licensed to practice dentistry under
25 chapter 18.32 RCW; and

26 (3) The reimbursement does not exceed the "usual and customary
27 fee" paid under the contract to persons licensed to practice dentistry
28 under chapter 18.32 RCW.

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

3 To ensure freedom of choice in the denture delivery system,
4 coverage may not be denied under a health maintenance agreement for
5 services performed by a denturist certified under chapter 18.-- RCW
6 (sections 1 through 18 of this act) if:

7 (1) The services performed were within the lawful scope of the
8 person's certificate;

9 (2) The agreement would have covered the services if the services
10 had been performed by a person licensed to practice dentistry under
11 chapter 18.32 RCW; and

12 (3) The reimbursement does not exceed the "usual and customary
13 fee" paid under the agreement to persons licensed to practice dentistry
14 under chapter 18.32 RCW.

15 NEW SECTION. **Sec. 25.** Sections 1 through 18 of this act shall
16 constitute a new chapter in Title 18 RCW.

17 NEW SECTION. **Sec. 26.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and shall take
20 effect thirty days after it is signed into law by the governor.

21 NEW SECTION. **Sec. 27.** The sum of dollars, or as
22 much thereof as may be necessary, is appropriated for the biennium
23 ending June 30, 1993, from the health professions account under RCW
24 43.70.320 to the department of health for the purposes of this act.

25 NEW SECTION. **Sec. 28.** If any provision of this act or its
26 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.