
HOUSE BILL 2045

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Brown, Mastin, Linville and Veloria

Read first time 02/24/93. Referred to Committee on Health Care.

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

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

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

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

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

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

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

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

7 (5)(a) "Practice of denturistry" means:

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

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

13 (b) "Practice of denturistry" does not include extracting,
14 modifying, or attempting to modify any natural tissue or teeth.

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

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

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

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

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

35 NEW SECTION. **Sec. 4.** No person may represent himself or herself
36 as a certified denturist or use any title or description of services
37 without applying for certification, meeting the required

1 qualifications, and being certified as a denturist by the department,
2 unless otherwise exempted by this chapter.

3 NEW SECTION. **Sec. 5.** Nothing in this chapter prohibits or
4 restricts:

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

8 (2) The practice of denturistry by an individual employed by the
9 government of the United States while the individual is engaged in the
10 performance of duties prescribed by the laws and regulations of the
11 United States;

12 (3) The practice of denturistry by students enrolled in a school
13 approved by the department. The performance of services shall be
14 pursuant to a course of instruction or an assignment from an instructor
15 and under the supervision of an instructor; or

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

18 NEW SECTION. **Sec. 6.** (1) The state denturist advisory committee
19 is created. The committee shall consist of five members appointed by
20 the secretary as follows:

21 (a) Two members of the committee must have at least five years'
22 experience before their appointment in the manufacture, fitting,
23 installation, and repair of dentures in this state or another state, or
24 both, and must be certified under this chapter, except initial
25 appointees, who must have five years' experience and have completed
26 certain courses approved by the secretary.

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 shall be over sixty-five years of age representing the elderly.

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

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

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

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

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

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

9 NEW SECTION. **Sec. 7.** (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 secretary shall consult the committee, and the committee
13 shall advise the secretary, concerning the administration of this
14 chapter. The committee may meet at times designated by the secretary.

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

18 NEW SECTION. **Sec. 8.** The secretary shall:

19 (1) Determine the qualifications of persons applying for
20 certification under this chapter;

21 (2) Prescribe, administer, and determine the requirements for
22 examinations under this chapter and a passing grade for certification
23 under this chapter;

24 (3) Issue certificates for the practice of dentistry under this
25 chapter;

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

28 (5) Adopt rules under chapter 34.05 RCW to carry out the provisions
29 of this chapter;

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

32 (7) Establish forms and procedures necessary to administer this
33 chapter;

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

36 (9) Issue licenses of endorsement for applicants from states that
37 maintain standards of practice substantially equivalent to this state;

1 (10) Evaluate and designate schools from which graduation will be
2 accepted as proof of an applicant's completion of coursework
3 requirements for certification; and

4 (11) Act as the disciplining authority under this chapter in
5 accordance with the uniform disciplinary act, chapter 18.130 RCW, which
6 governs uncertified practice, the issuance and denial of certificates,
7 and the disciplining of certificate holders under this chapter.

8 NEW SECTION. **Sec. 9.** The secretary shall issue a certificate to
9 practice dentistry to an applicant who submits a completed
10 application, pays the appropriate fees, and meets the following
11 requirements:

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

17 (a) Proof of successfully passing a written and clinical
18 examination for dentistry in a state which the department has
19 determined has substantially equivalent standards as those in this
20 chapter in both the written and clinical examinations; and

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

24 (2) A person graduating from a formal dentistry program shall be
25 certified if he or she:

26 (a) Documents successful completion of formal training with a major
27 course of study in dentistry of not less than two years in duration at
28 an educational institution recognized by the secretary or accredited by
29 an agency recognized by the secretary; and

30 (b) Passes a written and clinical examination approved by the
31 department.

32 (3) An applicant who does not otherwise qualify under subsection
33 (1) or (2) of this section shall be certified if he or she:

34 (a) Provides to the department three affidavits by persons other
35 than family members attesting to the applicant's employment in denture
36 technology for at least five years, or provides documentation of at
37 least four thousand hours of practical work in denture technology;

1 (b) Provides documentation of successful completion of a training
2 course administered by the secretary or completion of an equivalent
3 course approved by the secretary; and

4 (c) Passes a written and clinical examination approved by the
5 department.

6 NEW SECTION. **Sec. 10.** The secretary shall administer the
7 examinations for certification under this chapter, subject to the
8 following requirements:

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

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

14 (3) The first examination shall be conducted not later than July 1,
15 1994.

16 (4) The written examination shall cover the following subjects:

17 (a) Head and oral anatomy and physiology; (b) oral pathology; (c)
18 partial denture construction and design; (d) microbiology; (e) clinical
19 dental technology; (f) dental laboratory technology; (g) clinical
20 jurisprudence; (h) asepsis; (i) medical emergencies; and (j)
21 cardiopulmonary resuscitation.

22 (5) An applicant who fails either the written or practical
23 examinations may have, upon payment of the appropriate fee, additional
24 opportunities to retake the portion of the examination that he or she
25 failed. The secretary may hire trained persons certified under this
26 chapter to administer and grade the examinations or may contract with
27 regional examiners who meet qualifications adopted by the committee.

28 NEW SECTION. **Sec. 11.** The department shall charge and collect the
29 fees under this chapter that are established by the secretary in
30 accordance with RCW 43.70.250. Fees collected shall be placed in the
31 health professions account under RCW 43.70.320.

32 NEW SECTION. **Sec. 12.** (1) A certificate issued under section 9 of
33 this act is valid for two years. A certificate may be renewed by
34 paying the renewal fee.

35 (2) If a certificate issued is effective on a date other than July
36 1, it shall be valid until the following June 30.

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

3 NEW SECTION. **Sec. 13.** The secretary shall establish by rule the
4 administrative requirements for renewal of certificates to practice
5 denturistry, but shall not increase the certification requirements
6 provided in this chapter. The secretary shall establish a renewal and
7 late renewal penalty in accordance with RCW 43.70.250. Failure to
8 renew shall invalidate the certificate and all privileges granted by
9 the certificate. The secretary shall determine by rule whether a
10 certificate shall be canceled for failure to renew and shall establish
11 procedures and prerequisites for recertification.

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

16 (2) The inactive renewal fee shall be established by the secretary
17 in accordance with RCW 43.70.250. Failure to renew an inactive
18 certificate shall result in cancellation in the same manner as failure
19 to renew an active certificate results in cancellation.

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

22 (4) Provisions relating to denial, suspension, and revocation of a
23 certificate are applicable to an inactive certificate, except that when
24 proceedings to suspend or revoke an inactive certificate have been
25 initiated, the certificate shall remain inactive until the proceedings
26 have been completed.

27 NEW SECTION. **Sec. 15.** Notwithstanding any other provision of
28 state law, a certified denturist may enter into a partnership or other
29 business association with a dentist, provided that the association does
30 not impede the independent professional judgment of either party.

31 NEW SECTION. **Sec. 16.** This chapter may be known and cited as the
32 Washington state denturist act.

33 **Sec. 17.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
34 read as follows:

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

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

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

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

19 (4) "Health professions" means and includes the following health
20 and health-related licensed or regulated professions and occupations:
21 (~~Podiatry~~) Podiatric medicine and surgery under chapter 18.22 RCW;
22 chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under
23 chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturistry under
24 chapter 18.-- RCW (sections 1 through 16 of this act); dispensing
25 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35
26 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
27 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
28 nursing home administration under chapter 18.52 RCW; optometry under
29 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
30 osteopathy and osteopathic medicine and surgery under chapters 18.57
31 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
32 under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under
33 chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical
34 nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW;
35 registered nurses under chapter 18.88 RCW; occupational therapists
36 licensed pursuant to chapter 18.59 RCW; respiratory care practitioners
37 certified under chapter 18.89 RCW; veterinarians and animal technicians
38 under chapter 18.92 RCW; health care assistants under chapter 18.135
39 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists

1 certified under chapter 18.06 RCW; persons registered or certified
2 under chapter 18.19 RCW; dietitians and nutritionists certified by
3 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and
4 nursing assistants registered or certified under chapter 18.88A RCW.

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

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

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

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

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

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

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

38 (12) "Regulatory entity" means any board, commission, agency,
39 division, or other unit or subunit of state government which regulates

1 one or more professions, occupations, industries, businesses, or other
2 endeavors in this state.

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

7 **Sec. 18.** RCW 18.130.040 and 1992 c 128 s 6 are each amended to
8 read as follows:

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

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

16 (i) Dispensing opticians licensed under chapter 18.34 RCW;

17 (ii) Naturopaths licensed under chapter 18.36A RCW;

18 (iii) Midwives licensed under chapter 18.50 RCW;

19 (iv) Ocularists licensed under chapter 18.55 RCW;

20 (v) Massage operators and businesses licensed under chapter 18.108
21 RCW;

22 (vi) Dental hygienists licensed under chapter 18.29 RCW;

23 (vii) Acupuncturists certified under chapter 18.06 RCW;

24 (viii) Radiologic technologists certified under chapter 18.84 RCW;

25 (ix) Respiratory care practitioners certified under chapter 18.89
26 RCW;

27 (x) Persons registered or certified under chapter 18.19 RCW;

28 (xi) Persons registered as nursing pool operators;

29 (xii) Nursing assistants registered or certified under chapter
30 (~~18.52B~~) 18.88A RCW;

31 (xiii) Dietitians and nutritionists certified under chapter 18.138
32 RCW;

33 (xiv) Sex offender treatment providers certified under chapter
34 18.155 RCW; ((and))

35 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW
36 18.71.205; and

37 (xvi) Denturists certified under chapter 18.-- RCW (sections 1
38 through 16 of this act).

1 (b) The boards having authority under this chapter are as follows:
2 (i) The podiatric medical board as established in chapter 18.22
3 RCW;
4 (ii) The chiropractic disciplinary board as established in chapter
5 18.26 RCW governing licenses issued under chapter 18.25 RCW;
6 (iii) The dental disciplinary board as established in chapter 18.32
7 RCW;
8 (iv) The council on hearing aids as established in chapter 18.35
9 RCW;
10 (v) The board of funeral directors and embalmers as established in
11 chapter 18.39 RCW;
12 (vi) The board of examiners for nursing home administrators as
13 established in chapter 18.52 RCW;
14 (vii) The optometry board as established in chapter 18.54 RCW
15 governing licenses issued under chapter 18.53 RCW;
16 (viii) The board of osteopathic medicine and surgery as established
17 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
18 18.57A RCW;
19 (ix) The medical disciplinary board as established in chapter 18.72
20 RCW governing licenses and registrations issued under chapters 18.71
21 and 18.71A RCW;
22 (x) The board of physical therapy as established in chapter 18.74
23 RCW;
24 (xi) The board of occupational therapy practice as established in
25 chapter 18.59 RCW;
26 (xii) The board of practical nursing as established in chapter
27 18.78 RCW;
28 (xiii) The examining board of psychology and its disciplinary
29 committee as established in chapter 18.83 RCW;
30 (xiv) The board of nursing as established in chapter 18.88 RCW; and
31 (xv) The veterinary board of governors as established in chapter
32 18.92 RCW.
33 (3) In addition to the authority to discipline license holders, the
34 disciplining authority has the authority to grant or deny licenses
35 based on the conditions and criteria established in this chapter and
36 the chapters specified in subsection (2) of this section. However, the
37 board of chiropractic examiners has authority over issuance and denial
38 of licenses provided for in chapter 18.25 RCW, the board of dental
39 examiners has authority over issuance and denial of licenses provided

1 for in RCW 18.32.040, and the board of medical examiners has authority
2 over issuance and denial of licenses and registrations provided for in
3 chapters 18.71 and 18.71A RCW. This chapter also governs any
4 investigation, hearing, or proceeding relating to denial of licensure
5 or issuance of a license conditioned on the applicant's compliance with
6 an order entered pursuant to RCW 18.130.160 by the disciplining
7 authority.

8 NEW SECTION. **Sec. 19.** Sections 1 through 16 of this act shall
9 constitute a new chapter in Title 18 RCW.

10 NEW SECTION. **Sec. 20.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and shall take
13 effect July 1, 1993.

14 NEW SECTION. **Sec. 21.** The sum of dollars, or as much
15 thereof as may be necessary, is appropriated for the biennium ending
16 June 30, 1995, from the health professions account under RCW 43.70.320
17 to the department of health for the purposes of this act.

18 NEW SECTION. **Sec. 22.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

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