

HOUSE BILL REPORT

HB 2309

As Reported by House Committee On:
Health Care

Title: An act relating to the authority of the Washington state board of denturists.

Brief Description: Concerning the authority of the Washington state board of denturists.

Sponsors: Representatives Cody, Campbell, Schual-Berke, Darneille, Edwards and Kenney;
by request of Department of Health.

Brief History:

Committee Activity:

Health Care: 1/17/02, 1/25/02 [DPS].

Brief Summary of Substitute Bill

- Reenacts statutes relating to the licensing of denturists and the authority of the Board of Denturist Technology to reflect current case law as interpreted by the Washington State Court of Appeals.
- Transfers the licensing and rule-making authority of the secretary of the Department of Health to the board.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Schual-Berke, Vice Chair; Campbell, Ranking Minority Member; Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Staff: John Welsh (786-7133).

Background:

In 1994, voters approved Initiative 607 which licensed denturists and established the state Board of Denture Technology. The board is authorized to determine qualifications for licensing, prescribe, administer and determine the requirements for examinations of applicants, adopt rules, set license and examination fees, and evaluate and designate approved schools. The secretary of health is the disciplinary authority under the Uniform

Disciplinary Act.

In 1995, the Legislature enacted legislation which transferred denturist licensing authority to the secretary of health and was codified in Chapter 18.30 RCW. This legislation was later ruled unconstitutional on technical grounds by the Washington State Court of Appeals, and the original licensing authority reverted to the board. The Legislature also enacted legislation transferring disciplinary authority from the board to the secretary of health under the Uniform Disciplinary Act. This legislation was challenged on constitutional grounds and upheld by the court.

The legislative enactments codified by the Code Reviser's Office in the present statutes do not reflect current law as interpreted by the state court of appeals.

An applicant who is licensed in another state or federal enclave that maintains standards of practice substantially equivalent to those of this chapter shall be licensed by the secretary of health without examination.

Summary of Substitute Bill:

The statutes relating to the licensing of denturists and the authority of the denturist board are reenacted to reflect current law as interpreted by the state court of appeals. The licensing authority of the secretary of health is transferred to the board, including the responsibilities for determining the qualifications for applicants, the requirements for examination, and rule-making authority.

The name of the board is changed to the Washington State Board of Denturists.

An applicant licensed in another state, including US territories, the District of Columbia or Commonwealth of Puerto Rico, with substantially equivalent licensing standards as those in this chapter, shall be licensed by the secretary without examination.

Substitute Bill Compared to Original Bill:

The board is authorized to adopt rules in consultation and agreement with the secretary of health.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The codified statutes should be clarified to reflect existing law as interpreted by the state court of appeals. Currently, these statutes in the code do not reflect the court holding.

Testimony Against: None.

Testified: (Support) Sue Shoblom and Patty Hayes, Department of Health; and Steve Wehrly, Washington State Denturist Association.

(Concerns) David Michener, Washington State Dental Association.