

HOUSE BILL REPORT

SHB 1782

As Passed House:
January 22, 2018

Title: An act relating to dental laboratories.

Brief Description: Concerning dental laboratories.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Stonier, Harris, Cody, Schmick and Caldier).

Brief History:

Committee Activity:

Health Care & Wellness: 2/14/17, 2/17/17 [DPS];

Appropriations: 2/24/17 [DPS(HCW)].

Floor Activity:

Passed House: 3/3/17, 96-1.

Floor Activity:

Passed House: 1/22/18, 94-1.

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Creates a registration program for dental laboratories.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Rodne, Slatter, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 1 member: Representative Schmick, Ranking Minority Member.

Staff: Jim Morishima (786-7191).

HOUSE COMMITTEE ON APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Fitzgibbon, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Tharinger, Vick, Volz and Wilcox.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor.

Staff: Andy Toulon (786-7178).

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 Substitute Bill:

All dental laboratories operating, doing business, or intending to operate or do business in Washington must register with the Dental Quality Assurance Commission (DQAC). 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 operating in a licensed dentist's office or in an educational institution is not required to register as long as the laboratory does not perform work outside the institution or office.

"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 DQAC 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 DQAC 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, 2018, 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, 2023, 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 and are subject to disciplinary action for violations of registration requirements. 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) Dental restorations are placed in our bodies. Yet, dental laboratories are not required to inform dentists and patients what materials are contained in the restorations. This bill provides the transparency necessary to protect health and safety. The registration system in this bill will provide accountability. The registration of dental laboratories is supported on a national level. This bill will ensure that dental laboratories adhere to the highest standards.

(Opposed) None.

(Other) Denturists should not have to obtain a second license to perform tasks within their scope of practice. Denturists are different from dental laboratories and should be exempt from this bill.

Staff Summary of Public Testimony (Appropriations):

(In support) Like all professions and facilities regulated by the Department of Health, the full cost of this program will be borne by the regulated entities. The agencies impacted by this legislation are prepared to pay for these costs in order to improve transparency and patient safety.

(Opposed) None.

Persons Testifying (Health Care & Wellness): (In support) Brad Tower, Matthew Chapman, and Eric Thorn, Washington State Dental Laboratory Association; and Mellani McAleen, Washington State Dental Association.

(Other) Carolyn Logue, Washington Denturist Association.

Persons Testifying (Appropriations): Brad Tower, Washington State 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.