

CHAPTER I

[Initiative 607]

DENTURISTS REGULATED

AN ACT Relating to denturism; amending RCW 18.120.020 and 18.130.040; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Be it enacted by the People of the State of Washington:

NEW SECTION. Sec. 1. The state of Washington finds that to realize the state's current statutory policy of regulating health professions at the least restrictive level consistent with the public interest, a program of licensure for denturists should be established. The intent of the legislature is to help assure the public's health, provide a mechanism for consumer protection, and offer cost-effective alternatives for denture care services and products to individual consumers and the state.

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

(1) "Board" means the state board of denture technology.

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

(3) "Denturist" means a person licensed under this chapter to engage in the practice of denturism.

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

(5) "Practice of denturism" means:

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

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

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

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

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

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

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

(3) A dentist must successfully complete special training in oral pathology prescribed by the board, whether as part of an approved associate degree program or equivalent training, and pass an examination prescribed by the board, which may be a part of the examination for licensure to become a licensed dentist.

NEW SECTION. Sec. 4. No person may represent himself or herself as a licensed dentist or use any title or description of services without applying for licensure, meeting the required qualifications, and being licensed as a dentist by the department, unless otherwise exempted by this chapter.

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

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

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

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

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

NEW SECTION. Sec. 6. (1) The state board of denture technology is created. The board shall consist of seven members appointed by the secretary as follows:

(a) Four members of the board must be denturists licensed under this chapter, except initial appointees, who must have five years' experience in the field of denturism or a related field.

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

(c) One member must be a dentist licensed in the state of Washington.

(2) The members of the board shall serve for terms of three years. The terms of the initial members shall be staggered, with the members appointed under subsection (1)(a) of this section serving two-year and three-year terms initially and the members appointed under subsection (1) (b) and (c) of this section serving one-year, two-year, and three-year terms initially. Vacancies shall be filled in the same manner as the original appointments are made. Appointments to fill vacancies shall be for the remainder of the unexpired term of the vacant position.

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

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

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

NEW SECTION. Sec. 7. (1) The board shall elect a chairperson of the board annually. The same person may not hold the office of chairperson for more than three years in succession.

(2) A majority of the board constitutes a quorum for all purposes, and a majority vote of the members voting governs the decisions of the board.

NEW SECTION. Sec. 8. The board shall:

(1) Determine the qualifications of persons applying for licensure under this chapter;

(2) Prescribe, administer, and determine the requirements for examinations under this chapter and establish a passing grade for licensure under this chapter;

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

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

(5) Advise the secretary on the hiring of clerical, administrative, investigative, and other staff as needed to implement this chapter and act on behalf of the board;

(6) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's completion of coursework requirements for licensure; and

(7) Act as the disciplining authority under this chapter in accordance with the uniform disciplinary act, chapter 18.130 RCW, which governs unlicensed practice, the issuance and denial of licenses, and the disciplining of license holders under this chapter.

NEW SECTION. Sec. 9. The secretary shall:

(1) Issue licenses for the practice of denturism under this chapter;

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

(3) Establish forms and procedures necessary to administer this chapter;

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

(5) Issue licenses of endorsement for applicants from states that maintain standards of practice substantially equivalent to this state.

NEW SECTION. Sec. 10. The secretary shall issue a license to practice denturism to an applicant who submits a completed application, pays the appropriate fees, and meets the following requirements:

(1) A person currently licensed to practice denturism under statutory provisions of another state or federal enclave that maintains standards of practice

substantially equivalent to this chapter shall be licensed without examination upon providing the department with the following:

(a) Proof of successfully passing a written and clinical examination for denturism in a state that the board has determined has substantially equivalent standards as those in this chapter in both the written and clinical examinations; and

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

(2) A person graduating from a formal denturism program shall be licensed if he or she:

(a) Documents successful completion of formal training with a major course of study in denturism of not less than two years in duration at an educational institution recognized by the board; and

(b) Passes a written and clinical examination approved by the board.

(3) An applicant who does not otherwise qualify under subsection (1) or (2) of this section shall be licensed within two years of the effective date of this act if he or she:

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

(b) Provides documentation of successful completion of a training course approved by the board or completion of an equivalent course approved by the board; and

(c) Passes a written and clinical examination administered by the board.

NEW SECTION. Sec. 11. The board shall administer the examinations for licensing under this chapter, subject to the following requirements:

(1) Examinations shall determine the qualifications, fitness, and ability of the applicant to practice denturism. The test shall include a written examination and a practical demonstration of skills.

(2) Examinations shall be held at least annually.

(3) The first examination shall be conducted not later than July 1, 1995.

(4) The written examination shall cover the following subjects: (a) Head and oral anatomy and physiology; (b) oral pathology; (c) partial denture construction and design; (d) microbiology; (e) clinical dental technology; (f) dental laboratory technology; (g) clinical jurisprudence; (h) asepsis; (i) medical emergencies; and (j) cardiopulmonary resuscitation.

(5) Upon payment of the appropriate fee, an applicant who fails either the written or practical examination may have additional opportunities to take the portion of the examination that he or she failed.

The board or secretary may hire trained persons licensed under this chapter to administer and grade the examinations or may contract with regional examiners who meet qualifications adopted by the board.

NEW SECTION. Sec. 12. The department shall charge and collect the fees established by the board. Fees collected shall be placed in the health professions account under RCW 43.70.320.

NEW SECTION. Sec. 13. (1) A license issued under section 9 of this act is valid for two years. A license may be renewed by paying the renewal fee.

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

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

NEW SECTION. Sec. 14. The board shall establish by rule the administrative requirements for renewal of licenses to practice denturism, but shall not increase the licensure requirements provided in this chapter. The board shall establish a renewal and late renewal penalty in accordance with RCW 43.70.250. Failure to renew shall invalidate the license and all privileges granted by the license. The board shall determine by rule whether a license shall be canceled for failure to renew and shall establish procedures and prerequisites for relicensure.

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

(2) The inactive renewal fee shall be established by the board. Failure to renew an inactive license shall result in cancellation in the same manner as failure to renew an active license results in cancellation.

(3) An inactive license may be placed in an active status upon compliance with rules established by the board.

(4) The provisions relating to denial, suspension, and revocation of a license are applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 16. Notwithstanding any other provision of state law, a licensed denturist may enter into a partnership or other business association with a dentist, provided that such association does not impede the independent professional judgment of either party.

NEW SECTION. Sec. 17. This chapter may be known and cited as the Washington state denturist act.

Sec. 18. RCW 18.120.020 and 1989 c 300 s 14 are each amended to read as follows:

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

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health

professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

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

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

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: (~~Podiatry~~) podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.— RCW (sections 2 through 17 of this act); dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

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

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

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence

of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

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

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

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

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

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

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

Sec. 19. RCW 18.130.040 and 1993 c 367 s 4 are each amended to read as follows:

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

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

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists certified under chapter 18.06 RCW;
- (viii) Radiologic technologists certified under chapter 18.84 RCW;
- (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;

- (xi) Persons registered as nursing pool operators;
 - (xii) Nursing assistants registered or certified under chapter 18.88A RCW;
 - (xiii) Health care assistants certified under chapter 18.135 RCW;
 - (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
 - (xv) Sex offender treatment providers certified under chapter 18.155 RCW;
- and
- (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205.

- (b) The boards having authority under this chapter are as follows:
 - (i) The podiatric medical board as established in chapter 18.22 RCW;
 - (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
 - (iii) The dental disciplinary board as established in chapter 18.32 RCW;
 - (iv) The ~~((council on))~~ board on fitting and dispensing of hearing aids as established in chapter 18.35 RCW;
 - (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
 - (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 - (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
 - (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
 - (ix) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
 - (x) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
 - (xi) The board of physical therapy as established in chapter 18.74 RCW;
 - (xii) The board of occupational therapy practice as established in chapter 18.59 RCW;
 - (xiii) The board of practical nursing as established in chapter 18.78 RCW;
 - (xiv) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
 - (xv) The board of nursing as established in chapter 18.88 RCW; ~~((and))~~
 - (xvi) The veterinary board of governors as established in chapter 18.92 RCW; and
 - (xvii) Denturists licensed under chapter 18.— RCW (sections 2 through 17 of this act).

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over

issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 20. Sections 2 through 17 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 48.20 RCW to read as follows:

Notwithstanding any provision of any disability insurance contract covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed under chapter 18.— RCW (sections 2 through 17 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

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

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed under chapter 18.— RCW (sections 2 through 17 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

NEW SECTION. Sec. 23. A new section is added to chapter 48.43 RCW to read as follows:

Notwithstanding any provision of any certified health plan covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed under chapter 18.— RCW (sections 2 through 17 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such plan would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 48.44 RCW to read as follows:

Notwithstanding any provision of any health care service contract covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed

under chapter 18.— RCW (sections 2 through 17 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 48.46 RCW to read as follows:

Notwithstanding any provision of any health maintenance organization agreement covering dental care as provided for in this chapter, effective January 1, 1995, benefits shall not be denied thereunder for any service performed by a denturist licensed under chapter 18.— RCW (sections 2 through 17 of this act) if (1) the service performed was within the lawful scope of such person's license, and (2) such agreement would have provided benefits if such service had been performed by a dentist licensed under chapter 18.32 RCW.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Originally filed in Office of Secretary of State January 18, 1994.

Approved by the People of the State of Washington in the General Election on November 8, 1994.

CHAPTER 2

[Senate Bill 5038]

HEALTH BENEFITS AND STANDARDS—EXTENSION OF DEADLINES

AN ACT Relating to modifying time periods for adoption of health benefits and standards; amending RCW 43.72.090, 43.72.180, 70.47.020, and 70.47.060; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.72.090 and 1993 c 492 s 427 are each amended to read as follows:

(1) On and after (~~(July 1)~~) December 31, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in RCW 43.72.010 without being certified as a certified health plan by the insurance commissioner.

(2) On and after (~~(July 1)~~) December 31, 1995, no certified health plan may offer less than the uniform benefits package to residents of this state and no registered employer health plan may provide less than the uniform benefits package to its employees and their dependents.

(3) The health services commission may authorize renewal or continuation until December 31, 1996, of health care service contracts, disability group insurance, or health maintenance policies in effect on December 31, 1995.

Sec. 2. RCW 43.72.180 and 1993 c 492 s 454 are each amended to read as follows: