

Report From Agency

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DENTISTRY EXAMINING BOARD : ON CLEARINGHOUSE RULE 09-007
: (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The Department of Regulation and Licensing estimates that this rule will require staff time in the Office of Legal Counsel, Office of Examinations, and the Division of Professional Credentialing. The total one-time salary and fringe costs are estimated at \$9,732. The total on-going salary and fringe costs are estimated at \$1,146. The department finds that this rule has no significant fiscal effect on the private sector.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Until July 2, 2003, the Dentistry Examining Board relied on the Marquette University School of Dentistry to provide a program to meet the need for the evaluation of didactic and clinical training of graduates of dental schools that are not accredited. At the request of the Marquette University School of Dentistry, the evaluation program was discontinued and due to the unavailability of a board approved evaluation program, the board ceased licensing of foreign trained dentists. The board subsequently began a search for other acceptable programs.

The endorsement licensure provision is amended to enable foreign trained dentists to qualify for a license through endorsement. Currently, a foreign trained dentist cannot qualify for a license through endorsement because they do not meet the requirement that the applicant graduated from an accredited school of dentistry. This rule proposal enables a foreign trained dentist to qualify for a license through endorsement if he or she submits evidence satisfactory to the board that he or she has graduated from a foreign dental school and has successfully completed an accredited postgraduate program in advanced education in general dentistry or an accredited general dental practice

residency. All other requirements for qualifying for a license through endorsement remain in effect for all applicants.

Section DE 2.01 (1), relating to the initial licensing requirements for all applicants, is amended to remove the language relating to foreign trained dentists. A new provision is created for initial licensure that applies only to foreign trained dentists. A foreign trained dentist will qualify for a license if he or she submits to the board evidence of graduation from a foreign dental school, evidence of successful completion of an accredited postgraduate program in advanced education in general dentistry or an accredited general dental practice residency. In addition, a foreign trained dentist must submit the same information required of non-foreign trained dentists.

Chapter DE 4, Educational Programs Meeting Licensing and Certification Requirements, is being repealed. Section DE 4.01 states that the board shall approve ADA CODA accredited educational programs. That is already established in statute. It also allows the board to approve other programs. This rule repeals the board's ability to approve other programs.

Section DE 4.02 gives the board the authority to approve evaluation programs for foreign trained dentists. Repealing this provision takes away that authority from the board. The repeal of this provision is consistent with this proposed rule-making order. This rule-making order deletes the language in s. DE 2.01 (1) (e) that states that a foreign trained dentist meets the educational requirements for a license if verification is provided from a "board approved foreign graduate evaluation program of successful completion of the evaluation course." By deleting that language, s. DE 4.02 becomes obsolete for licensure purposes and should be repealed. This rule-making order replaces that deleted language by requiring a foreign trained applicant to have completed an ADA CODA approved program.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on March 4, 2009. The following individuals appeared at the public hearing and provided oral and written comments, all in support of the proposed rule-making:

Eugene Shoemaker, Waukesha, WI, Vice President, Wisconsin Dental Association.

Jeremy Levin, Sauk City, WI, Director of Advocacy, Rural Wisconsin Health Cooperative.

Tom Petri, Madison, WI, Wisconsin Primary Health Care Association.

Public comments submitted in opposition to the rule:

Richard J. Hagner, D.D.S., M.A.G.D., A.B.G.D., submitted written comments in opposition to the rule. Dr. Hagner is the President of the Wisconsin Academy of General Dentistry and a Clinical Assistant Professor at Marquette University School of Dentistry.

The board considered Dr. Hagner's comments at its meeting on May 6, 2009. Based upon its review of Dr. Hagner's comments, the board elected not to make changes to the proposed rules.

Dr. Hagner's comments and the board's response can be summarized as follows:

1. The challenge is to make sure that all dentists, foreign trained or not, have the public clinical skills at the time of licensing to protect the health, welfare and safety of the public.

The board concurs with Dr. Hagner's conclusion that the ultimate goal of licensing is to provide protection to the public.

2. Wis. Stats. s. 447.04 (1) (b) 1., states, in part, that the board may grant a license to practice dentistry to an individual who is licensed in good standing to practice dentistry in another state or territory of the United States or in another country if the applicant complies with certain requirements. Dr. Hagner believes that the requirement that the applicant be "in good standing" to practice dentistry should be included in the proposed rule under s. DE 2.01 (1).

The board's response is that it is not necessary to include the "good standing" requirement in the rules because it is already contained in the statutes. The board will apply the "good standing" requirement at the time it considers whether an applicant has satisfied all requirements for licensure.

3. The Illinois summary in Section 4 of the plain language analysis appears to be missing some information at the end of the second sentence.

The board has revised Section 4 to incorporate the missing information.

4. It appears that under s. DE 2.01 (1) (f), the requirement for the National Board Examination has been eliminated for the licensing of foreign trained dentists.

The board's response is that the requirement for the national examination has not been eliminated for the licensing of foreign trained dentists. The requirement for verification of successful completion of the national examination is set forth in proposed s. DE 2.01 (1m) (b).

5. The curriculum offered in conjunction with postgraduate residency programs is usually very good; however, there is no explanation of how clinical competency is evaluated or assessed during the programs.

The board's response is that if a postgraduate residency program is accredited by the American Dental Association Commission on Dental Accreditation (CODA), the program must comply with the accreditation standards established by that organization. CODA accreditation standards mandate that a program proves that it accepts the

competency of the individuals enrolled in its training program. A program must also document outcomes and training hours, as well as perform evaluations of the individuals enrolled in the program.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

DE 2, 4 CR09-007 (Foreign trained dentists) Report to Leg 6-26-09