

CERTIFICATE

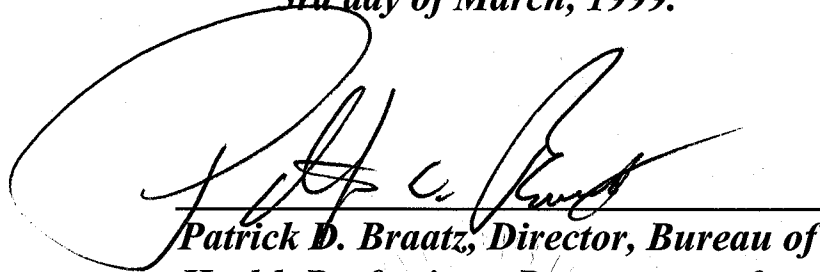
**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Dentistry Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Dentistry Examining Board on the 3rd day of March, 1999.

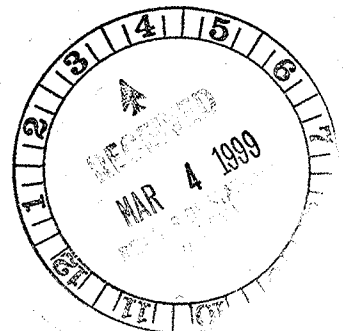
I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

**IN TESTIMONY WHEREOF, I
have hereunto set my hand and
affixed the official seal of the
board at 1400 East Washington
Avenue, Madison, Wisconsin this
3rd day of March, 1999.**



**Patrick D. Braatz, Director, Bureau of
Health Professions, Department of
Regulation and Licensing**

98-077



5-1-99

STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 98-077)

ORDER

An order of the Dentistry Examining Board to *repeal* DE 1.02 (6) and (8), 2.01 (1) (b), 5.02 (19) and 11.11 (6) (b); to *amend* DE 1.02 (4), 2.01 (1) (intro.), (a), (c), (e) and (f), 2.02 (title), (1), (2) and (3), 2.03 (1) (b), (5) (a) 2. and (6) (b), 2.04 (1) (intro.), (c), (e), (2) (intro.), (c) and (d), 5.02 (6), (18), (21), (22) and (23) and 6.01; and to *create* DE 2.05, 2.06, 2.07 and 2.08, relating to dentists and dental hygienists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 447.02 and 447.04 (1) (a) 6. and (2) (a) 6., Stats.

Statutes interpreted: ss. 447.04, 447.05 and 447.07, Stats.

This proposed rule-making order of the Dentistry Examining Board contains many amendments which relate to the definitions, the statutory authority, and the form, style, placement, clarity, grammar, punctuation and plain language of the current rules.

The following sections contain changes of a more substantive nature or are specifically identified to facilitate review of the proposal:

SECTION 1 amends s. DE 1.02 (4) by deleting the reference to a "written part" of the examination as being included within the definition of the clinical and laboratory demonstration required of candidates for a license to practice dentistry. The dentistry examination described within the definition no longer contains a written portion.

SECTION 2 repeals s. DE 1.02 (6) deleting the definition of "examination" as the examinations required for licensure are more specifically described in ch. DE 2. And SECTION 2 also repeals s. DE 1.02 (8) which provides a definition of "supervision" of the practice of dental hygiene by a dentist, since there are no statutory references specifically requiring a dentist to supervise a dental hygienist's practice. Therefore, references to supervision in the board's rules should be deleted.

SECTION 4 repeals s. DE 2.01 (1) (b) which currently requires that applicants for a license submit a current photograph. The submission of a photograph does not serve any real purpose, in that applicants are required to provide adequate identification through a driver's license or other means at the time of examination.

SECTION 8 amends portions of s. DE 2.04 to change the current references from "clinical examination" to "clinical and laboratory demonstrations," so as to be consistent with the definition contained in s. DE 1.02 (4).

SECTION 9 creates s. DE 2.05, making the criteria for determining a passing score on an examination similar to other rules of the department and boards in the department permitting the use of scoring procedures that testing experts agree are acceptable for establishing valid and reliable examinations. SECTION 9 also creates s. DE 2.06, specifying the actions which may be taken by the board in the event an examination candidate is found to have provided or received unauthorized assistance during an examination. SECTION 9 also creates s. DE 2.07, to provide a specific mechanism by which an examination administered by the board may be reviewed by failing candidates. Similarly, SECTION 9 creates s. DE 2.08, to describe the specific format to be followed in requesting that the board review the failing candidate's examination for claimed errors in scoring.

SECTION 14 repeals s. DE 11.11 (6) (b), which is no longer necessary in that it gave licensees until November 1, 1989 to obtain specified equipment for the use of nitrous oxide in a dental facility.

TEXT OF RULE

SECTION 1. DE 1.02 (4) is amended to read:

DE 1.02 (4) "Clinical and laboratory demonstration" means a comprehensive examination approved by the board consisting of ~~a written part and~~ a demonstration of skills, operative and restorative techniques and practical application of the basic principles of the practice of dentistry or a comprehensive examination approved by the board consisting of a written part and a demonstration of skills, techniques and practical application of the basic principles of the practice of dental hygiene.

SECTION 2. DE 1.02 (6) and (8) are repealed.

SECTION 3. DE 2.01 (1) (intro.) and (a) are amended to read:

DE 2.01 (1) (intro.) An applicant for license as a dentist shall submit all of the following to the board:

(a) An application on a form approved by the board;

SECTION 4. DE 2.01 (1) (b) is repealed.

SECTION 5. DE 2.01 (1) (c), (e) and (f) are amended to read:

DE 2.01 (1) (c) The fee ~~specified in~~ authorized by s. 440.05 (1), Stats.;

(e) Evidence satisfactory to the board of having completed educational requirements in s. 447.04 (1), Stats. In the case of a graduate of a foreign dental school, verification shall be provided from a board-approved foreign graduate evaluation program of successful completion of the evaluation course;

(f) Verification from the commission on national examinations of the American dental association or other board-approved professional testing services of successful completion of an examination; ~~and~~.

SECTION 6. DE 2.02 (title), (1), (2) and (3) are amended to read:

DE 2.02 (title) **Duration of license.** (1) Every person granted a license as a dentist shall be deemed ~~registered~~ licensed for the current ~~registration~~ biennial license period.

(2) Every person granted a license as a dental hygienist shall be deemed ~~registered~~ licensed for the current ~~registration~~ biennial license period.

(3) ~~Registrants~~ Licenses shall qualify biennially for ~~certificates of registration~~ renewal of license.

SECTION 7. DE 2.03 (1) (b), (5) (a) 2. and (6) (b) are amended to read:

DE 2.03 (1) (b) The fee ~~specified in~~ authorized by s. 440.08 (2), Stats.

(5) (a) 2. The fee ~~specified in~~ authorized by s. 440.08 (2), Stats., plus the applicable late renewal fee ~~specified in~~ authorized by s. 440.08 (3), Stats.

(6) (b) The fee ~~specified in~~ authorized by s. 440.05 (1), Stats.;

SECTION 8. DE 2.04 (1) (intro.), (c) and (e), and (2) (intro.), (c) and (d) are amended to read:

DE 2.04 (1) (intro.) The board may grant a license as a dentist to an applicant who holds a valid license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee ~~specified in~~ authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(c) The applicant has not failed the central regional dental testing service clinical and laboratory demonstration examination, or any other dental licensing examination, within the previous 3 years.

(e) The applicant has successfully completed a clinical and laboratory demonstration licensing examination on a human subject which, in the board's judgment, is substantially equivalent to the clinical and laboratory demonstration examination administered by the central regional dental testing services, or, alternatively, has successfully completed a board specialty certification examination of an American dental association accredited specialty within the previous 10 years.

(2) (intro.) The board may grant a license as a dental hygienist to an applicant who holds a license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee specified in authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(c) The applicant has not failed the central regional dental testing service clinical and laboratory demonstration examination, or any other dental hygiene licensing examination, within the previous 3 years.

(d) The applicant has successfully completed a clinical and laboratory demonstration examination on a human subject which, in the board's judgment, is substantially equivalent to the clinical and laboratory demonstration examination administered by the central regional dental testing service.

SECTION 9. DE 2.05, 2.06, 2.07 and 2.08 are created to read:

DE 2.05 Examination passing score. The score required to pass an examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point which represents minimum acceptable competence in the profession.

DE 2.06 Unauthorized assistance. An applicant may not give or receive unauthorized assistance during the examination. The action taken by the board when unauthorized assistance occurs shall be related to the seriousness of the offense. These actions may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination in which the unauthorized assistance occurred.

DE 2.07 Examination review. (1) An applicant who fails an examination administered by the board may request a review of that examination by filing a written request to the board within 30 days after the date on which the examination results were mailed to the applicant.

(2) An examination review shall be conducted under the following conditions:

- (a) The time for review shall be limited to one hour.
- (b) The examination shall be reviewed only by the applicant and in the presence of a proctor.
- (c) The proctor may not respond to inquiries by the applicant regarding allegations of examination error.
- (d) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing by the applicant on the form provided for this purpose. The request shall be reviewed by the board in consultation with a subject matter expert. The applicant shall be notified in writing of the board's decision.
- (e) An applicant shall be permitted only one review of the failed examination each time it is taken and failed.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

DE 2.08 Claim of examination error. (1) An applicant wishing to claim an error on an examination administered by the board must file a written request for board review in the board office within 30 days after the date the examination was reviewed. The request shall include all of the following:

- (a) The applicant's name and address.
 - (b) The type of license applied for.
 - (c) A description of the perceived error, including reference text citations or other supporting evidence for the applicant's claim.
- (2) The request shall be reviewed by the board in consultation with a subject matter expert. The applicant shall be notified in writing of the board's decision.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 10. DE 5.02 (6) and (18) are amended to read:

DE 5.02 (6) Administering, dispensing, prescribing, supplying or obtaining controlled substances as defined in s. ~~161.01 (4)~~ 961.01 (4), Stats.

(18) Failing to maintain records and inventories as required by the United States department of justice drug enforcement administration, and under ch. ~~161~~ 961, Stats., and s. Phar 8.02, Wis. Adm. Code.

SECTION 11. DE 5.02 (19) is repealed.

SECTION 12. DE 5.02 (21), (22) and (23) are amended to read:

DE 5.02 (21) Aiding or abetting or permitting unlicensed persons in the practice of dentistry, as defined in s. 447.02 (1) (a) to (j) 447.01 (8), Stats.

(22) Aiding or abetting or permitting unlicensed persons in the practice of dental hygiene, as defined in s. ~~3.02~~ 447.01 (3), Stats.

(23) Obtaining, prescribing, dispensing, administering or supplying a controlled substance designated as a schedule II, III or IV stimulant in s. ~~161.15 (5), 161.18 (2m) or 161.20 (2m)~~ 961.16 (5), 961.18 (2m) or 961.20 (2m), Stats., unless the dentist has submitted, and the board has approved, a written protocol for use of a schedule II, III or IV stimulant for the purpose of clinical research, prior to the time the research is conducted.

SECTION 13. DE 6.01 is amended to read:

DE 6.01 **Authority.** The rules in this chapter are adopted pursuant to authority ~~[in]~~ in s. ~~447.07 (6)~~ 447.07 (3) (o), Stats.

SECTION 14. DE 11.11 (6) (b) is repealed.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated 3-3-99

Agency



Chairperson
Dentistry Examining Board

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1/28/99



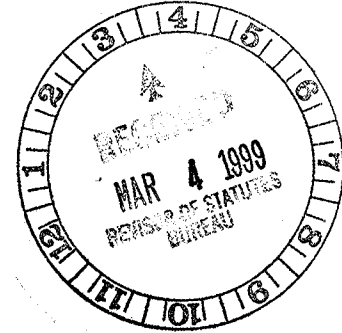
State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: March 4, 1999

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Administrative Rules Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: DENTISTRY EXAMINING BOARD
Clearinghouse Rule 98-077

Attached is a copy and a certified copy of a final order adopting rules relating to dentists and dental hygienists. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.