

Clearinghouse Rule 09-007
STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 09-)

PROPOSED ORDER

An order of the Dentistry Examining Board to repeal ch. DE 4; to renumber DE 1.02 (1); to amend DE 2.01 (1) (e) and 2.04 (1) (a); and to create DE 1.02 (1) and 2.01 (1m), relating to licensure of foreign trained dentists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 447.04 (1) (a) and (b), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 447.04 (1) (b) 1., Stats.

Explanation of agency authority:

Section 447.04 (1) (b) 1., Stats., enables the Dentistry Examining Board to write rules for the licensing of individuals who are licensed in good standing to practice dentistry in another country.

Related statute or rule:

There are no related statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making creates a route for foreign trained dentists to be licensed in Wisconsin. It creates requirements that a foreign trained dentist must meet to get a license for both initial licensure and endorsement.

SECTION 1 renumbers s. DE 1.02 (1).

SECTION 2 creates a definition for “accredited” to mean accredited by the American Dental Association’s Commission on Dental Accreditation (ADA CODA) or its successor agency. This is the same definition that is in s. 447.01 (1), Stats.

SECTION 3 amends the rule to delete foreign trained dentists from the initial licensing requirements in s. DE 2.01 (1). Section DE 2.01 (1) lists the items and evidence an applicant must submit to the board to receive an initial license.

SECTION 4 creates a new provision 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 the 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 listed in s. DE 2.01 (1) (a) to (d) and (g).

SECTION 5 amends the endorsement licensure provision in s. DE 2.04 (1) (a), 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 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 6 repeals ch. DE 4, Educational Programs Meeting Licensing and Certification Requirements. Chapter DE 4 consists of ss. DE 4.01 and 4.02. 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.

Summary of, and comparison with, existing or proposed federal regulation:

There are no existing or proposed federal regulations.

Comparison with rules in adjacent states:**Iowa:**

Iowa requires attendance of at least 2 years at a CODA accredited school. No DDS or DMD is required, but the dean of the school attended must verify the same level of didactic and clinical education has been achieved as a graduate of the dental school. A diploma, degree, or certificate must be awarded upon completion.

Illinois:

A minimum of two academic years of general dental clinical training at a school in the United States or Canada approved by the department (CODA) approved school is required. However, an accredited advanced dental education program approved by the department.

Michigan:

Michigan requires completion of, at minimum, a 2 year program in an ADA approved school. No DDS or DMD is required. The individual must be confirmed by the dean of the school attended.

Minnesota:

A 2001 law makes international graduates eligible to take the clinical examination (e.g., CRDTS) if education is determined to be equivalent to a CODA accredited dental education program. International Credentialing Associates, Inc., (ICA) is the equivalency evaluation company the board uses. Minnesota accepts completion of an advanced program in dentistry (CODA approved) in lieu of ICA evaluation.

Summary of factual data and analytical methodologies:

The board reviewed its current rules and the rules of other states. A considerable amount of time was spent during board meetings examining how foreign trained dentists are credentialed. This involved an analysis of the available evaluation programs that are operational in other states. The board also examined the process of accrediting postgraduate residency training programs. Representatives of the American Dental Association presented information to the board regarding its accreditation standards and procedures, and a significant amount of time was spent discussing how best to credential foreign trained dentists.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

No new reports or forms are required under the rule. The impact on small businesses is anticipated to be positive due to the increase in the number of dentists available for hire. Nearly all dental practices in Wisconsin are small businesses.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department 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.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at larry.martin@wisconsin.gov, or by calling 608-266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at pamela.haack@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to pamela.haack@wisconsin.gov. Comments must be received on or before March 20, 2009, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. DE 1.02 (1) is renumbered DE 1.02 (1m).

SECTION 2. DE 1.02 (1) is created to read:

DE 1.02 (1) "Accredited" means accredited by the American Dental Association Commission on Dental Accreditation or its successor agency.

SECTION 3. DE 2.01 (1) (e) is amended to read:

DE 2.01 (1) (e) Evidence satisfactory to the board of having ~~completed educational requirements in s. 447.04 (1), Stats~~ graduated from an accredited dental school. ~~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.~~

SECTION 4. DE 2.01 (1m) is created to read:

DE 2.01 (1m) An applicant for a license as a dentist who is a graduate of a foreign dental school shall submit all of the following to the board:

- (a) Evidence satisfactory to the board of having graduated from a foreign dental school.
- (b) The information required in sub. (1) (a) to (d), (f) and (g).
- (c) Evidence of the successful completion of an accredited postgraduate program in advanced education in general dentistry or an accredited general dental practice residency.

SECTION 5. DE 2.04 (1) (a) is amended to read:

DE 2.04 (1) (a) The applicant has graduated from ~~a~~ an accredited school of dentistry accredited by the American dental association or the applicant 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.

SECTION 6. Ch. DE 4 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 _____

Agency _____

Chairperson
Dentistry Examining Board

DE 2, 4 CR09- (Foreign trained dentists) Draft to CH 1-21-09