

CR 94-217

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 May, 1995.

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 May, 1995.

A handwritten signature in cursive script, appearing to read "Patrick D. Braatz".

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

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 94-217)

ORDER

An order of the Dentistry Examining Board to repeal DE 2.03 (4) and chapter DE 8; and to amend DE 2.01 (1) (e) and (2) (intro.), 2.02 (2), 2.03 (title), (1) (intro.), (b), (2), (5) (a) (intro.), 2. and (b), (6) (intro.), (7) (title) and (7) relating to license renewal after expiration and access to public records.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 19.33 (5), 440.01 (1) (dm), 440.08 (1), (2) and (3), 447.04 and 447.05, Stats.

In this proposed rule-making order the Dentistry Examining Board makes remedial changes to its rules which are necessary in order to bring them current with the statutes they implement and interpret.

SECTION 1 replaces the incorrect statutory reference in s. DE 2.01 (1) (e), with that currently applicable to the educational requirements for licensure as a dentist. It also changes the terminology used to refer to the credential held by a dental hygienist in s. DE 2.01 (2) (intro.), from "certificate" to "license" for consistency with the designation utilized in Chapter 447, Stats.

SECTION 2 changes the reference regarding the credential held by a dental hygienist in s. DE 2.02 (2), from "certificate" to "license" for consistency with the designation utilized in Chapter 447, Stats.

SECTION 3 removes the references in s. DE 2.03 (1) (intro.) and (2) to "certificate of registration" and "registration," and replaces them with references to possessing a license for consistency with the terms in Chapter 447, Stats. It also provides the correct statutory citation pertaining to renewal fees and clarifies the date required for renewal.

SECTION 4 repeals s. DE 2.03 (4) pertaining to suspending or revoking licenses which have not been renewed. The existence of the rule could imply that a licensee may continue to practice under an expired license until such time as the board affirmatively acts to formally suspend or

revoke the expired license. In fact, the failure to renew a license prior to the renewal date serves to deprive a person of the practice privilege previously granted, pursuant to ss. 440.01 (1) (dm) and 440.08 (1), Stats.

SECTION 5 amends s. DE 2.03 (5) to increase from one to five the number of years a licensee has to renew a license without being required by the board to successfully complete a practice examination. The change also permits the board to require additional education if a license is not renewed within five years. The amendments are necessary in order to bring the rule into compliance with s. 440.08 (3) (b), Stats., which prohibits the board from requiring completion of an examination and education due to nonrenewal by administrative rule until after five years from the renewal date. The rule is further amended to provide the current statutory citations to the applicable fees for renewal.

SECTION 6 removes the references in s. DE 2.03 (6) and (7) to "certificate" and replaces them with references to possessing a license for consistency with the terms utilized in Chapter 447, Stats.

SECTION 7 repeals Chapter DE 8 pertaining to access to public records. This chapter was operative when the board was the legal custodian of its records. However, pursuant to s. 19.33 (5), Stats., the Department of Regulation and Licensing is now the custodian of the records. Accordingly, the chapter is no longer necessary nor applicable to requests for board records.

TEXT OF RULE

SECTION 1. DE 2.01 (1) (e) and (2) (intro.) are amended to read:

DE 2.01 (1) (e) Evidence satisfactory to the board of having completed educational requirements in s. ~~447.03 (2)~~ 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;

(2) (intro.) An applicant for ~~certificate~~ license as a dental hygienist shall meet requirements in sub. (1) (a) through (d) and shall also submit to the board:

SECTION 2. DE 2.02 (2) is amended to read:

DE 2.02 (2) Every person granted a ~~certificate~~ license as a dental hygienist shall be deemed registered for the current registration period.

SECTION 3. DE 2.03 (title), (1) (intro.) and (b) and (2) are amended to read:

DE 2.03 (title) BIENNIAL RENEWAL. (1) REQUIREMENTS FOR RENEWAL; DENTISTS. (intro.) To renew ~~and obtain a new certificate of registration~~ a license a dentist shall, by September 30 of the odd-numbered year following initial ~~registration~~ licensure and every 2 years thereafter, file with the board:

(b) The fee specified in s. ~~440.05 (3)~~ 440.08 (2), Stats.

(2) REQUIREMENTS FOR RENEWAL; DENTAL HYGIENISTS. A dental hygienist shall by September ~~1-30~~ 30 of the odd-numbered year following initial ~~registration~~ licensure and every 2 years thereafter, meet requirements for renewal specified in sub. (1) (a) and (b).

~~Note: The board intends September 30 to be the operative date.~~

SECTION 4. DE 2.03 (4) is repealed.

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

DE 2.03 (5) REQUIREMENTS FOR LATE RENEWAL; REINSTATEMENT.

(a) (intro.) A dentist or dental hygienist who ~~renews the certificate of registration~~ files an application for renewal of a license within ~~one~~ 5 year years after the renewal date of license expiration or the date of revocation due to failure to renew the license may be reinstated by filing with the board:

2. The fee specified in s. ~~440.05 (3)~~ 440.08 (2), Stats., plus a the applicable late renewal fee as specified in s. ~~440.05 (4) and (5)~~ 440.08 (3), Stats.

(b) A dentist or dental hygienist who files an application for renewal more than ~~one year~~ 5 years after the renewal period or the date of license revocation date may be reinstated by filing with the board an application and fees as specified in subs. (1) and (2) and verification of successful completion of examinations or education, or both, as the board may prescribe.

SECTION 6. DE 2.03 (6) (intro.), (7) (title) and (7) are amended to read:

DE 2.03 (6) REINSTATEMENT FOLLOWING DISCIPLINARY ACTION. (intro.) A dentist or dental hygienist applying for licensure ~~or certification~~ following disciplinary action by the board, pursuant to s. 447.07, Stats., may be reinstated by filing with the board:

(7) (title) DISPLAY OF LICENSE. The license ~~or~~ and certificate of registration shall be displayed in a prominent place by every person licensed ~~or certified~~ and currently registered by the board.

SECTION 7. Chapter DE 8 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 5-3-95

Agency Thomas G. Brandt DDS
Chairperson
Dentistry Examining Board



CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: May 5, 1995

TO: Gary Poulson
Assistant Revisor of Statutes

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

SUBJECT: Final Rule-Making Order



Agency: DENTISTRY EXAMINING BOARD

Clearinghouse Rule: 94-217

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code.

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

Thank you.