



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Governor Scott Walker

Secretary Dave Ross

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

DENTISTRY EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Berni Mattsson 608-266-8741
January 4, 2012

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

A. Adoption of Agenda (1-4)

B. Approval of Minutes – November 2, 2011 (5-14)

C. Board Committee and Liaison Appointments **(15-16)**

D. Secretary Matters

E. Executive Director Matters

F. Board Discussion Items including any received after printing of agenda

- 1) Division of Enforcement Matters
- 2) Education and Examination Issues/Matters
 - a. Failure and Re-examination Requirements under s. DE 2.09 **(17-18)**
- 3) Credentialing Matters
 - a. Review of Pharmacy Examining Board's Motion Document Identifying a Board Credentialing Liaison and Delegating Certain Credentialing Authority Duties **(19-22)**
 - b. Application and Licensure by Endorsement Issues Related to NERB, CRDTS, Board Specialty Certification and Regional Examination **(23-24)**
- 4) Practice Questions/Issues
 - a. Review of Pharmacy Examining Board's Practice Questions Policy **(25-30)**
 - b. Botox Use Scope Statement **(31-32)**
- 5) Legislation/Administrative Rule Matters
 - a. Status of current project
- 6) Liaison Reports
- 7) Speaking Engagement, Travel, Public Relation Requests
- 8) Discussion of Teeth Whitening Services and Complaints **(33-34)**

G. Informational Items

- 1) AB 251(35-38)
- 2) JCNDE Proposed Responses (39-44)

H. New Business

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

J. 05 DEN 133 – 10:00 A.M. PERSONAL APPEARANCE, W.K.L, DDS (45-46)

K. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda

- 1) 10 DEN 032 – Gregory E. Machulak, DDS (47-52)
 - a) Attorney Susan Gu
 - b) Case Advisor Blane Christman
- 2) 10 DEN 127 – Matthew E. Richardson, DDS (53-60)
 - a) Attorney Jim Polewski
 - b) Case Advisor Mark Braden
- 3) 11 DEN 093 – Edward J. McGrath, DDS (61-68)
 - a) Attorney Jim Polewski
 - b) Case Advisor Mark Braden

L. Deliberation of Order Fixing Costs in the Matter of Disciplinary Proceedings against:

- 1) 05 DEN 020 - Jack Elder, DDS (69-80)

M. Application Review(s)

- 1) Linda Brauer, DDS – Re-Registration Application (81-110)

N. Deliberation of Proposed Administrative Warning(s)

- 1) 10 DEN 024 (A.A.T., DDS) (111-114)
- 2) 11 DEN 063 (T.T.T., DDS) (115-118)

O. Case Closings (119-120)

P. Deliberation of other items received after printing of agenda

- 1) Case Closings
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) Administrative Warnings
- 8) Matters Relating to Costs
- 9) Monitoring Cases
- 10) Appearances from Requests Received or Renewed
- 11) Examination Issues
- 12) Application Issues

13) PAP Cases

14) Motions

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

R. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

S. Other Board Business

ADJOURNMENT

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**DENTISTRY EXAMINING BOARD
MINUTES
NOVEMBER 2, 2011**

PRESENT: Linda Bohacek, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; John Grignon, DDS; Adriana Jaramillo, DDS; Lyndsay Knoell, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; William Stempksi, DDS

STAFF: Berni Mattsson, Executive Director; Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPTS staff

GUESTS: Warren LeMay, Division of Public Health; Mara Brooks, Gene Shoemaker and Mark Paget, WDA; Susanna Mikkelson, Shari Crowe, Vicki McKinney and Peter Theo, WDHA; Lori Pelke, Midwest Dental; Matt Crespin, CHAW; Bruce Barrette and Nanette Kosydar Dreves, ADEX

CALL TO ORDER

Lyndsay Knoell, Vice Chair, called the meeting to order at 8:31 a.m. A quorum of nine (9) members was confirmed.

PLEDGE OF ALLEGIANCE

The Board members, staff and guests rose and recited the Pledge of Allegiance

ADOPTION OF AGENDA

Amendments:

- Add PLEDGE OF ALLEGIANCE after CALL TO ORDER – ROLL CALL
- Item E – PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS – add:
 - 6) 10 DEN 007 – Ingo G. Mahn, DDS
 - a) Attorney Susan Gu
 - b) Case Advisor Kirk Ritchie
 - 7) 11 DEN 056 – Steven R. Schnoll, DDS
 - a) Attorney Jim Polewski
 - b) Case Advisor William Stempksi
- Item J – DELIBERATION OF PROPOSED STIPULATIONS... - insert after page 102:
 - 6) 10 DEN 007 – Ingo G. Mahn, DDS
 - a) Attorney Susan Gu
 - b) Case Advisor Kirk Ritchie
 - 7) 11 DEN 056 – Steven R. Schnoll, DDS
 - a) Attorney Jim Polewski
 - b) Case Advisor William Stempksi

- Item L-1 – MONITORING – Debra M. Peterson, RDH, is deleted
- Case Status Report – insert at the end of the agenda in closed session
- Updated Board Roster – for Board information only

MOTION: John Grignon moved, seconded by Kirk Ritchie, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 7, 2011

Corrections:

- On page 4, under BOARD APPOINTMENT UPDATES, in the second sentence place a period after “Christman.” Delete “and” and start a new sentence with “Lyndsay”
- On page 5, under UPDATE REGARDING THE SUBCOMMITTEE... in the second sentence delete the first “to”

MOTION: Linda Bohacek moved, seconded by Sandra Linhart, to approve the minutes of September 7, 2011 as corrected. Motion carried unanimously.

ELECTION OF BOARD OFFICERS AND BOARD APPOINTMENTS

NOMINATION: Kirk Ritchie nominated Lyndsay Knoell for Chair.

Berni Mattsson called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Lyndsay Knoell was elected Chair by unanimous vote.

NOMINATION: Lyndsay Knoell nominated John Grignon for Vice Chair.

Berni Mattsson called for nominations a total of three times. Hearing no additional nominations, a vote was called.

John Grignon was elected Vice Chair by unanimous vote.

NOMINATION: John Grignon nominated Linda Bohacek for Secretary.

Berni Mattsson called for nominations a total of three times. Hearing no additional nominations, a vote was called.

Linda Bohacek was elected Secretary by unanimous vote.

2012 OFFICERS

CHAIR	Lyndsay Knoell
VICE CHAIR	John Grignon
SECRETARY	Linda Bohacek

Board appointments will be addressed at the first meeting in 2012.

EXECUTIVE DIRECTOR MATTERS

Staff Updates

Berni Mattsson, Executive Director, introduced herself to the Board and gave a brief history of her background. Kelli Kaalele is now the Division Administrator for Board Services.

2012 Updated Meeting Dates

Bernie Mattsson reviewed the updated 2012 meeting dates with the Board.

PRESENTATIONS OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Division of Enforcement staff presented the following:

- John C. Stacey, DDS - 07 DEN 068
- Brian T. Fick, DD - 09 DEN 111
- Robert J. Bastic, II, DDS – 09 DEN 128
- Thomas M. Frye, DDS – 11 DEN 009
- Howard J. Lubin, DDS – 11 DEN 057
- Ingo G. Mahn, DDS – 10 DEN 007
- Steven R. Schnoll – 11 DEN 056

These matters will be deliberated in closed session.

BOARD DISCUSSION ITEMS

DIVISION OF ENFORCEMENT MATTERS

There were no issues at this time.

EDUCATION AND EXAMINATION MATTERS

Update on NERB and ADEX Activities – Nan Kosydar Dreves, RDH

Nan Kosydar Dreves gave a presentation the ADEX exam and activities. Dr. Bruce Barrette also addressed the Board.

Discussion of the Definition of “Affiliated” as Relates to Programs and Clinics Affiliated with CODA Approved Schools and Proposed Language Changes to CR 11-034

The Board reviewed the correspondence from the WDA, Marquette University School of Dentistry, Medical College of Wisconsin and the Wisconsin Society of Oral and Maxillofacial Surgeons.

MOTION: Adriana Jaramillo moved, seconded by Mark Braden, to re-insert the phrase “primary educational facility” where it had been previously deleted. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Adriana Jaramillo, to insert the word “dental” after each reference to “post-graduate”. The phrase will now read “accredited post-graduate dental residency training program.” Motion carried unanimously.

Legal counsel advised the Board that these language changes will delay the rules process.

CREDENTIALING MATTERS

Application and Licensure by Endorsement Issues Related to NERB, CRDTS, Board Specialty Certification and Regional Examinations

MOTION: Adriana Jaramillo moved, seconded by Linda Bohacek, to accept all regional examinations for dental applicants irrespective of the date the examination was taken. Motion carried unanimously.

PRACTICE QUESTIONS/ISSUES

Dental Hygiene Students and Fluoride Varnish

The Board reviewed correspondence from Susan Kloosterboer from Madison College regarding dental hygiene students applying a fluoride varnish. The scenario as outlined in the correspondence would not be permitted. Legal counsel will respond as directed by the Board and in accordance with the statutes and rules.

LEGISLATION/ADMINISTRATIVE RULES

Review and Approve Final Drafts and Legislative Reports for DE1; DE2, 6, 7; DE 2, 13

Due to the language changes made today, the draft cannot move forward at this time. The revised draft will be brought back to the January 4, 2012 meeting.

LIAISON REPORTS

There were no reports.

SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS

There were no requests at this time.

UPDATE FROM WORK GROUP ON SLEEP APNEA

Lydia Thompson has researched sleep apnea as it relates to the dentistry scope of practice. It appears the treatment, monitoring and follow-up for sleep breathing disorders are within the scope of dentistry as it relates to oral appliances if such treatment, monitoring and follow-up includes a multi-disciplinary team approach with a sleep physician and possibly an oral surgeon if needed.

More discussion is needed and this will be revisited at the next meeting.

UPDATE FROM WORK GROUP ON LASER USE BY HYGIENISTS

The Board discussed the use of lasers by dental hygienists. New technologies must be used within the standard of care. Lyndsay Knoell appointed Mark Braden to the work group. This subject will be revisited at the next meeting.

TEETH WHITENING

The Federal Trade Commission (FTC) has filed an action against another state for blocking teeth whitening by non-dentists. Legal counsel recommended the Board not take any action until this issue is resolved.

INFORMATIONAL ITEMS

There were no informational items.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS

Shari Crowe, WDHA, addressed the Board.

CLOSED SESSION

MOTION: Eileen Donohoo moved, seconded by John Grignon, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll call vote: Linda Bohacek-yes; Mark Braden-yes; Eileen Donohoo-yes; John Grignon-yes; Adriana Jaramillo-yes; Lyndsay Knoell-yes; Sandra Linhart-yes; Kirk Ritchie-yes; William Stempski-yes. Motion carried unanimously.

Open Session recessed at 11:22 a.m.

RECONVENE TO OPEN SESSION

MOTION: Adriana Jaramillo moved, seconded by John Grignon, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:04 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**JOHN C STACEY, DDS
07 DEN 068**

MOTION: Adriana Jaramillo moved, seconded by Eileen Donohoo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against John C. Stacey, DDS. Motion carried. Lyndsay Knoell was excused during deliberation and abstained from voting.

**BRIAN T FICK, DDS
09 DEN 111**

MOTION: Linda Bohacek moved, seconded by Eileen Donohoo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Brian T. Fick, DDS. Motion carried unanimously.

ROBERT J BASTIC, II, DDS
09 DEN 128

MOTION: Adriana Jaramillo moved, seconded by Linda Bohacek, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Robert J. Bastic, II, DDS. Motion carried unanimously.

THOMAS M FRYE, DDS
11 DEN 009

MOTION: Adriana Jaramillo moved, seconded by Mark Braden, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Thomas M. Frye, DDS. Motion carried unanimously.

HOWARD J LUBIN, DDS
11 DEN 057

MOTION: Linda Bohacek moved, seconded by Adriana Jaramillo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Howard J. Lubin, DDS. Motion carried unanimously.

INGO G MAHN, DDS
10 DEN 007

MOTION: Linda Bohacek moved, seconded by Mark Braden, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Ingo G. Mahn, DDS. Motion carried unanimously.

STEVEN R SCHNOLL, DDS
11 DEN 056

MOTION: Eileen Donohoo moved, seconded by Adriana Jaramillo, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Steven R. Schnoll, DDS. Motion carried unanimously.

ORDER FIXING COSTS

JACK ELDER, DDS

05 DEN 020

MOTION: Linda Bohacek moved, seconded by Lyndsay Knoell, to adopt the Order Fixing Costs in the disciplinary proceedings against Jack Elder, DDS. Motion carried. Sandra Linhart was excused during deliberation and abstained from voting.

CASE CLOSINGS

MOTION: Adriana Jaramillo moved, seconded by Lyndsay Knoell, to close case **09 DEN 111** for insufficient evidence. Motion carried unanimously.

MOTION: Eileen Donohoo move, seconded by Adriana Jaramillo to close case **10 DEN 079** for prosecutorial discretion. Motion carried unanimously.

MOTION: Adriana Jaramillo moved, seconded by Eileen Donohoo, to close case **11 DEN 025** for insufficient evidence. Motion carried unanimously.

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to close case **09 DEN 039** for insufficient evidence. Motion carried unanimously.

MOTION: Adriana Jaramillo moved, seconded by Linda Bohacek, to close case **10 DEN 062** for insufficient evidence. Motion carried unanimously.

MOTION: Linda Bohacek moved, seconded by Mark Braden, to request the respondent in case **05 DEN 133** to appear before the Board at a future meeting. Motion carried. Eileen Donohoo, Lyndsay Knoell, Kirk Ritchie and William Stempski were excused during deliberation and abstained from voting.

OTHER BOARD BUSINESS

MOTION: Mark Braden moved, seconded by Lyndsay Knoell, to approve Dr. Keith Clemence as the Wisconsin ADEX dental representative. Motion carried unanimously.

MOTION: Adriana Jaramillo moved, seconded by Lyndsay Knoell, to correct the language in DE 1.02(2) by deleting “American Dental Association” and inserting “Commission on Dental Accreditation”

Dentistry Examining Board

November 2, 2011 Minutes

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and to make the same correction in any other places in the rules as deemed appropriate by the liaison appointed by the Board Chair.
Motion carried unanimously.

Lyndsay Knoell will work with Lydia Thompson on this matter.

MOTION: Mark Braden moved, seconded by Lyndsay Knoell, to delete the word “reinstatement” from the introduction to DE 2.03(5) (a) (intro). Motion carried unanimously.

MOTION: Linda Bohacek moved, seconded by Adriana Jaramillo, to correct the language in DE 6.02(4) (c) by deleting “Commission on Dental Accreditation” and inserting “American Dental Association.”
Motion carried unanimously.

ADJOURNMENT

MOTION: John Grignon moved, seconded by Eileen Donohoo, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:34 p.m.

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**State of Wisconsin
Department of Safety and Professional Services**

AGENDA REQUEST FORM

Name and Title of Person Submitting the Request: Berni Mattsson		Date When Request Submitted: 12-13-11	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before meeting for all other boards 	
Name of Board, Committee, Council: DEB			
Board Meeting Date: 1-4-11	Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	How should the item be titled on the agenda page? Board Committee and Liaison Appointments	
Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	Is an appearance before the Board being scheduled? If yes, by whom? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	Name of Case Advisor(s), if required:	
Describe the issue and action the Board should address: The Board may wish to consider whether to have a CRDTS liaison position. There is not a counterpart position for for any other regional exam. If needed, the Board could create a "Regional Examination Liaison". A list of 2012 liaisons and appointments is provided.			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Late Adds must be authorized by a Supervisor, DOE Division Administrator, and Bureau Director. 3. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
Authorization:			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Division Administrator (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	

2012 DEB Liaisons and Appointments

- Practice Questions- Board Officers (Knoell, Grignon, Bohacek) with legal counsel
- Screening Panel- Knoell, Linhart
- Legislative Liaison- Braden
- Division of Enforcement Monitoring Liaison- Stempski
- PAP Liaison- Ritchie
- Credentialing liaison- Grignon, Bohacek
- Office of Education and Examinations liaison- Jaramillo, Donohoo
- CPR advisor- Linhart
- Digest Advisor- Knoell
- AADB(formerly AADE)- Stempski

**State of Wisconsin
Department of Safety & Professional Services**

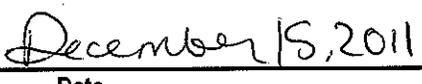
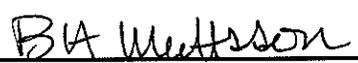
AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lydia Thompson Legal Counsel, Division of Board Services		2) Date When Request Submitted: December 15, 2011 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: January 4, 2012	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Failure and Re-Examination Requirements of s. DE 2.09	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Division of Credentialing is requesting that the Board discuss this issue as under "Board Discussion Items" for Education and Examination Issues. The Board should discuss this rule and its practical application. The Board may wish to consider revising this rule.			
11) Authorization			
Signature of person making this request 		Date December 15, 2011	
Supervisor (if required) BIA Mattsson		Date 12-15-11	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lydia Thompson, Legal Counsel, Division of Board Services		2) Date When Request Submitted: December 15, 2011 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: January 4, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Pharmacy Examining Board's Motion Document Identifying A Board Credentialing Liaison and Delegating Certain Credentialing Authority	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Request that the Board discuss this issue as under "Board Discussion Items" for Credentialing Matters. The Board should review the delegation of duties and discuss whether to adopt a similar policy for DEB's Credentialing Liaisons.			
11) Authorization			
			
Signature of person making this request		Date	
Supervisor (if required)		Date	
		12-15-11	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**MOTION IDENTIFYING A BOARD CREDENTIALING LIAISON AND DELEGATING
CERTAIN CREDENTIALING AUTHORITY**

On April 6, 2011, the Pharmacy Examining Board found the following and passed one motion identify a board credentialing liaison with alternates and delegating certain credentialing authority on an ongoing basis until such motion is hereinafter modified or withdrawn by the Board:

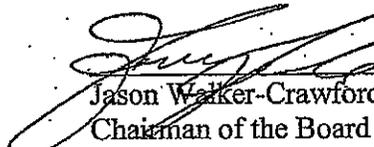
- Licensing individuals and business entities who are applying for a Board issued credential is an important responsibility of the Board and the Department.
 - The number of applications for review, requests for certain variances by applicants, requests for examination retakes by applicants and requests for review of disciplinary and/or criminal background histories of applicants and the time required therefore has increased in recent years.
 - Presentation and consideration of issues relating to licensing requires substantial Board meeting time.
 - Delays in considering licensing issues may adversely affect the delivery of health care services to Wisconsin citizens.
 - Many routine licensing decisions may be made without the involvement of the full Board.
- 1) The Board appoints Timothy Boehmer as the board's Credentialing Liaison, Jason Walker-Crawford as first alternate, and Jeanne Severson as second alternate, with authority to act on the Board's behalf with respect to the following:
- a) Grant a credential within the board's jurisdiction if all required information required by law is submitted, and as otherwise limited by paragraphs, b), through f), set forth herein.
 - b) Grant requests for further examination under Wis. Admin. Code §Phar 4.05, upon such conditions as authorized by that rules. Any determination by the liaison to deny such a request must be presented to the Board for final determination.
 - c) In granting a credential for licensure as a pharmacy, grant requests for a variance under Wis. Admin. Code § Phar 6.06 (2), for any enumerated items contained Wis. Admin. Code §Phar 6.06 (1)(a) through (i). Any determination by the liaison to deny such a variance request must be presented to the Board for final determination.
 - d) In granting a credential for licensure as a pharmacy, grant requests for a variance under Wis. Admin. Code §Phar 6.04 (1). Any determination by the liaison to deny such a variance request must be presented to the Board for final determination.
 - e) Grant requests for temporary pharmacy location and/or approval of a remodel plan for an existing pharmacy including requests included therewith for a variance under Wis. Admin. Code § Phar. 6.06 (2), for any enumerated items contained in Wis. Admin. Code § Phar. 6.06 (1)(a) through (i); and requests for a variance under Wis. Admin.

Code §Phar 6.04 (1). Any determination by the liaison to deny a request under this paragraph must be presented to the Board for final determination.

- f) Grant the issuance of a credential as a licensed prescription drug distributor, drug manufacturer or pharmacy, following the review of any discipline or conviction of crime as reported by the applicant and upon making the determination that the reported discipline or conviction of crime does not, at the time of application, pose a significant threat to the public health, safety, or welfare. Any determination by the liaison to deny a request under this paragraph or grant a credential with limitations must be presented to the Board for final determination.
- g) Grant requests to issue a new pharmacy license that requires the transfer of an existing practice limitation or variance from an existing pharmacy license to the new pharmacy license. Any determination by the liaison to deny a request under this paragraph or grant a credential with different limitations must be presented to the Board for final determination.
- h) For all administrative actions taken pursuant to this motion the liaison shall prepare a written report documenting such actions taken. A report shall be presented to the Board for review at the next available Board meeting following the administrative action taken by the liaison.
- i) Grant a variance pursuant to Wis. Stat. § 450.02 (3m), in the instance of a natural or man-made disaster or emergency which is necessary to protect the public health, safety, or welfare.

2) This motion shall stay in effect until further modification by the Board.

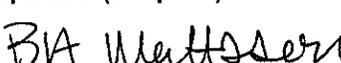
Approved by Board Motion, April 6, 2011.


Jason Walker-Crawford
Chairman of the Board

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lydia Thompson Legal Counsel, Division of Board Services		2) Date When Request Submitted: December 15, 2011 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> - 10 work days before the meeting for Medical Board - 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: January 4, 2012	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Application and Licensure by Endorsement Issues Related to NERB, CRDTS, Board Specialty Certification and Regional Examination	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board should discuss this issue as under "Board Discussion Items" for Credentialing Matters. The Board should discuss whether to withdraw the previous motion made at the November 2, 2011 meeting. The Board should also discuss whether CRDTS is the sole regional exams accepted for hygienists, or whether any other regional exams are accepted.			
11) Authorization			
Signature of person making this request 		Date December 15, 2011	
Supervisor (if required) 		Date 12-15-11	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lydia Thompson, Legal Counsel, Division of Board Services		2) Date When Request Submitted: December 15, 2011 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: January 4, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Pharmacy Examining Board's Practice Questions Policy	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Request that the Board discuss this issue as under "Board Discussion Items" for Practice Questions/Issues. The Board should review the policy and discuss whether to adopt a similar policy.			
11) Authorization			
Signature of person making this request 		Date December 15, 2011	
Supervisor (if required) BA Mattsson		Date 12-15-11	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

PHARMACY EXAMINING BOARD PRACTICE QUESTIONS POLICY

Effective December 14, 2011

The volume and breadth of practice questions received by the Pharmacy Examining Board is overwhelming, the majority of which are outside the scope of the Board's core functions and responsibilities. Almost all of these questions are the type for which private legal counsel should be sought. Available staff time and resources are insufficient to meet the demand.¹

Licenses are responsible for their own professional practice and adherence to the law. The Department of Safety and Professional Services and the Board recommend that you review the statutes and rules and/or seek private legal counsel for your legal questions or business advice. The Department's website contains a plethora of information to assist licensees and the public in finding their own answer to practice questions:

- **Pharmacy Examining Board Code Book**
http://drl.wi.gov/board_code_detail.asp?boardid=46&locid=0
- **Practice FAQs**
 - Pharmacy (In State) http://drl.wi.gov/prof_practice_faqs.asp?profid=35&locid=0
 - Pharmacy (Out of State)
http://drl.wi.gov/prof_practice_faqs.asp?profid=36&locid=0
 - Pharmacist http://drl.wi.gov/prof_practice_faqs.asp?profid=31&locid=0
 - Drug or Device Manufacturer
http://drl.wi.gov/prof_practice_faqs.asp?profid=16&locid=0
 - Wholesale Distributor of Prescription Drugs
http://drl.wi.gov/prof_practice_faqs.asp?profid=17&locid=0

Given the limited resources of the Board and the Department, questions related to the following topics will not be answered and should be addressed by private legal counsel:

- Business Advice
- Legal Opinions
- Ongoing Litigation
- Billing Practices

The following are examples of the types of practice questions related to business advice or legal opinions which will **not** be handled by the Department staff or the Board due to limited available resources, and/or a lack of subject matter jurisdiction, and/or the question being related to a topic listed above which should be addressed by private legal counsel. Please note that the types of questions that will not be answered are not limited to the examples below, which are merely submitted as guidelines for your review:

BUSINESS ADVICE: Questions related to business formation, change of ownership, taxation, or legal entities such as business partnerships, corporations, limited liability corporations will not be answered. This would include questions seeking information or guidance from the Board on how to structure and operate business entities. Questions related to the review of a pharmacy's:

¹ Please note that if you do submit a question to the Department, it may take up to 14 business days or more before we are able to provide a response.

advertisements, display of medications, prescription documents, prescription pads from a practitioner, or prescription labels for compliance with Board statutes/rules will not be answered. Pharmacists sometimes submit questions requesting the Board's opinion on the rules of conduct to challenge a work policy, management decision, or employment action (termination, demotion, over-time, attendance, etc.); questions related to employee-employer work issues, terms of employment, and/or labor practices will not be answered.

Example 1: I have a question concerning the transfer of a Wholesale Distributor of Prescription Drugs License from a corporation to its wholly-owned subsidiary, a limited liability company.

The template document on your website does not describe my company's situation in particular. Can you please confirm for me whether a Wholesale Distributor of Prescription Drugs license can be transferred from a license-holding corporation to its wholly-owned subsidiary? Please note that the subsidiary has its own EIN. The template document on your website only provides guidance if the license-holder becomes a subsidiary of another company.²

Example 2: My question involves an interpretation of Wis. Admin. Code § Phar 7.08 [Prescription orders transmitted electronically]. My pharmacy has been receiving transmitted electronic prescriptions by two methods: computer and fax. Is the second method a valid prescription? Will you review the following documents to see if they contain all of the necessary information required to be a valid prescription as defined in the rule? See example. Can I place the following confidentiality notice on all of my pharmacy's documents? See example. Please respond as soon as possible because I am waiting to pass along this information to all of my pharmacists.

Example 3: My pharmacy is considering a change to the labels we place on the prescriptions. Will you please review the following options for compliance with the statutes and rules? My pharmacy would also like to display over the counter medications as shown in the photo attached to my e-mail. Could you please review the photo and let me know if we can use this display?

LEGAL OPINIONS: Questions to confirm a licensee's legal interpretation(s) of the law (federal or state statutes and rules) will not be answered. Questions on the legality of another licensee's actions/conduct/statements/interpretation of the law will not be answered.³ Questions from researchers and students related to research papers, analysis or information needed to complete education courses or other education activities, including requesting research materials to complete course assignments and surveys will not be answered. Questions from company representatives and attorneys or law firms regarding their interpretation of Board policies and/or

² Please note that the Department provides the following change of ownership document as a guideline and it may not cover every conceivable business formation change: <http://drl.wi.gov/docview.asp?docid=676&locid=0>. Department staff and the Board are unable to serve as your private legal counsel and are not privy to all of your company's specific business operations. Please contact your own private legal counsel to assist you in making the determination based on all of your company's specific facts and needs.

³ If you have concerns about another licensee's conduct, you may review the statutes and rules and contact the other licensee to settle the issue to your satisfaction, or you have the option of filing a complaint with the Department.

statutes and rules will not be answered. Questions regarding which type of license is needed for a business should be submitted to private legal counsel; however, Department staff will assist as much as possible with questions related to *pending* applications, rather than questions related to licensure considerations.

Example 1: I would like to have an “official” interpretation of Wis. Admin. Code § Phar 7.03. If a provider leaves a healthcare organization, and is no longer seeing patients, are all prescriptions with remaining refills invalid?

This is how Pharmacy X is interpreting the law. I want to know if this pharmacy is following the law. My hospital administrators and pharmacists are waiting for the Board’s response.

Example 2: I am seeking the Board’s opinion regarding a legal matter. Could you please send me the Board’s stance regarding compounding? I own a compounding pharmacy that specializes in IV, Epidural and Intrathecal drug compounding. As required, our pharmacy dispenses medications only with a valid prescription for each patient. As you may know, there are ongoing drug shortages of TPN additives (potassium phosphate, sodium phosphate, etc.), which has caused hardships for patients and problems for pharmacies. I have been asked by several area hospitals and pharmacies if my pharmacy could compound these additives for them.

Here are my questions: Could my pharmacy legally compound commercial products during periods of drug shortages without a manufacturer license? Could my pharmacy compound these drug products without individual prescriptions?

Example 3: I am an attorney representing Company X. I am still not clear where it says specifically that an out-of-state drug manufacturer that contracts with third parties for manufacture and distribution of a non-scheduled prescription drug need not be licensed in Wisconsin. Could anyone at your agency verify that this statement is correct?

Example 4: My pharmacy distributes animal only prescriptions and over-the-counter pharmaceuticals. We are located in Missouri and distribute to Wisconsin and we sell our products to independent distributors, veterinary clinics, retail stores and occasionally to a veterinarian, but we have no facilities in Wisconsin. I am trying to determine if we need to license our facility. Do we need a license and if so, which type?

Example 5: I am the owner of a pharmacy in northern Wisconsin. I have some questions about what a pharmacist-in-charge may do and how a managing pharmacist may legally supervise my pharmacy. Please call me as soon as possible.

Example 6: I am a third year pharmacy student at the University of New Mexico. If you could answer the following questions it would be greatly appreciated!

1. Are there policies/procedures established for punitive or civil action against pharmacists who commit errors?

2. If such policies exist, are they available? If developed on a case-by-case basis or if the policy is unclear how actions are determined, what are the main determinants of how the punitive or civil action is determined? – i.e. severity of the error, actual patient injury, patient complaint with or without an actual injury, whether the RPh was determined to be impaired, based upon the RPh’s testimony about the specific error?
3. What are the possible punitive actions against a pharmacist for making an error – i.e. license suspension, license revoked, possible incarceration, etc.
4. What is the basis for the punitive action? –i.e. need to address public health and safety, to make the healthcare system safer, to address complaints from the public, to educate the pharmacy profession, to be in line with current recommendations from experts in medication errors with regards to how to best address errors, any others (please list) – include all that are applicable.

If you still have questions after your own review of the applicable law, and you are unable to seek private legal counsel, you may be able to obtain assistance from private associations related to pharmacy practice.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dr Knoell		2) Date When Request Submitted: 12-14-11 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: DEB			
4) Meeting Date: 01-04-12	5) Attachments: Yes x No	6) How should the item be titled on the agenda page? Botox use.	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) X No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board may wish to consider adding that scope of botox use is limited to the practice of dentistry as defined in s. 447.01(8).			
11) Authorization			
Berni Mattsson		12-14-11	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Berni Mattsson		2) Date When Request Submitted: 11/29/2011 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 1/4/2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion on Teeth Whitening Services and Complaints	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board discussion regarding teeth whitening services and possible complaints.			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

From: Lyndsay Knoell [knoeldds@hotmail.com]
Sent: Tuesday, November 29, 2011 2:21 PM
To: Mattsson, Berni - DSPS
Cc: Thompson, Lydia - DSPS
Subject: RE: teeth whitening complaints
Thanks... let's discuss further at next meeting unless something changes.
Lyndsay Knoell

From: Berni.Mattsson@Wisconsin.gov
To: Berni.Mattsson@Wisconsin.gov
CC: Lydia1.Thompson@wisconsin.gov
Date: Tue, 29 Nov 2011 12:10:45 -0600
Subject: teeth whitening complaints

[A message to all DEB members:](#)

[At the last meeting, the Board was interested in the number of complaints received by the Department of Agriculture, Trade and Consumer Protection \(DATCP\) regarding teeth whitening services. DATCP does not keep statistics by industry, but by company. If you still want me to pursue this, please forward names of companies that provide these services.](#)

[Berni Mattsson](#)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lydia Thompson		2) Date When Request Submitted: 12-14-11 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: DEB			
4) Meeting Date: 01-04-12	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational item - AB-251- Dental Services (“Non-covered Services Bill”).	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Informational Item: AB-251- Dental Services (“Non-covered Services Bill”). (Wynn) Restricts fees for dental services under certain insurance coverage.			
11) Authorization			
Berni Mattsson		12-14-11	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			



Previous file: AB250: Bill Text

LRB-1603/2

PJK:jld:rs

2011 - 2012 LEGISLATURE

2011 ASSEMBLY BILL 251

September 15, 2011 - Introduced by Representatives WYNN, DANOU, ENDSLEY, BERNIER, SPANBAUER, THIESFELDT, NASS, A. OTT, PETROWSKI, YOUNG, NERISON, KAUFERT, PRIDEMORE, DOYLE, KNILANS, KRUG, PETRYK, MASON, KUGLITSCH, STRACHOTA, LOUDENBECK, BALLWEG, RIPP, STONE, BERNARD SCHABER, TRANEL, WILLIAMS and VOS, cosponsored by Senators WANGGAARD, HOLPERIN, GALLOWAY, LASEE, VINEHOUT, MOULTON, LAZICH, HANSEN and SCHULTZ. Referred to Committee on Insurance.

1AN ACT to create 632.873 of the statutes; **relating to:** fees for dental services.

Analysis by the Legislative Reference Bureau

Under this bill: 1) an insurer that offers a policy or plan that provides coverage for dental and related services may not require a dentist who provides services under the policy or plan to provide a service to an enrollee of the plan at a fee set by the insurer if the service is not covered under the policy or plan (noncovered service); 2) an administrator providing third-party administration services or a provider

network for a plan that provides coverage for dental and related services may not require any dentist in the administrator's provider network to charge set fees for noncovered services provided to enrollees of the plan; and 3) a dentist who provides services to enrollees of a policy or plan that provides coverage for dental and related services may not charge an enrollee more than the dentist's usual nondiscounted fee for a noncovered service.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 632.873 of the statutes is created to read:

3632.873 Restrictions relating to fees for dental

services. (1) DEFINITION.

In this section, "covered service" means, with respect to dental or related services specified in a policy or plan that provides coverage for those services, a service

provided by a dentist to an enrollee of the policy or plan to which all of the following

apply:

3 (a) The policy or plan makes a payment for the service, administered consistently with policies traditionally governing covered services.

5 (b) The policy's or plan's allowed amount for the service on behalf of the enrollee is more than 50 percent of the dentist's usual nondiscounted fee for the service.

7(2) PROHIBITIONS ON SETTING FEES. (a) A contract between an insurer offering

8a policy or plan that provides coverage for dental and related services and a dentist

9for the provision of dental and related services to enrollees of the policy or plan may

10not require the dentist to provide a service to an enrollee of the policy or plan at a fee

11set by the insurer unless the service is a covered service under the policy or plan.

12 (b) An administrator providing 3rd-party administration services or a provider

13network for a plan that provides coverage for dental and related services may not

14require any dentist in the administrator's provider network that is eligible to provide

15services under the plan to charge set fees for dental or related services provided to

16enrollees of the plan that are not covered services under the plan.

17**(3) PROHIBITION ON CHARGES.** A dentist who, under a contract with an insurer

18or other person offering a policy or plan that provides coverage for dental and related

19services, provides dental or related services to an enrollee of the policy or plan may

20not charge the enrollee more than the dentist's usual nondiscounted fee for a dental

21or related service that is not a covered service under the policy or plan.

22SECTION 2. Initial applicability.

23 (1) If a contract that is in effect on the effective date of this subsection contains

24a provision that is inconsistent with the treatment of section 632.873 (2) (a) or (b) or

1(3) of the statutes, the treatment of section 632.873 (2) (a) or (b) or (3) of the statutes

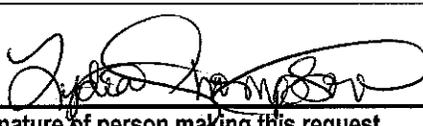
2first applies to that contract on the date on which it is modified or renewed.

3 (END)

Next file: AB252: Bill Text

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lydia Thompson Legal Counsel, Division of Board Services		2) Date When Request Submitted: December 6, 2011	
		Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: January 4, 2011	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Letter from Joint Commission on National Dental Examinations and Board Response to Survey Questions	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review of letter from Joint Commission on National Dental Examinations and Board response to survey questions for informational purposes.			
11) Authorization			
		Dec 6, 2011	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**JOINT COMMISSION
ON NATIONAL
DENTAL EXAMINATIONS**

Date: November 16, 2011

To: Executive Director
State Board of Dentistry

From: David M Waldschmidt, PhD 
Secretary, Joint Commission on National Dental Examinations

Subject: Update on Joint Commission on National Dental Examinations (JCNDE) Policy Changes

This survey is a follow up to a 2008 survey to determine the potential impact of policy changes made by the JCNDE regarding the reporting of National Board Dental Examinations (NBDE) and National Board Dental Hygiene Examination (NDHE) results. The survey was sent to you on August 16, 2011 but so far your response has not been received. Perhaps you never received the original survey or it got lost among the many requests you receive daily. Your response is important; feedback from all state boards is needed. Please take a moment now to complete the survey, it is only six questions and should not take more than 5-10 minutes to complete.

The JCNDE has also developed language State Boards might find useful should the JCNDE policy changes require revision to a state's Dental Practice Acts. Our suggested language is provided below. Please do not hesitate to contact us if you have questions or need assistance.

Prior to issuance of a license, a dental or dental hygiene applicant shall successfully complete the National Board Dental Examinations or the National Board Dental Hygiene Examination by achieving a standard score of 75 or higher, where 75 is designated as the minimum passing standard score by the Joint Commission on National Dental Examinations.

It is important that the JCNDE is aware of your current status and readiness for this change. The goal of the JCNDE is to facilitate the work of the State Boards and to ensure that all Boards are prepared for the pending changes. The JCNDE would also like to obtain your feedback regarding its plans to develop an integrated examination to replace NBDE Part I and Part II.

Please return the survey as soon as possible but no later than December 9, 2011. It can be returned by fax to my attention at 312-587-4105 or mail in the enclosed postage paid envelope to:

David M. Waldschmidt
Secretary, Joint Commission on National Dental Examinations
211 East Chicago Avenue, Suite 600
Chicago Illinois 60611-2637

If you have any questions, feel free to contact me by email at waldschmidtd@ada.org or by telephone at 312-440-7465.

Attachment: Joint Commission on National Dental Examinations Policy Survey 2011

cc. Dr. Peter Trager, chair, Joint Commission on National Dental Examinations
Dr. Anthony Ziebert, interim senior vice-president, Education/Professional Affairs
Dr. White Graves, President, AADB

Joint Commission on National Dental Examinations (JCNDE) Policy Survey 2011

Print Name of State Board: DENTISTRY EXAMINING BOARD

Print Name of Respondent: LYDIA THOMPSON Phone: (608) 266-9813

Print Title of Respondent: LEGAL COUNSEL email: Lydia1.Thompson@

Signature of Respondent:  wisconsin.gov

PASS/FAIL POLICY: Beginning January 1, 2012, candidate performance on the National Board Dental Examinations (NBDE) Part I and Part II and the National Board Dental Hygiene Examinations (NBDHE) will be reported as Pass or Fail. Numerical, standard scores will no longer be produced or reported to State Boards of Dentistry. When this policy is implemented in January 2012, National Board Certificates will use the following language on standard, preprinted score report forms. Numerical scores will not be provided.

NBDE Part II

Final Report: Candidate has achieved a standard score of 75 or higher on Part II and has therefore successfully completed the requirements for the National Board certificate.

* Numerical score is reported only for candidates who tested prior to January 1, 2012.

Preliminary Report: Candidate has achieved a standard score below 75 for Part II and is required to repeat the examination. Effective January 1, 2012, candidates must successfully complete Part II within five years or five attempts, whichever comes first.

* Numerical score is reported only for candidates who tested prior to January 1, 2012.

Dental Hygiene

Final Report: Candidate has achieved a standard score of 75 or higher on the NBDHE and has therefore successfully completed requirements for the National Board Certificate.

* Numerical score is reported only for candidates who tested prior to January 1, 2012.

Preliminary Report: Candidate has achieved a standard score below 75 for the NBDHE and is required to repeat the examination. Effective January 1, 2012, candidates must successfully complete the National Board Dental Hygiene Examination within five years or five attempts, whichever comes first.

* Numerical score is reported only for candidates who tested prior to January 1, 2012.

1. Please confirm your state's readiness to accept NBDE and NBDHE results in this format:

Our Board is aware of the pending policy change and does not anticipate problems in accepting National Board certificates with the new language.

Our Board is not prepared to accept National Board certificates that report only Pass/Fail status.

INTEGRATED EXAMINATION: In 2009 the JCNDE created the Committee for an Integrated Examination (CIE) whose charge is to develop and validate a new examination instrument for dentistry that integrates basic, behavioral, and clinical sciences to assess entry level competency in dental practice to assist state boards of dentistry in evaluating candidates for dental licensure. This new integrated examination will supplant the current NBDE Part I and Part II examinations. It is anticipated that the development of an integrated examination will be a long term project taking at least five years with implementation no sooner than 2015 however, the JCNDE is seeking feedback regarding the impact such an examination might have on state Boards.

2. Does your state's practice act require that a candidate pass NBDE Part I and Part II or does it require that the candidate pass the National Board Dental Examinations, without a reference to the individual parts. Please circle one of the following three options.

a) Part I and Part II

b) Part II only

c) National Boards only

Please note that the state's practice act only requires the National Board's examinations for initial licensure applicants.

3. Will the replacement of NBDE Part I and Part II with a single, integrated examination require that your statutes, regulations or practice act be revised?

Yes

No

Comments:

4. Would your State Board accept National Board certificates with a statement indicating that a candidate has successfully completed an integrated National Board Dental Examination, successor for NBDE Part I and Part II?

Yes

No

5. If you answered No in question 4, please explain why this language would not be acceptable. Please suggest alternative language.

N/A

6. Additional Comments:

N/A

If you have any questions, feel free to contact me by email at waldschmidtd@ada.org or by telephone at 312-440-7465. **Please return the completed signed survey no later than December 9, 2011.** It can be returned by fax to my attention at 312.587.4105 or by mail in the enclosed postage paid addressed envelope to:

David M. Waldschmidt
Secretary, Joint Commission on National Dental Examinations
211 East Chicago Avenue, Suite 600
Chicago Illinois 60611-2637

Thank you for your participation.

Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935
Madison, WI 53708-8935
FAX #: (608) 261-7083
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: web@drl.state.wi.us
Website: http://drl.wi.gov

DENTISTRY EXAMINING BOARD

DENTAL LICENSE INFORMATION

Important:

Applicants who have passed the Central Regional Dental Testing Service examination (CRDTS) (CORE) (WREB) taken within the 5-year period immediately preceding application, must file the following with the Dentistry Examining Board at the above address to complete the requirements for licensure in the State of Wisconsin.

1. **APPLICATION FOR DENTAL LICENSE (FORM #512).** Please complete application.
2. **LICENSURE FEE.** Checks or money orders are to be made payable to the Department of Regulation and Licensing.
3. **NATIONAL BOARD SCORECARD.** Submit an original card issued by the National Board of Dental Examiners on which your examination scores appear. (PASSING and FAILING scores are required.) **Photocopies of the card will not be accepted.** If necessary, cards can be obtained from the Commission on National Dental Examinations, 211 East Chicago Ave., Chicago, IL 60611, (312) 440-2500. (PASSING and FAILING scores are required.) You may submit an online request at: <https://www.ada.org/1635.aspx>.
4. **REGIONAL EXAMINATION REQUIREMENTS DENTIST:**
Submit original score card(s). Passing and Failing scores are required. Photocopies of the cards will not be accepted.

This form will need to be updated for 2012

← Need to remove reference to ~~pass~~ scores appearing on card

Effective January 1, 2009:

The Board accepts the following examinations for dentists: CRDTS, WREB, NERB, SRTA, ADEX, and CITA. Parts I and III of ADEX are not required for WREB examinees for examinations taken on or after JANUARY 1, 2009.

- **Northern Regional Examining Board (NERB):**

Effective September 28, 2005: The Board started to accept the (NERB) examination for Wisconsin licensure in Dentistry. Acceptance is retroactive for 5 years from September 28, 2005.

- **Western Regional Examining Board (WREB):**

Effective January 1, 2001: The Board started to accept WREB examination.

Prior to December 1, 2005: WREB applicants were not required to pass ADEX portions I and III.

Effective December 1, 2005 through December 31, 2008: Applicants completing the WREB examination must also successfully complete the ADEX examination portions Part I in diagnostic and treatment planning and Part III of the mannequin examination in fixed prosthodontics.

- **Central Regional Dental Testing Score (CRDTS):**

5. **CERTIFICATE OF PROFESSIONAL EDUCATION (FORM #1471).** Have your dental school accredited by The American Dental Association Commission on Dental Accreditation complete this form and submit it along with your application, or request them to send directly to the board office.

Wisconsin Department of Regulation & Licensing

6. **VERIFICATION OF LICENSURE IN OTHER STATE(S).** You are required to have each state/country board in which you have ever been licensed submit letters of verification to the Wisconsin Dentistry Examining Board. The letters must indicate your license number, date of issuance, status, and a statement regarding disciplinary actions. These letters will be required in order to complete your application for licensure.
7. **EXAMINATION ON WISCONSIN LAW:** An applicant shall successfully complete an online examination on Wisconsin Statutes and Rules relating to the practice of dentistry before a license can be issued in Wisconsin. Information for the online examination will be provided after an application for licensure has been received at DRL.
8. **CERTIFICATE OF PROFICIENCY IN CARDIOPULMONARY RESUSCITATION/AED:** Submit a copy of the front and back of a current certificate. This certificate must be signed and dated. See DHS website at <http://dhs.wisconsin.gov> for a listing of approved programs.
9. **NATIONAL PRACTITIONER DATA BANK**
Applicants must request the "Practitioner Request for Information Disclosure" (Self-Query) from the National Practitioner Data Banks web site: www.npdb-hipdb.com/welcomesq.html. **OPEN THE ENVELOPE** to be certain your application was processed. If processed, mail all contents, including the envelope, to the Dentistry Examining Board at the above address. Further questions regarding this form may be directed to the Data Bank Help Line at 1-800-767-6732.
10. **OTHER.** Include explanations on attached sheets, if required, for answers to questions on application Form #512.

YOUR APPLICATION WITH ALL SUPPORTING DOCUMENTS MUST BE ON FILE THIRTY DAYS PRIOR TO THE DATE ON WHICH YOU WISH TO BE GRANTED PERMANENT LICENSURE.

FOREIGN DENTAL SCHOOL GRADUATES.

A foreign trained dentist may qualify for a license if he or she submits to the board evidence of graduation from a foreign dental school and 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), (f) and (g).