



STATE OF WISCONSIN
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DENTISTRY EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Berni Mattsson 608-266-8741
September 5, 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

- A. Pledge of Allegiance
- B. Introduction of New Board Members
- C. Recognition of Board Members
- D. **Adoption of Agenda (1-4)**
- E. **Approval of Minutes – July 11, 2012 (5-12)**
- F. Secretary Matters
- G. Executive Director Matters
 - 1) Election of Board Secretary
 - 2) Other Matters
- H. Presentation from CRDTS on Clinical Licensure Examinations – **APPEARANCE 8:35 A.M. – Dr. Steve Holcom and Kim Laudenslager, RDH – CRDTS (13-14)**
- I. **Board Discussion Items including any received after printing of agenda**
 - 1) PDMP Update – **APPEARANCE 8:45 A.M. - Chad Zadrazill, PDMP Project Manager (15-16)**
 - 2) Division of Enforcement Matters
 - 3) Education and Examination Issues/ Matters
 - 4) Credentialing Matters
 - a. Reinstatement of Dental and Dental Hygiene Licenses Following Statutory Revocation **(17-18)**
 - 5) Practice Questions/Issues
 - 6) Legislation/Administrative Rule Matters
 - 7) AADB Matters
 - 8) Liaison Reports

9) Speaking Engagement, Travel, Public Relation Requests

J. Informational Items

1) Determination of Initial Licensure Fees **(19-20)**

K. New/Other Business

L. 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.)

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

1) 09 DEN 058 – Thomas E. Kissner, DDS **(21-26)**

a) Attorney Susan Gu

b) Case Advisor Kirk Ritchie

2) 10 DEB 111 0 Rebecca J. Swenson, DDS **(27-34)**

a) Attorney Jim Polewski

b) Case Advisor John Grignon

N. Deliberation of Proposed Administrative Warnings

1) 10 DEN 020 (M.B.B., DDS) **(35-38)**

2) 11 DEN 111 (E.J.T., DDS) **(39-42)**

O. Application Reviews

1) Houssam Elchekha, DDS – Foreign Graduate **(43-62)**

2) Alexander Katsnelson, DMD – Foreign Graduate **(63-92)**

3) Kay Tousignant, RDH – Re-Registration of License **(93-110)**

P. Consideration of Request for Waiver of CE Requirement

1) J.S., DDS **(111-114)**

Monitoring Cases, including any received after printing of the agenda

1) Blair D. Moldenhauer, DDS – Noncompliance with Board Order **(115-140)**

R. Case Closings including any received after printing of the agenda (141-142)

S. Deliberation of other items received after printing of agenda

1) Case Closings

2) Case Status Report

3) Proposed Decisions

4) Interim Orders

5) Summary Suspensions

6) Objections and Responses to Objections

7) Complaints

8) Administrative Warnings

9) Matters Relating to Costs

10) Monitoring Cases

11) Appearances from Requests Received or Renewed

12) Examination Issues

13) Application Issues

14) PAP Cases

15) Motions

T. Discussion Items

U. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

W. New/Other Board Business

X. Next Meeting Date: November 7, 2012

ADJOURNMENT

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**DENTISTRY EXAMINING BOARD
MINUTES
JULY 11, 2012**

PRESENT: Linda Bohacek, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; John Grignon, DDS; Lyndsay Knoell, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; Beth Welter, DDS

EXCUSED: Adriana Jaramillo, DDS

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

GUESTS: Lori Pelke, Midwest Dental; Mara Brooks, Mark Paget and Julio Rodriguez, WDA; Sharri Crowe, WDHA; Cathy Martin, CRDTS Hygiene ERC

CALL TO ORDER

Lyndsay Knoell, Chair, called the meeting to order at 8:30 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:

- After Item C (open session) – insert Monitoring Liaison Appointment
- Item F3g (open session) –Primary Source Verification of Dental Residencies - insert after page 36
- Item F5a (open session), Review and Discuss Scope Statement, is removed from the agenda
- Item K1 (closed session) – Monitoring – Paul Ganshert – insert additional information after page 96
- Case Status Report – insert at the end of the agenda in closed session
- Updated Board Roster – for Board information only

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

APPROVAL OF MINUTES OF MAY 2, 2012

Corrections:

- On page 1:
 - in the header, correct the date to MAY 2
 - under, GUESTS, in the second line, change “WDS” to “WDA”
 - under PLEDGE OF ALLEGIANCE, insert a period at the end of the sentence
- On page 3:
 - Under REPORT FROM SLEEP APNEA GROUP, in the last sentence, delete “apnea oral appliances” and insert “related breathing disorders”
 - Under INFORMATIONAL ITEMS, insert a period at the end of the sentence

MOTION: Eileen Donohoo moved, seconded by John Grignon, to approve the minutes of May 2, 2012 as corrected. Motion carried unanimously.

MONITORING LIAISON APPOINTMENT

Lyndsay Knoell appointed Mark Braden as the Monitoring Liaison.

SECRETARY MATTERS

There was no report at this time.

EXECUTIVE DIRECTOR MATTERS

Procedure for Late Additions to the Agenda

The deadline for the receipt of agenda items is 14 working days prior to the meeting. Any item received after the deadline will be reviewed by the Chair to determine whether or not it will be added to the agenda. Any late additions must be received by Department staff no later than 24 hours before the start of the meeting in order to comply with the Open Meetings Law.

2013 Officer Elections to Be Held at the January 2013 Meeting

In the past, Board officer elections were held in the fall for the following year to allow officers to attend training at the Department. Training has been put on hold at this time, and the officer elections will now be held at the first meeting of the calendar year.

DSPS Staff Changes

Kelli Kaalele was promoted to another position within the Department. Katie Koschnick is the new Administrator for the Division of Board Services.

BOARD DISCUSSION ITEMS

DIVISION OF ENFORCEMENT MATTERS

DOE Screening Policy

Jeanette Lytle, DOE Attorney Supervisor and Complaint Intake and Monitoring Supervisor, gave a presentation to the Board regarding the DOE screening policy. The policy has been in effect since June 2009 and has recently been revised to include legal oversight and a reporting requirement to the boards.

EDUCATION AND EXAMINATION MATTERS

Evaluation of 2005-2008 WREB with ADEX Parts I and III

The Board reviewed the policy that required dental endorsement applicants who passed WREB between December 1, 2005 through December 30, 2008, to also pass ADEX Parts I and III.

MOTION: Eileen Donohoo moved, seconded by Linda Bohacek, to remove the requirement to pass ADEX Parts I and III for those applicants who passed WREB between December 1, 2005 and December 30, 2008. Motion carried unanimously.

CREDENTIALING MATTERS

Appeal Related to Acceptance of WREB Examination

The Board noted the letter from David Kujak, DMD. This will be deliberated in closed session.

Motion Identifying a Board Credentialing Liaison and Delegating Certain Credentialing Authority

The Board reviewed the document and made some language changes. Legal Counsel Lydia Thompson will make the revisions and submit the document for the September meeting agenda.

Update on DE 2.04(1)(c) Regarding Dental Endorsement Applicants and Failing Any Examination Within the Last Three Years

The Board reviewed and discussed DE 2.04(1)(c) regarding dental endorsement applications and failing any examination within the last three years. The Board would like to repeal this rule and asked Legal Counsel Lydia Thompson to provide options for accomplishing this task at the September meeting.

Discussion of DE 2.09 Regarding Failure and Re-examination

The Board reviewed the scope statement for DE 2.09 regarding failure and re-examination. The discussion was tabled to the September meeting. Staff from the Division of Professional Credential Processing and the Office of Education and Examinations should be included in the discussion.

Licensure Options for Foreign-Trained Dentists

There are distinctive rules in place for foreign-trained dentist applicants and for faculty dentist applicants. Applicants for any dental license must meet all the requirements before a license can be granted. The Dentistry Examining Board does not issue specialty licenses.

Military Training Equivalency for Dental Hygienists

2011 Wisconsin Act 120 allows veterans to use certain military education, training and other experience to fulfill certain requirements for a professional credential. The Board reviewed this information and determined that the military dental hygiene training may not be equivalent to the training received at accredited dental hygiene schools. Candidates applying for a dental hygiene license based on military experience only will need to be reviewed on a case-by-case basis.

Primary Source Verification of Dental Residencies

Primary source verifications are currently only done for dental schools but not for dental residency programs. As of August 1, 2012, new rules go into effect in which dental residencies are considered active practice.

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to have the Department do primary source verifications of dental residency programs and to have the Division of Professional Credential Processing create a form for this purpose. Motion carried unanimously.

PRACTICE QUESTIONS/ISSUES

There were no practice questions.

AADB MATTERS

AADB Liaison and Annual Meeting

William Stempski was the Board's AADB liaison. No Board members will attend the AADB Annual meeting October 17-18, 2012.

LIAISON REPORTS

There were no liaison reports.

REPORT FROM SLEEP APNEA WORK GROUP

Mark Braden reviewed the recommendations from the sleep apnea work group with the Board. The Board members made some changes.

MOTION: Eileen Donohoo moved, seconded by Kirk Ritchie, to adopt the position paper on sleep apnea as amended with the grammar and punctuation changes. Motion carried unanimously.

SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS

Eileen Donohoo will attend the CRDTS Annual Steering Committee Meeting August 24-25 in Kansas City, MO.

INFORMATIONAL ITEMS

Letter to Dr. Lobb

This item was noted.

Letters to the ADA Concerning Portfolio-Style Examination

This item was noted.

NEW/OTHER BUSINESS

None.

PUBLIC COMMENTS

Sharri Crowe, WDHA, asked if the portfolio style examinations were for dentists or dental hygienists. These exams are for dentists.

CLOSED SESSION

MOTION: Lyndsay Knoell 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; Lyndsay Knoell-yes; Sandra Linhart-yes; Kirk Ritchie-yes; Beth Welter-yes. Motion carried unanimously.

Open Session recessed at 10:57 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into open session at 1:18 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S)**

MOTION: Linda Bohacek moved, seconded by John Grignon, to adopt the Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against **James J. Thorpe, DMD (11 DEN 041)**. Motion carried unanimously.

MONITORING

MOTION: Eileen Donohoo moved, seconded by Linda Bohacek, to deny the request from **Paul J. Ganshert, DDS**, for termination of the requirement for therapy as he has not met the requirements of the original order. Motion carried unanimously.

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to grant the request from **Jeffrey T. Slavik, DDS**, to reduce drug screenings to 26 times per year with 1 hair test, and deny the request to remove the limitation from performing third molar extractions, and deny the request to terminate the professional mentor requirement, instead requiring a reduction in meetings with the professional mentor to one time per month, alternating monthly between a general dentist and oral surgeon as the professional mentors. The Petitioner shall not reduce the frequency of meetings with the current professional mentor until he obtains pre-approval of the new mentors by the Board or its designee. The Petitioner shall not petition the Board for any modifications until he has complied with the terms of this Order for one full year. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Eileen Donohoo moved, seconded by John Grignon, to close case **11 DEN 062 for insufficient evidence**. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Linda Bohacek, to close case **11 DEN 111 for no violation against respondent J.H.R., DDS**. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Linda Bohacek, to close case **12 DEN 028 for insufficient evidence**. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by John Grignon, to close case **12 DEN 040 for compliance gained against respondent M.B.B., DDS; and for no violation against respondents S.W.C., DDS, and J.W.F., DDS.** Motion carried unanimously.

APPLICATION REVIEW

MOTION: Lyndsay Knoell moved, seconded by Kirk Ritchie, to grant a license to **David Kujak, DMD**, when all requirements are met. Motion carried unanimously.

ADJOURNMENT

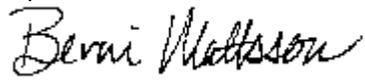
MOTION: Eileen Donohoo moved, seconded by Lyndsay Knoell, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:24 p.m.

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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, Executive Director		2) Date When Request Submitted: 8/7/12 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: 11/7/12	5) Attachments: Yes x No	6) How should the item be titled on the agenda page? Presentation from CRDTS on clinical licensure exams	
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? x Yes by Dr. Steve Holcom & Ms. Kim Laudenslager, RDH	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Representatives from Central Regional Dental Testing Service, Inc. (CRDTS for short) will make a short informational presentation to the Board on their clinical licensure exams. Dr. Holcomb is chair of the CRDTS Dental Exam Review Committee and Ms. Laudenslager is the CRDTS Director of Hygiene Examinations.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 8/7/12 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; text-align: right;">Date</div> </div>			
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 Executive 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: Chad Zadrazil, PDMP Project Manager		2) Date When Request Submitted: August 10, 2012 <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: September 5, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Prescription Drug Monitoring Program (PDMP) Update	
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 checked="" type="checkbox"/> Yes by Chad Zadrazil <small>(name)</small> <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: I will give the Board an update on the development of the PDMP, including: <ul style="list-style-type: none"> - The legislative review of the proposed PDMP rules - The vendor procurement/RFP process 			
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.			



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Overview of the Prescription Drug Monitoring Program

August 2012

- A prescription drug monitoring program (PDMP) is a statewide program that collects and stores information regarding the prescribing and dispensing of monitored prescription drugs to assist in reducing the illicit use and diversion of monitored prescription drugs
- A PDMP is an important tool that helps reduce the healthcare, social and enforcement costs that stem from prescription drug addiction and play a key role in the fight to curb the prescription drug abuse epidemic¹:
 - o PDMPs enable healthcare practitioners and pharmacists to access the information about patients prior to prescribing and/or dispensing a monitored prescription drug
 - o PDMPs enable law enforcement authorities to request the information to aid in investigating crimes associated with prescription drug diversion
- As of April, 2012, 43 states have operational PDMPs

Development of the PDMP in Wisconsin

- 2009 Wis. Act 362 directs the Department of Safety and Professional Services (Department) to seek federal grant funding and the Pharmacy Examining Board (Board) to create a PDMP through rule
- The U.S. Department of Justice awarded a grant to fund the development and deployment of PDMP to the Department in October 2011
- The PDMP is currently under development and is anticipated to be deployed in January 2013
- Development of the PDMP involves two processes:
 - o Vendor Procurement:
 - The Department worked with staff at the Department of Administration, Bureau of Procurement to develop a request for proposal (RFP)
 - The RFP was posted in May and proposals from vendors were due in June 2012
 - For more information about the procurement process, please contact Pat Conley, Procurement Manager, at pat.conley@wisconsin.gov
 - o Administrative Rule Promulgation:
 - The Board drafted rules, CR 12-009, to create Ch. Phar 18 of the Administrative Code to create and regulate the PDMP
 - The Board submitted the rule to the Legislature in March
 - The Legislature ended its review in July
 - The rule will go before the Board at its next meeting for final approval
 - For more information about the proposed rule, please see the Legislative Clearinghouse website, at <http://docs.legis.wisconsin.gov/code/chr/2012>

¹ See Controlled Substances Workgroup of the Wisconsin State Council on Alcohol and other Drug Abuse, "Reducing Wisconsin's Prescription Drug Abuse: A Call to Action," Jan. 2012 and Christine Durkin, et al., "Cost-Benefit Analysis of a Prescription Drug Monitoring Program in Wisconsin," La Follette School of Public Affairs, Dec. 20, 2010.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kaoyee Lo License/Permit Program Associate		2) Date When Request Submitted: 8/14/2012 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: September 5, 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 Reinstatement of Dental and Hygiene Licenses under Statutory Revocation Status	
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 Board may consider, and discuss reinstatement of dental and dental hygiene licenses following statutory revocation and develop a procedure on how to handle these type of reinstatement applications in the future.			
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.			

*** 447.07 Reprimand; limitation; suspension; revocation. (1)**

The examining board may, without further notice or process, limit, suspend or revoke the license of a dentist who fails within 60 days after the mailing of notice in writing, sent by registered or certified mail to the dentist's last-known address, to register and pay the fee due. The license may be reinstated, in the discretion of the examining board, by the payment of the fees specified in s. 440.05 (3) and (5) within one year from revocation. If application for reinstatement is not made within one year from the date of revocation the dentist may be required to demonstrate current qualification to practice by taking an examination in such dental subjects as may be required by the examining board and paying the fee specified in s. 440.05 (1).

(2) Subject to ss. 111.321, 111.322 and 111.335, the examining board may reprimand or may limit, suspend or revoke the license of one who has an arrest or conviction record.

(3) Subject to the rules promulgated under s. 440.03 (1), the examining board may on its own motion make investigations and conduct hearings in regard to any alleged actions of any licensed dentist or certified dental hygienist, or of any other person it has reason to believe is acting or has acted in such capacity within the state, and may, on its own motion, or upon complaint in writing, suspend or revoke such license, registration or certificate, or reprimand the holder thereof if it finds that the holder has been guilty of:

(a) Unprofessional conduct in the course of practicing dentistry;

(b) Having procured the license or certificate by fraud or perjury or through error.

(c) A violation of s. 447.02 (2).

(d) Directly or indirectly sending impressions or measurements to a dental laboratory without a written authorization in form approved by the board, signed by the dentist authorizing the same, or directly or indirectly sending a patient, or an agent of a patient, to a dental laboratory for any purpose whatsoever. The board, its agents or employes may inspect dental offices to determine their compliance with this subsection, and may inspect the work authorization records of dental laboratories to determine compliance with this subsection.

(e) A violation of s. 447.08.

(f) A violation of the rules adopted by the examining board.

(g) Conduct which indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of the profession which the holder has a license, permit or certificate to practice.

(h) Advertising by use of statements of a character tending to deceive or mislead the public.

(i) Obtaining a fee by fraud or deceit.

(j) Employing directly or indirectly a student or a suspended or unlicensed dentist to perform operations or make diagnoses, or to treat lesions of the human teeth or jaws, or to correct malposed formations thereof, except that an unlicensed person may perform exclusively mechanical work upon inert matter in a dental office or laboratory.

(k) Repeated irregularities in billing a 3rd party for services rendered to a patient. In this paragraph, "irregularities in billing" includes:

1. Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered.

2. Reporting incorrect treatment dates for the purpose of obtaining payment.

3. Reporting charges for services not rendered.

4. Incorrectly reporting services rendered for the purpose of obtaining payment.

5. Abrogating the copayment provisions of a contract by accepting the payment received from the 3rd party as full payment.

(L) A violation of ch. 161 or 450.

(7) Subject to the rules promulgated under s. 440.03 (1), the examining board may suspend the license, registration or certificate of any person licensed, registered or certified under this chapter who is a patient in a hospital for mental illnesses in this state or elsewhere. A certified copy of commitment or admission papers shall be conclusive evidence of the incapacity of such person to continue in the practice of dentistry or dental hygiene. A person who has been released from a hospital for mental illnesses may request the examining board in writing for reinstatement of the license or certificate of registration in dentistry or certificate in dental hygiene. Following receipt of such request the examining board shall hold a hearing as soon as practicable to determine the capacity of the applicant to reengage in practice. At such hearing medical or other testimony on the issue of the applicant's mental and nervous condition, and on the degree and probable permanence of recovery may be offered on behalf of the applicant or the examining board. The examining board may also examine such applicant so as to be satisfied of the applicant's qualifications to resume the practice of dentistry or dental hygiene. Any decision made following such hearing shall be reviewable under ch. 227.

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146.

447.08 Dental hygienists. (1) No person shall practice as a dental hygienist without a certificate from the dentistry examining board. Such a certificate shall authorize the holder, under the direct supervision of a licensed dentist, to perform those functions for which the hygienist has been trained in a school approved by the board.

(2) (a) An applicant shall file proof satisfactory to the examining board that he or she has a general education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the 8th grade and that he or she is a graduate of a training school for dental hygienists, approved by the examining board, which has a course of not less than 2 years of 8 months each. The fee specified in s. 440.05 (1) shall accompany the application. Applicants who have graduated prior to July 1, 1941, shall file proof satisfactory to the examining board that their educational requirements at the time of their graduation equaled those then required by the examining board.

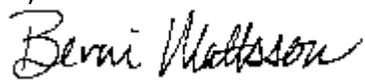
(b) Applicants who qualify under par. (a) shall be examined in writing in such subjects usually taught in reputable schools for the training of dental hygienists as the examining board deems necessary. In lieu of its own examination, the examining board may accept, in whole or in part, the certificate of the national board of dental examiners. In addition, the applicants shall submit to such practical examination as is prescribed by the examining board.

(3) The fee specified in s. 440.05 (3) shall be due and payable on or before September 1 of each odd-numbered year following issuance of the certificate. Any registrant who, subsequent to registering, changes place of residence or employment shall, within 30 days thereafter, notify the examining board in writing of the change and furnish the address of the new residence or employment and, where applicable, the name of the new employer.

(4) Certified dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or charitable institutions open to the

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Lyndsay Knoell, Chair		2) Date When Request Submitted: 7/16/12 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: DentistryExamining Board							
4) Meeting Date: 9/5/12	5) Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Item – Determination of Initial Licensure Fees					
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: At the July 11, 2012 board meeting, the Board asked why when a person is initially licensed, they pay the whole fee, even if their license is issued near the end of our credential period. The answer is that the Department does not have the authority to charge prorated fees. See s. 440.05 (1)(a), Stats. S. 440.05 (1) (a) Initial credential: An amount determined by the department under s. 440.03 (9) (a). Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department, except that no fee is required under this paragraph for an individual who is eligible for the veterans fee waiver program under s. 45.44.							
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 6/20/12 </div> </div> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Signature of person making this request</td> <td style="width: 40%; text-align: right;">Date</td> </tr> <tr> <td>Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> </table> <hr/> Bureau Director signature (indicates approval to add post agenda deadline item to agenda) Date				Signature of person making this request	Date	Supervisor (if required)	Date
Signature of person making this request	Date						
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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 Executive 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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