



STATE OF WISCONSIN
Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

DENTISTRY EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Angela Hellenbrand (608) 266-2112
September 4, 2013

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 of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Pledge of Allegiance**
- B. Recognition of Board Members**
- C. Welcome New Board Members**
- D. Recognition of 100 Years of Dental Hygiene**
- E. Adoption of Agenda (1-4)**
- F. Approval of Minutes – July 10, 2013 (5-10)**
- G. Administrative Updates**
 - 1) Staff Updates
 - 2) Appointment of Credentialing Liaison
 - 3) Other
- H. DLSC Matters**
- I. Credentialing Matters – Discussion**
 - 1) **APPEARANCE – Michael P. Waliszewski, DDS, Membership Committee Chair, Wisconsin Section of the ACP - Foreign trained dentists, specialty options and the pathways to licensure (11-14)**
 - 2) **APPEARANCE – Julio Rodriguez, DDS – General practice residency programs & foreign trained dentists**
 - 3) **APPEARANCE – WI Society of Orthodontists – Foreign trained dentists**
 - 4) **APPEARANCE – Marquette University School of Dentistry – Foreign trained Dentists**
 - 5) **APPEARANCE – Daniel Domagala DDS, MS – Foreign trained dentists (15-18)**

- 6) Review of Conscious Sedation training verification form (19-22)

J. Education and Examination Matters

- 1) Discussion of Examination Failures and Retakes and Consideration of Modifications to DE 2.09

K. Legislative/Administrative Rule Matters

- 1) **APPEARANCE – Jean MacCubbin, Rules Coordinator** - Update on Rule Projects in Process (Chs. DE 9 and 11)
- 2) Review of Scope Statement Relating to Ch. DE 8, Patient Dental Records(23-26)
- 3) Review of Rule Draft Relating to Ch, DE 12, Training Verification Forms (27-30)

L. Practice Matters

- 1) Discussion of the Doctor/Patient Relationship and Possible Guidelines Determining when the Relationship Terminates (31-32)
- 2) Dental Inspection Checklist (33-38)

M. Informational Items

- 1) Convicted Felons and DEA Licenses (39-40)

N. Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Administrative Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Class 1 Hearing(s)
- 10) Practice Matters
- 11) Legislative/Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Informational Item(s)
- 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

O. 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.)

P. Presentation and Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC)

Q. Deliberation of Proposed Administrative Warning(s)

- 1) 12 DEN 125 (G.O.M.) (41-42)

R. Credentialing Matters – Application Review(s)

- 1) M.J.D., DDS. – Dentistry Application by Endorsement **(43-62)**
- 2) B.A.K., DDS – Dentistry Application by Endorsement **(63-78)**
- 3) D.C.N., DDS - Dentistry Application by Endorsement **(79-98)**

S. Monitoring

- 1) Howard Lubin, DDS – Request for Reduction in Screens **(99-116)**
- 2) Jeffrey Slavik, DDS – Request for Termination of Therapy Requirement and Review of Mentor Requirements **(117-140)**

T. DLSC Matters

- 1) Case Status Report **(141-142)**
- 2) Case Closing(s)

U. Deliberation of Items Received After Printing of the Agenda

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Class 1 Hearings
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs
- 13) Motions
- 14) Petitions for Rehearing
- 15) Case Closings
- 16) Appearances from Requests Received or Renewed

V. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

W. APPEARANCE – Attorney James Polewski - Presentation of Motion to Designate Final Decision Maker in case 13 DEN 021 **(143-148)**

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

ADJOURNMENT

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**DENTISTRY EXAMINING BOARD
MINUTES
JULY 10, 2013**

PRESENT: Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; Adriana Jaramillo, DDS; Lyndsay Knoell, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; Beth Welter, DDS

EXCUSED: Leonardo Huck, DDS

STAFF: Angela Hellenbrand, Executive Director; Karen Rude-Evans, Bureau Assistant

CALL TO ORDER

Lyndsay Knoell, Chair, called the meeting to order at 8:30 a.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item Q1 (closed) – Appearance by Gretchen Evenson, DDS – Dr. Evenson will not appear before the Board. The matter will still be deliberated.
- Item Q3 (closed) – Appearance and Request from Blair Moldenhauer, DMD, is removed from the agenda

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

APPROVAL OF MINUTES OF MAY 1, 2013

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to approve the minutes of May 1, 2013 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Nomination and Election of Vice Chair

NOMINATION: Beth Welter nominated Mark Braden for the Office of Vice Chair.

NOMINATION: Eileen Donohoo nominated herself for the Office of Vice Chair.

Angela Hellenbrand called for nominations a total of three times. Hearing no additional nominations, a paper ballot was conducted.

Mark Braden was elected Vice Chair by majority vote.

DLSC MATTERS

Dental Inspection Checklist

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to have Board members review the checklist and to send comments and suggestions to Dr. Knoell. Motion carried unanimously.

CREDENTIALING MATTERS

Discussion of Foreign Trained Dentists

MOTION: Eileen Donohoo moved, seconded by Beth Welter, to reopen the discussion regarding foreign trained dentists and the pathways to licensure. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Report from NERB Steering Committee Meeting

MOTION: Mark Braden moved seconded by Eileen to reevaluate the use of the term “human subject” in the administrative rules. Motion carried unanimously.

Examination Failures and Retakes

MOTION: Eileen Donohoo moved, seconded by Deb Beres, to table the discussion and to consider modification to DE 2.09. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

DE 9 Lab Work Authorization Rule Draft

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to approve the changes to DE 9 hearing draft for publication and to establish a public hearing at a future meeting. Motion carried unanimously.

DE 11 Sedation Permits

MOTION: Adriana Jaramillo moved, seconded by Eileen Donohoo, to approve the changes to DE 11 hearing draft for publication and to establish a public hearing at a future meeting. Motion carried unanimously.

DE 12 Training Verification Forms Scope Statement

MOTION: Adriana Jaramillo moved, seconded by Beth Welter, to approve the Scope Statement on DE 12 for implementation. Motion carried unanimously.

Records Retention and Destruction

MOTION: Mark Braden moved, seconded by Lyndsay Knoell, to direct DSPS staff to draft a scope statement for review at a future meeting regarding records retention and destruction. Motion carried unanimously.

CLOSED SESSION

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to invite Dr. Tim McConville and Dr. Wendy Pietz to sit in during closed session. Dr. McConville and Dr. Pietz are non-voting members. Motion carried unanimously.

Lyndsay Knoell, Board Chair, read the motion to convene to closed session.

MOTION: Lyndsay Knoell moved, seconded by Eileen Donohoo, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: Debra Beres – yes; Mark Braden – yes; Eileen Donohoo – yes; Adriana Jaramillo – yes; Lyndsay Knoell – yes; Sandra Linhart – yes; Kirk Ritchie-yes; Beth Welter-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:47 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into open session at 2:20 p.m.

PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S)

MOTION: Adriana Jaramillo moved, seconded by Kirk Ritchie, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the disciplinary proceedings against **Daniel A. Humiston, DDS (11 DEN 105 and 12 Den 058)**. Motion carried unanimously.

MOTION: Adriana Jaramillo moved, seconded by Deb Beres, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the disciplinary proceedings against **Timothy M. Fischer, DDS (12 DEN 016)**. Motion carried unanimously.

APPLICATION REVIEW(S)

MOTION: Eileen Donohoo moved, seconded by Deb Beres, to approve the application of **K.A.W.** for Dental Hygiene re-registration subject to verification of having passed a regional dental hygiene licensing examination within the preceding 5 years or successful passing of a regional dental hygiene licensing examination within the next 24 months and once all other licensing requirements are met. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Mark Braden, to approve the application of **K.N.C.** for Dental Hygiene licensure by examination once all requirements are met. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Deb Beres, to approve the application of **J.L.Z., DMD**, for Dentistry licensure based upon the Board's finding that she has met the examination requirements of DE 2.01(g) and to issue the license once all requirements are met. Motion carried unanimously.

MONITORING

MOTION: Eileen Donohoo moved, seconded by Lyndsay Knoell, to deny the request of **Gretchen Evenson, DDS**, for full licensure due to non-compliance with the Board Order. Motion carried unanimously.

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to grant the request of **Edward McGrath, DDS**, for reinstatement of his license. The license is reinstated subject to the limitations, terms and conditions set forth in the standard impairment order as modified at today's meeting and noted in the monitoring file. Motion carried unanimously.

MOTION: Eileen Donohoo moved, seconded by Adriana Jaramillo, to grant the request of **Christopher Kania, DDS**, for a reduction in frequency of drug and alcohol screens to twenty eight (28) per year plus one annual hair test. Motion carried unanimously.

CASE CLOSINGS

MOTION: Adriana Jaramillo moved, seconded by Lyndsay Knoell, to close case **12 DEN 076** for **no violation**. Motion carried unanimously.

MOTION: Deb Beres moved, seconded by Beth Welter, to close case **12 DEN 107** for **no violation**. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 2:27 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: Angela Hellenbrand Executive Director		2) Date When Request Submitted: 18 July 2013 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: 4 September 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Credentialing Matters Foreign Trained Dentists	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Hello Dr. Knoell, On behalf of the Wisconsin Section of the American College of Prosthodontists I request the opportunity to attend the September 4 th meeting of the Wisconsin Dentistry Examining Board. If the opportunity presents we would appreciate any time given to comment on the licensing issues being discussed. I have attached a previous letter to the DEB regarding the position of our membership. Thank you, Michael P. Waliszewski DDS, MsD Membership committee chair – Wisconsin Section of the ACP			
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.			

To: Dentistry Examining Board of Wisconsin

From: Wisconsin Section of the American College of Prosthodontists
David J. Kachelmeyer DDS, MS (President)
Michael P. Waliszewski DDS, MsD (Membership committee chair)

Dear Board Members,

This letter is being written to highlight how the current requirements for licensure within the State of Wisconsin are perceived by our members. The American College of Prosthodontists is the professional association of dentists with advanced specialty training in prosthodontics. Our hope is to express to the board our feeling that prosthodontic specialty training should satisfy the requirement for DE 2.01(1m)(c) in regards to licensure.

The specialty of prosthodontics is defined as:

“The dental specialty pertaining to the diagnosis, treatment planning, rehabilitation, and maintenance of the oral function, comfort, appearance, and health of patients with clinical conditions associated with missing or deficient teeth.”

When our admittedly biased members read that definition, it seems to us to cover all aspects of relevant every-day dental practice. While the majority of us limit our practices to grossly debilitated dentitions a considerable amount of our time is required to be spent on what is in reality general dentistry. Examples of this are easy to locate within and beyond our group. This situation is much unlike the other dental specialties who generally do not practice beyond the specific procedures they were trained in. As our definition makes clear we are specially trained in what can also be described as comprehensive dentistry. It therefore follows that a graduate of an accredited prosthodontic training program within the United States would have these qualifications no matter the location of the student’s pre-doctoral dental education. To further stress this point the ‘comprehensive dentistry’ taught in prosthodontic programs is at least three years in duration rather than the one year programs in advanced education in general dentistry currently required. According to the committee on dental accreditation, “Advanced Education Programs in General Dentistry are educational programs designed to provide training beyond the level of pre-doctoral education in oral health care, using applied basic and behavioral sciences.” Please compare the scope of this definition and the accreditation guidelines of these programs to those of the average prosthodontic program.

We understand that due to our small numbers our specialty is not well known. However, as we become better known the value of our services will continue to be highlighted. The recent proclamation by Governor Scott Walker declaring Prosthodontic Awareness Week summarizes our contributions as dentists in our state. Our members predict that this subtle change would increase the number of high quality of care providers of dentistry within our state. We have several members in recent years that have been forced to move out of state

due to the requirement in question. The change we support would no doubt also eliminate the requests from prosthodontic graduates to allow 'exceptions' on their behalf thus making the licensing process more efficient for the board. We trust the board will also note the unselfish nature of our request as allowing these graduates access to licensure will also have the consequence of increasing competition between our members.

With these abbreviated statements in mind, our state section is confident that graduates of accredited prosthodontic training programs within the United States are qualified in general dentistry. Based on these statements, we would encourage the board to consider specialty training in prosthodontics to satisfy the requirement for DE 2.01(1m)(c).

We appreciate further opportunity to communicate with the Board should it be requested of us.

We thank the Board for their time and effort on the behalf of our profession and the public.

Sincerely,

David J. Kachelmeyer DDS, MS
President

Michael P. Waliszewski DDS, MsD
Membership Committee Chair

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Karen Rude-Evans, Bureau Assistant On behalf of Executive Director Angela Hellenbrand		2) Date When Request Submitted: 8/29/13 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: Sept 4, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? APPEARANCE – Daniel Domagala, DDS, MS	
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? <input checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Daniel Domagala, DDS, MS, will appear before the Board to discuss foreign trained dentists.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

From: dandom77@msn.com

To: knoellds@hotmail.com; joseph.vitolo@marquette.edu; geoffrey.thompson@marquette.edu; jose.bosio@mu.edu; cesar.gonzales@mu.edu; agnesdomagala@yahoo.com; michael.waliszewski@marquette.edu; david.kachelmayer@mu.edu

Subject: RE: September DEB meeting

Date: Wed, 28 Aug 2013 22:03:50 -0500

Dear Dr Knoell,

Thank you for considering my involvement in this issue. I will try to keep it short and precise.

I thought I could be a good source of information as someone who has gone through both immigration and the foreign trained credentialing process for the state of WISCONSIN and someone who's knowledge of immigration issues is above the average American. I would like to speak on my behalf.

My Background

I mentioned in my previous email that I received my dental degree from Silesian Medical University in Poland in 2002 and postgraduate degree in Prosthodontics from Marquette in 2008, faculty since 2009. I was brought to Chicago at the age of 14 shortly after THE Berlin wall came down in 1991. I became a US citizen 5 years later. Since my graduation in 2008, I have been able to build 2 very successful practices in Illinois and Wisconsin giving jobs to 3 more dentistS, 3 hygienistS and 9 auxiliary staff. I also contribute to Marquette's mission through teaching in Grad Prosthodontics every Thursday. I am married to Dr Agnieszka Domagala, Assistant Director of Advanced Care Clinic at Marquette School of Dentistry, a foreign trained dentist.

The Issue.

1. I assume that the reason the board decided to talk about this issue again is because there have been number of applications, primarily from Marquette asking for a license to practice outside the dental school.
2. I assume that the reason that the board decided to talk about this issue again is NOT the fact that there have been numerous complaints about practicing of dentists with foreign dental degrees.

Terminology

The term " foreign trained dentists " commonly refers to dentists who received their undergraduate degree from the dental school outside of US territory. The analogy comes to mind of 1960's argument of blacks to be called African-Americans or later that of gay couples to be called same sex. Although the definition of term foreign is quiet clear, when used in context, I find this term demeaning and discriminatory. I would rather use an expression such as " trained outside US" or "graduates of ADA non-accredited dental schools ".

Immigration

As of today, the US Office of Homeland Security favors applications of dental and medical professionals and will grant OR permantent residency (green cards) within 8-36 months of application.

1.

Dental educators are particularly in favor. In reality if one gets hired by A US dental school, the green card is usually issued within 8-12 months of application. More so, if one is hired by the dental school and holds a US certificate in public health (research position without clinical involvement) , that individual is still privileged to practice independently in the faculty practice. No US dental licensing exam is required for those individuals.

2.

Foreign Trained Dentists with AEGD or Specialty training in the US who choose to go into the private sector will often get sponsored by their employer and typically get their green cards within 2-3 years. Here is the important part. You can apply for a US dental licensing examination and a dental license in the US without any legal status and a legal right to work in this country. For 3 years these people work for corporations which have means and ability to sponsor visas in exchange for 21st century slavery at minimum wage and a prospect of legal status in the US.

3.

General Note : The immigration law states that foreign individuals who are contracted by a particular employer to do a particular job can only work for the particular employer who sponsors their visa. If the hospital sponsors a physician, this particular doctor cannot use the same visa to work in the private practice or another hospital.

Government and Dental Profession

It's really up to the local governments to decide whether there is a shortage of dentists / dental educators or not. Dental Boards should have a good view of what's happening at the state level to advise local governments which then make recommendations to US Office of Homeland Security to open or close green card applications for foreign dentists. The important part is that there is a great deference between foreign dentists and US citizens with foreign dental degrees.

Reinventing a wheel

Current regulations on dental licensing in Wisconsin are truly one of a kind. I speculate that those regulations were put in place in a hurry without much research after a ruling in Dr Bublik's case in 2009. I am not in the position to advise the Board, but I will say that sometimes it is best to copy regulations of adjacent states. As it stands now, Wisconsin went from being a state which didn't accept foreign trained dentists at all to one that requires the least amount of training and lowest credentials. This does not serve the profession, or the people of Wisconsin.

Specialty vs General Dental License

I need to remind the Board that in order to get the license in most states, ADB part 1,2 and CRDTS are required. I think that it would be unfair to say that the testing system in the US means very little and is not a good predictor of dental graduates knowledge and skill (NO SPACEboth US and foreign graduatesNO SPACE). It would be unfair to our system, but also to all graduates that go through it. All dental specialists who apply for a license in Wisconsin are required to have those exams taken and passed.

Closing Note

We should be proud there are still people out there who want to come and share the wealth of knowledge gathered all around world. In fact it is in our best interest to encourage folks to do so. Education is one of the most expensive sectors of the US economy, just behind healthcare, and having a privilege of highly educated individuals come and contribute to US economy and its commonwealth without any expense into their education is a gift. It's been done before after world war with immigrants from Europe and I hope it continues in the future with immigrants from other parts of the world. In addition, we should respect the decision of US citizens who choose to be trained outside of the US. **I WOULD LIKE TO NOTE FOR THE LAST FIVE YEARS THE CHAIRS OF ALL MARQUETTE DEPARTMENTS HAVE BEEN FOREIGN TRAINED AND ADDED IMMENSE VALUE TO THE PROFESSION WITHIN THE STATE. WITHOUT THEM EXPANSION OF THE SCHOOL WOULD NOT HAVE BEEN POSSIBLE.**

I will be available to talk to the Board during the next meeting in September in greater detail. Please feel free to contact me with questions

Sincerely ,
Daniel Domagala DDS, MS

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Karen Rude-Evans, Bureau Assistant On behalf of Executive Director Angela Hellenbrand		2) Date When Request Submitted: 8/26/13 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: Sept 4, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Conscious Sedation Training Verification Form	
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review and discussion of the Consious Sedation Provider School Verification Form.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8935
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FAX #: (608) 261-7083
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1400 E. Washington Avenue
Madison, WI 53703

E-Mail: web@dsps.wi.gov
Website: http://dsps.wi.gov

DENTISTRY EXAMINING BOARD

CONSCIOUS SEDATION PROVIDER SCHOOL VERIFICATION FORM

NOTE: THIS FORM MUST BE COMPLETED BY YOUR SCHOOL OR COURSE PROVIDER AND RETURNED TO DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES, HEALTH PROFESSIONS, PO BOX 8935, MADISON, WI 53708-8935

NOTE TO TRAINING COURSE PROVIDERS:

This form is for course providers to verify that courses already provided to individuals meet the requirements listed below for each category. If providers have not been approved, they may apply for course approval by submitting a syllabus that specifies the content, hours and clinical cases contained in the course to the department for review by the board.

APPLICANT - PLEASE COMPLETE THIS SECTION

PLEASE TYPE OR PRINT IN INK

Last Name	First Name	MI	Former / Maiden Name(s)
Your Street Address (number, street, city, state, zip)			
Mail To Address (if different)			
Date of Birth _____ month day year	Daytime Telephone Number () _____ - _____		
Social Security Number (Optional - for use by school to locate your records.) _____			

CERTIFYING SCHOOL OR PROVIDER - PLEASE COMPLETE THE FOLLOWING SECTIONS WHICH APPLY

AFFIDAVIT FOR CLASS III

I attest to the fact that _____ completed
(Name of Applicant)

Check one box below:

- board approved postdoctoral training in the administration of deep sedation and general anesthesia **OR**
- successful completion of a postdoctoral training program in anesthesiology that is approved by the Accreditation Council for Graduate Medical Education **OR**
- successful completion of a minimum of one year advanced clinical training in anesthesiology provided it meets the objectives set forth in part 2 of the American Dental Association's "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry."

(Name of School/Provider)

(Street, City, State, Zip)

(Coursework Completion Date)

This school/provider was board approved on _____
(date)

Signature of Dean or Department Head/Provider

Phone Number

Date

SCHOOL SEAL (if applies)

Wisconsin Department of Safety and Professional Services

AFFIDAVIT FOR CLASS II

I attest to the fact that _____ has
(Name of Applicant)

Check one box below:

- successfully completed at least 60 hours of didactic instruction which address the physical evaluation of patients, IV sedation and emergency management and 20 clinical cases managing parenteral routes of administration **OR**
- graduate level training approved by the board which includes the minimum requirements as set forth above.

(Name of School/Provider)

(Street, City, State, Zip)

(Completion Date)

This institution/provider was board approved on _____.
(Date)

Signature of Dean or Department Head/Provider

()

Phone Number

Date

SCHOOL SEAL (if applies)

AFFIDAVIT FOR CLASS I

I attest to the fact that _____
(Name of Applicant)

Check one box below:

- has successfully completed at least 18 hours in didactic instruction which addresses physical evaluation of patients, conscious sedation-enteral, emergency management, and conforms to the principles in part one or part 3 of the American Dental Association's "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry" and 20 clinical cases using an **enteral** route of administration to achieve conscious sedation, which may include group observation **OR**
- graduate level training approved by the board that, at a minimum, includes the requirements as set forth above.

(Name of School/Provider)

(Street, City, State, Zip)

(Hours Completion Date)

This institution/provider was board approved on _____
(date)

Signature of Dean or Department Head/Provider

()

Phone Number

Date

SCHOOL SEAL (if applies)

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jean MacCubbin, Program Manager		2) Date When Request Submitted: 8/8/2013 <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: 20130904	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? LEG_ ADMIN MATTERS 1. Update on Rule Projects in Process(Chs. DE 9 & 11) 2. Ch. DE 8, Patient Dental Records, Scope Statement 3. Ch. DE 12, Training Verification Forms, Rule Draft									
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? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:									
10) Describe the issue and action that should be addressed: 1. Verbal Update on Rule Projects in Process —Discuss and Consider establishing one or more Public Hearings to be scheduled at the 11/6/2013 Board meeting (chs. DE 9, DE 11 and DE 12). 2. Ch. DE 8, Patient Dental Records, Scope Statement -- Discuss and Consider Scope Statement for submittal to GORC, Publication and Implementation (attached). 3. Ch. DE 12, Training Verification Forms --Discuss and Consider Rule Draft for Public Hearing and establish Public Hearing to be held at next meeting (attached).											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Jean MacCubbin</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"><i>8/8/2013</i></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Jean MacCubbin</i>	<i>8/8/2013</i>	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
<i>Jean MacCubbin</i>	<i>8/8/2013</i>										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive 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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

STATEMENT OF SCOPE

Dentistry Examining Board

Rule No.: Ch. DE 8

Relating to: Patient Dental Records

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Dentistry Examining Board desires to develop guidelines for patient dental records which may include not only pertinent data based on patient history of treatment and service, but also record retention. Chapters DE 1 to 13 do not contain standards in the preparation or retention of patient dental records; therefore, chapter DE 8, Patient Dental Records, is proposed to be created.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Dentistry Examining Board desires guidelines for patient dental records to be consistent within the industry, recognizing recommendations by professional organizations and other states with regard to compiling records, record keeping and retention.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., requires all examining boards to "...promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 227.11 (2) (a), Stats., authorizes all agencies to promulgate rules interpreting the statutes it enforces or administers, when deemed necessary to effectuate the purpose of such statutes; the section reads: "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation..."

Section 447.02 (2) (d), Stats., authorizes the dentistry examining board promulgate rules: "(d) Specifying practices, in addition to the practices specified under s. 447.01 (3) (a) to (f), that are included within the practice of dental hygiene."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that approximately 80 hours will be needed to perform the review and develop any needed rule changes. This time includes meeting with the Dentistry Examining Board, drafting the

rule changes and processing the changes through public hearing, legislative review, and adoption. The department will assign existing staff to perform the review and develop the rule changes; no other resources are expected to be needed.

6. List with description of all entities that may be affected by the proposed rule:

Licensees

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The Federal health and human services (HHS) administration provides incentives for dental offices providing treatment to Medicaid patients to move to electronic health records with respect to x-rays or imagining. An Internet-based search of the U.S. Code or Federal Register revealed that these types of electronic patient dental records for Medicaid patients will be required beginning in 2016; no other laws relating to patient record requirements were found.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

It is anticipated that after rule promulgation hard copy record storage may decrease over time, thus resulting in lowered overhead costs to the healthcare provider.

Contact Person: Jean MacCubbin, (608) 266-0955.

Authorized Signature
Dentistry Examining Board

Date Submitted

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STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Dentistry Examining Board to renumber and amend DE 12.03 (intro.) as DE 12.03 (1) and (2), and to amend DE 12.02 (intro.) and DE 12.03 (intro.), relating to training of unlicensed persons.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 447.02 (2) (b), Stats.

Statutory authority: ss. 15.08 (5) (b) and 447.02 (2) (b), Stats.

Explanation of agency authority:

15.08 (5) (b), Stats. The examining board shall promulgate rules for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

447.02 (2) (b), Stats. The examining board shall promulgate rules specifying the "...standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04(1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry".

Related statute or rule: s. 447.01 (8), Stats.

Plain language analysis:

Section 1. includes a minor amendment relating to currently acceptable format and adds the phrase "and functions" in s. DE 12.01 (intro.) to the list of activities to be delegated to an unlicensed person. The term "function" is used throughout the chapter when dental procedures are listed.

Sections 2. and 3. are the major revisions to this rule whereby deleting the verification form and the reporting to the board of training of unlicensed persons is made. In

addition, this section also clarifies various violations if a licensee fails to report any known violations conducted by other licensees.

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

No existing or proposed rules or laws were found in an Internet-based search of the U.S. Code or the Code of Federal Register (CFR) regarding dentists training unlicensed individuals and required forms verifying such training.

Comparison with rules in adjacent states:

An Internet-based search of the statutes, rules and codes of the four adjacent states revealed the following with respect to training of unlicensed individuals, and any required forms to verify such training.

Illinois: Illinois Department of Financial & Professional Regulation issues temporary training licenses during residency requirements for dentists, hygienists and dental specialists. In the code, there is no mention of a licensed dentist providing such training be required, or to apply or report such activity to the Division of Professional Regulation.

Iowa: The Iowa Dental Board has responsibility over dentistry, dental hygiene and dental assisting and administers the state code, section 1220.156. Iowa chapter 11, Licensure to Practice Dentistry or Dental Hygiene, contains no reference to training of unlicensed individuals or for any forms so required.

Michigan: The Michigan Board of Dentistry is charged with licensing and practice requirements for licensee for dentists; these rules include dentists training on various methods of sedation and proper handling of waste. No rules currently list training and verification forms for the training of unlicensed individuals. [Public Health Code: Act 368 of 1978, Part 166, Dentistry]

Minnesota: Under the Minnesota Board of Dentistry, "...dentists employing, assisting, or enabling in any manner an unlicensed person to practice dentistry..." as found in Minnesota Statutes, section 150A.08, subdivision 1, is in violation of the state code. A brief review of the code did not reveal that a licensee has the authority to train an unlicensed individual, nor is there a means to report such training to the board. [Chapter 3100, Dentists, Hygienists, and Assistants]

Summary of factual data and analytical methodologies:

The Board, in reviewing their rules in response to Executive Order 61, recognized that in practice, no form has been approved by the Board or required to be submitted to the Board for each circumstance of training an unlicensed person.

The proposed provisions are expected to reflect current practice.

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

The Dentistry Examining Board in reviewing their rules in response to Executive Order 61 found that neither the Board nor the industry was in conformance to the rule, which was deemed unnecessary.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Jean MacCubbin, Program Manager, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708-8935; telephone (608)266-0955; email at Jean.MacCubbin@wisconsin.gov or telecommunications contact at 711..

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

Comments may be submitted to Jean MacCubbin, Program Manager, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Jean.MacCubbin@wisconsin.gov. Comments must be received on or before the public hearing to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. DE 12.01 (intro.) is amended to read:

DE 12.01 Nondelegated functions. A dentist may not delegate any dental procedure of any description to an unlicensed person if the procedure or function to be delegated includes any of the following:

SECTION 2. DE 12.02 (intro.) is amended to read:

DE 12.02 Training. A dentist who delegates any dental procedure or function to an unlicensed person ~~must first train or verify the training of~~ shall provide training to the person in the performance of the procedure or function, ~~and must maintain verifiable records on forms approved by the board of the successful completion of the training by the unlicensed person.~~

SECTION 3. DE 12.03 (intro.) is renumbered and amended as renumbered DE 12.03 (1) and (2) read:

DE 12.03 Reporting violations. (1) ~~A dentist or dental hygienist who becomes aware that~~ licensee shall report to the board any dentist who is improperly delegating the performance of any dental procedure or function to an unlicensed person, or is delegating to a person ~~who is performing the delegated~~ any dental procedure or function in a manner which is less than minimally competent, ~~shall report the circumstances to the board.~~

(2) ~~Failure~~ A licensee who fails to report the circumstances of improper delegation by a dentist as specified in sub. (1) constitutes aiding and abetting the violation of a law substantially related to the practice of dentistry or dental hygiene, and is a shall be in violation of s. DE 5.02 (20), (21), or (22).

SECTION 4. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chair or Designee
Dentistry Examining Board

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Karen Rude-Evans, Bureau Assistant on behalf of Executive Director Angela Hellenbrand		2) Date When Request Submitted: July 2, 2013 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: September 4, 2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion of the Doctor/Patient Relationship and Possible Guidelines Determining When the Relationship Terminates	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board to discuss this issue and develop possible guidelines.			
11) Authorization			
Karen Rude-Evans		July 2, 2013	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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 Policy Development 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: Angela Hellenbrand Executive Director		2) Date When Request Submitted: 9 May 13	
		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: Sept 4, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? DSPS Dental Inspection Form	
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: n/a	
10) Describe the issue and action that should be addressed: Review of Dental Inspection Checklist			
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.			

**SUGGESTED INVESTIGATIVE INSPECTION OUTLINE
DENTISTRY EXAMINING BOARD**

DATE _____ CASE _____

PERSON(S) INTERVIEWED _____

OFFICE NAME/ADDRESS _____

Note: This is intended as an investigative tool ONLY. It is not intended to be a complete or exhaustive list, nor is it intended to be an instructional tool for dental practitioners.

A. GENERAL INFORMATION:

(DIAGRAM the clinic on reverse as needed)

ASK:

1. How many dentists practice in the clinic?
2. How many hygienists?
3. What type of practice is it? (e.g., orthodontist, general dentistry, prosthodontics, etc.)
4. How many operatories does the clinic have?
5. How many are used on a daily basis?
6. How many patients are seen by the dentist/s each day?
7. How many patients are seen by the hygienist/s? each day
8. Does the clinic employ dental assistants? YES NO
 8a. If yes, how many?
9. What tasks do the dental assistants perform?
10. Is there a separate employee break area? YES NO
11. Is there an eye wash station within the clinic? YES NO
 11a. If yes, DESCRIBE the location (include the distance from operatories):

B. PATIENT MEDICAL INFORMATION:

OBTAIN a copy of the medical history form used by the clinic.

ASK:

1. Who completes the form?
2. Where is the completed form kept?
3. Who has access to the information contained on the form?
4. How, when and by whom is the information updated?

C. ANESTHESIA:

If nitrous oxide is used by the clinic, ASK:

1. Who administers the nitrous oxide?
2. Who performs routine maintenance on the equipment?
 2a. When?
3. Where is the scavenged nitrous oxide vented?
4. How is the employees' exposure to nitrous oxide monitored?
5. What type(s) of local anesthetic is used?
 5a. OBSERVE a carpule of each type, record product name and expiration date.

D. X-RAY EQUIPMENT:

If any type of x-ray is taken, ASK:

1. How is the lead apron decontaminated?
 1a. When/how often?
 1b. By whom?
2. Does the x-ray ON switch have a barrier to prevent contamination?
 2a. If NO, how is the switch decontaminated or how is contamination prevented?
3. Are lead-lined boxes used to store x-ray film at any location or station in the office?

E. LABORATORY:

If the clinic has a lab in which study models are prepared, ASK:

1. How is the laboratory cleaned?
 - 1a. When?
 - 1b. By whom?
2. Are impressions disinfected?
 - 2a. How?
 - 2b. When?
3. Are impressions sent to a commercial lab for pouring?
 - 3a. How are impressions packaged and labeled for transport?

OBSERVE the lab.

3. Is there plaster dust or debris on the floor?
4. Is there a plastic safety cover over the polisher and grinder wheels?
5. If the lab appears unclean, DESCRIBE the discrepancies.

F. HANDWASHING:

1. OBSERVE and note anything out of the ordinary, such as soap containers that appear unused, or containers that have clearly been refilled with something other than what is identified on the label. NOTE if bar soap is used anywhere.
2. Where are the handwashing stations? (Are they near or in each operatory?)
3. What are the types of controls for the faucets at the stations (hand, foot, other)?
4. What is the material provided for drying hands?
5. ASK the practitioner to describe their daily handwashing routine.
6. If possible, OBSERVE and DESCRIBE the handwashing done between patients.

G. SHARPS:

OBSERVE the following:

1. Are sharps containers located within each operatory?
 - 1a. If YES, are they placed out of the reach of children?
 - 1b. If YES, are they easily accessible?
 - 1c. If NO, where are the sharps containers located?
 - 1d. If the clinic has NO sharps containers, ASK the practitioner to explain why.
 - 1e. If the practitioner says they use sharps in their practice but don't have sharps containers ASK how they dispose of the sharps.
2. How are the sharps containers labeled?
3. Are the safety mechanisms on the sharps containers intact?
4. ASK how the sharps containers are disposed of when filled?
5. ASK if the clinic or the respondent practices needle recapping. If YES, have them describe and NOTE the method they use to recap the needle.

H. BIOHAZARDOUS WASTE:

1. OBSERVE AND NOTE any blood tainted or soaked items visible in the dental clinic.

ASK:

2. What items does the clinic consider biohazardous waste? (Examples of typical biohazardous waste are cotton rolls, gauze pads, etc.)
3. How is the disposal of biohazardous waste handled?
4. What is done with extracted teeth?
 - 9a. If returned to the patient, how are they prepared before being returned?
 - 9b. If discarded, how are they discarded?

OBSERVE:

5. How are the containers that contain biohazardous waste labeled?

I. INSTRUMENT STERILIZATION:

ASK:

1. What steps are taken to process instruments used for treating a patient after the patient leaves the operatory?
2. Are any contaminated instruments hand scrubbed? If YES, LIST.
3. Is an ultrasonic used on the instruments?
4. IF YES, for what purpose is the ultrasonic used? (eg., sanitizing, removing debris, disinfecting)

If YES, OBSERVE:

5. What is the make and model of the unit?
6. Is the unit covered?

If YES, ASK:

7. Is the unit tested for effectiveness?
 - 7a. How?
 - 7b? When/how frequently?
 - 7c. By whom?
8. What solution is used in the ultrasonic?
 - 8a. How often is the solution changed?
 - 8b. By whom?
 - 8c. How does the clinic keep record of when the solution needs changing?
9. How long are instruments kept in the solution?

OBSERVE a bottle of the solution.

10. RECORD the name brand, the active ingredient, and the expiration date.
11. NOTE if instruments are not completely submerged or if the solution appears dirty.
12. ASK for a demonstration of the ultrasonic in use. NOTE if the instruments are submerged, if the unit is covered, and the length of time the machine is set to run.

13. Is 'cold sterilization' or high-level disinfection used on any instrument(s) or item(s)? If YES, LIST.

If YES, ASK:

14. What type of solution is used?
15. How often is the solution changed?
 - 12a. By whom?
16. How does the clinic keep record of when the solution needs changing?
17. For what purpose is 'cold sterilization' used? (eg., sanitizing, removing debris, disinfection)
18. How long are instruments kept in the solution?

OBSERVE:

19. RECORD the brand, the active ingredient(s) and the expiration date of the solution.
20. Are the 'cold sterilization' container(s) covered?
21. NOTE if instruments are not completely submerged or if the solution appears dirty.
22. Is an autoclave or Chemclave used on any instrument(s) or item(s)?

If YES, obtain the following information:

23. OBSERVE the make and model of the autoclave/Chemclave. RECORD the condition of the unit and its contents.
24. ASK if the autoclave/Chemclave is tested for effectiveness.
 - 24a. If YES, how is it tested?
 - 24b. How often?
 - 24c. By whom?
25. For what purpose is the autoclave/Chemclave used? (sanitizing, removing debris, disinfection)
26. How long are instruments autoclaved/Chemclaved?
27. Are instruments bagged before being placed in the autoclave/Chemclave?
 - 25a. Are the bags dated?
 - 25b. Do the bags show evidence of having been autoclaved/Chemclaved?
28. How are the instruments stored after being removed from the autoclave/chemclave?

If a Chemclave is used, ASK:

- 29. What type of solution is used?
 - 27a. How often is the solution changed?
 - 27b. By whom?
 - 27c. How does the clinic keep record of when the solution needs changing?
- 30. OBSERVE the condition of instruments that have completed the sterilization process. NOTE discrepancies such as loose tools, debris on tools, opened bags, instruments breaking through bags or bags without heat indicators .
- 31. OBSERVE and NOTE where instruments are stored.

ASK:

- 32. Does staff use rubbing alcohol to clean or disinfect any instrument or surface?
 - 32a. If YES, on what items is it used?
 - 32b. How is it used?
- 33. For each of the instruments listed below, ASK whether or not the clinic or practitioner uses a disposable form of the instrument, if they 'cold sterilize' the instrument only, or if they use any combination of other cleaning methods and then autoclave the instruments. (Put N/A if they don't use the item.)

	<u>DISP.</u>	<u>COLD STER.</u>	<u>AUTOCLAVE</u>
33a. Prophy angles	_____	_____	_____
33b. Prophy cups	_____	_____	_____
33c. HVE tips (suction)	_____	_____	_____
33d. Saliva ejectors	_____	_____	_____
33e. Air/Water syringe tips	_____	_____	_____
33f. Dappen dishes	_____	_____	_____
33g. Cheek retractors	_____	_____	_____
33h. Bite blocks	_____	_____	_____
33i. Endo files	_____	_____	_____
33j. Burs	_____	_____	_____
33k. Impression trays	_____	_____	_____

- 34. How are slow and high speed hand pieces cleaned?
 - 28a. When? (Between patients, daily, etc.)
- 35. How are the instruments prepared before being sent for repair?
- 36. How are the instrument trays cleaned?
 - 36a. How often?
 - 36b. By whom?
- 37. How are items retrieved from cupboards or drawers during a dental procedure?

J. OPERATORY DISINFECTION:

OBSERVE:

- 1. On what surfaces are barriers (pieces of tape, bags, or other disposable protectors) used?
- 2. When are the barriers changed?
- 3. Are there any unusual observations or concerns? (eg., counters showing evidence of residues, dirty areas, food, drinks or consumables, etc.)
- 4. OBSERVE the bottle. RECORD the disinfectant name, active ingredient and the expiration date.

ASK:

- 5. How are the hard surfaces in the operatory cleaned?
- 6. How often during the day is this done?
- 7. What product(s) are used?
- 8. How often is the high volume evacuation system (suction) cleaned?
- 9. Is the trap cleaned?
 - 9a. How often?

10. When are the anti-retractor valves in the air/ water syringes and high speed handpieces flushed? (NOTE if they do not have anti-retractor valves.)
11. Does the clinic contract with an outside service to clean the clinic or operatory areas?
 - 11a. If YES, NOTE what tasks the service performs.

(If the service is actually performing any disinfection or sanitation of the operatory surfaces or if it is handling instruments, ASK about the nature of the service. Is it a service specializing in cleaning medical/dental clinics? If not, what training is provided to the service personnel? Does the clinic have documentation of the training? What personal protective equipment is given to them for their use?)

K. EMPLOYEE ISSUES:

(Note: If the practitioner is self-employed, not incorporated, and has no employees involved in the care of patients, those items marked with an asterisk do not apply.)

OBSERVE the practitioner as well as any other employee working with a patient, if possible. If it cannot be observed, ASK:

1. Are gloves worn?
 - 1a. When?
 - 1b. When are they changed?
2. Are face masks worn?*
- 2a. When?
- 2b. When are they changed?*
3. Are eye protection or chin-length face shields worn?*
- 3a. If eyeglasses are worn, are side shields used?*
- 3b. How often is the eye protection cleaned?*
- 3c. How is it cleaned?*
4. Are employees wearing uniforms and/or gowns?* DESCRIBE style of uniforms/gowns.
 - 4a. Who is responsible for laundering uniforms/gowns?*
 - 4b. What is done with the uniform at the end of the work day?*
 - 4c. What is done if a uniform/gown becomes soiled or contaminated during the work day?*
5. Is a sharps container present in the laundering area?*
6. Are staff personally responsible for any costs of uniforms, protective eyewear, gloves or masks?*
7. Is there a written protocol for handling biohazardous spills?* If YES, OBTAIN a copy.
 - 7a. If NO, ASK the practitioner to describe how staff is instructed to handle spills.
8. What is the protocol for handling an amalgam spill?
9. Ask if the office has a protocol for follow-up to an employee's significant biohazard exposure.*
 - 9a. If YES, ASK for a copy of the written protocol and include with the report.
 - 9b. If NO, ASK the practitioner to describe how this would be handled.
10. Is the hepatitis B vaccine offered to all staff at no charge?* If NO, NOTE to whom it is not offered.
 - 10a. If YES, what would be done if an employee refused the vaccination?*
11. Does the practitioner maintain a confidential employee medical file on each staff member?*
 - 11a. If YES, what type of information is included in the file?
12. Are new employees trained in infection control procedures?*
 - 12a. Is retraining in infection control procedures provided?*
 - 12b. How frequently is it provided?*
 - 12c. Is there a record of the training?

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

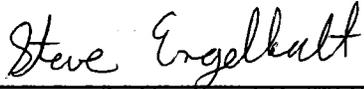
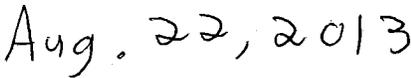
AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Angela Hellenbrand Executive Director <i>for Dr. Mark Braden</i>		2) Date When Request Submitted: 6 August 2013 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: 4 September 2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Items - Convicted Felons & DEA Licenses	
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:			
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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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Steve Engelbrecht, Paralegal On Behalf of Attorney James E. Polewski Division of Legal Services and Compliance		2) Date When Request Submitted: Aug. 22, 2013	
		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: Sept. 4, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Motion to Designate Final Decision Maker in Case No. 13 DEN 021 Sandra E. Linhart	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input checked="" type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>That the Board review the Motion to Designate a Final Decision Maker for this case and decide whether or not to issue an Order designating Chief Legal Counsel Michael J. Berndt as the Board's designated final decision-maker in this matter.</p> <p>Motion is presented in Open Session, discussed/deliberated in Closed Session, then voted upon in Open Session..</p>			
11) Authorization			
			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive 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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : DLSC Case No. 13 DEN 021
SANDRA E. LINHART, :
RESPONDENT :

MOTION TO DESIGNATE FINAL DECISION-MAKER

The Division of Legal Services and Compliance, by attorney James E. Polewski, together with Sandra E. Linhart, jointly request that the Board delegate to the Department of Safety and Professional Service's chief legal counsel, the Board's authority to resolve the above-encaptioned disciplinary matter. The parties' request is based on the following:

1. Pursuant to Wis. Stat. § 15.08 (5)(c) and Wis. Stat. § 447.07, the Wisconsin Dentistry Examining Board is authorized to investigate allegations that a licensed dentist has engaged in unprofessional conduct; to impose discipline or a forfeiture or both when unprofessional conduct is found; and, when the Board determines that disciplinary action is not warranted or advisable, to close cases without formal disciplinary action.
2. Pursuant to Wis. Stat. § 15.08(4), a quorum consisting of a majority of the membership of the Board must be present and available before the Board may take official action, including, but not limited to, imposing discipline or closing an investigation without disciplinary action.
3. On information and belief, in the instant case, a sufficient number of board members have conflicts of interest such that the Board is deprived of a quorum to take action.
4. Pursuant to Wis. Stat. § 227.46(1), the Board has the authority to, in its discretion, delegate its decision-making powers to agency employees to serve as the hearing examiner.
5. Pursuant to Wis. Stat. § 227.46(3)(a), the Board has the authority to, in its discretion, delegate that the hearing examiner's decision to be the final decision in the matter.

THEREFORE, pursuant to Wis. Stat. §§ 227.46(1) and 227.46(3)(a), and the Board's inherent authority to delegate final decision-making to an impartial attorney employed by the Department, the parties jointly move the Board to delegate to the Department's chief legal counsel the Board's authority to take action to resolve the instant case.

Respectfully submitted on this 22^d day of August, 2013.

James E. Polewski

James E. Polewski, Attorney for the Division
State Bar Number 1002963
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708
Tel. (608) 266-0358

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
SANDRA E. LINHART, :
RESPONDENT. :

Division of Legal Services and Compliance¹ Case No. 13 DEN 021

Respondent Sandra E. Linhart and James E. Polewski, attorney for the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance.
2. Respondent knows, understands and agrees that pursuant to Wis. Stat. § 15.08 (5)(c) and Wis. Stat. § 447.07, the Wisconsin Dentistry Examining Board is authorized to investigate allegations that a licensed dentist has engaged in unprofessional conduct; to impose discipline or a forfeiture or both when unprofessional conduct is found; and, when the Board determines that disciplinary action is not warranted or advisable, to close cases without formal disciplinary action.
3. Respondent knows, understands and agrees that pursuant to Wis. Stat. § 15.08(4), a quorum consisting of a majority of the membership of the Board must be present and available before the Board may take official action, including, but not limited to, imposing discipline or closing an investigation without disciplinary action.
4. Respondent knows, understands and agrees that a sufficient number of board members have conflicts of interest such that the Board is deprived of a quorum to take action.
5. Respondent knows, understands and agrees that the Board does not have a conflict in hearing the motion to delegate its authority to serve a final decision-maker to the Chief Legal Counsel of the Department.
6. Respondent understands that pursuant to Wis. Stat. 227.46(3)(a), the Board has the authority to, in its discretion, delegate its decision-making powers to agency employees.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

7. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and accept the motion to designate the final decision maker to be the Chief Legal Counsel of the Department.

Sandra E. Linhart
Sandra E. Linhart, Respondent
1105 28th St. S.
La Crosse, WI 54601
License no. 1001663-16

8-21-2013
Date

Thomas J. Kieffer
Thomas J. Kieffer, attorney for Ms. Linhart
Hale, Skemp, Hale & Sleik
P.O. Box 1927
LaCrosse, WI 54602-1297

August 21, 2013
Date

James E. Polewski
James E. Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

August 19, 2013
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
SANDRA E. LINHART, : ORDER DESIGNATING
RESPONDENT. : A FINAL DECISION-MAKER

Division of Legal Services and Compliance cases 13 DEN 021

On September 4, 2013, the Dentistry Examining Board considered the August 22, 2013 Motion to Designate a Final Decision-Maker, and the supporting stipulation. The Board is satisfied that designation of an agency official as the final decision-maker pursuant to Wis. Stat. sec. 227.46(1) is necessary to the fair and timely resolution of this matter and will further the interests of public health, safety and welfare.

The Motion to Designate a Final Decision-Maker is GRANTED.

The Board hereby orders that Michael J. Berndt, Chief Legal Counsel with the Department of Safety and Professional Services, shall be the Board's designated final decision-maker in this matter pursuant to Wis. Stats. secs. 227.46(1) and (3)(a). The Board authorizes the designated final decision-maker to, in his discretion and in accordance with applicable law, accept or reject any stipulated proposed decision and order that the parties submit, issue an administrative warning, close the case without discipline or, if necessary, refer the case to the Division of Hearing and Appeals for a contested hearing.

This Order is effective on the date of signing.

DENTISTRY EXAMINING BOARD

By: _____
A Member of the Board

Date