



**Scott Walker, Governor**  
**Dave Ross, Secretary**

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**DENTISTRY EXAMINING BOARD**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**March 4, 2015**

*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. Adoption of Agenda (1-3)**

**C. Approval of Minutes – January 7, 2015 (4-9)**

**D. Administrative Matters**

- 1) Staff Updates
- 2) Board Memberships
- 3) Review of Updated Monitoring Liaison/Delegation Authorities Document (10-11)

**E. 8:35 AM PUBLIC HEARING: Clearinghouse Rule 15-013, Relating to Foreign Trained Dentists (12-18)**

- 1) Review and Respond to Clearinghouse Report and Public Hearing Comments (19-21)

**F. Legislative/Administrative Rule Matters (22)**

- 1) Proposals for DE 1, 10, Relating to Mobile Dentistry (23-24)
- 2) Update on DE 5, 14, Relating to Informed Consent
- 3) Update on DE 3, 7, 11, Relating to Nitrous Oxide Inhalation Analgesia
- 4) Update on Pending and Possible Rules

**G. Education and Examination Matters**

- 1) CRDTS Examiner Letter (25)

#### **H. Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Matters
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislative/Administrative Rule Matters
- 9) Liaison Report(s)
- 10) Informational Item(s)
- 11) Disciplinary Matters
- 12) Presentations of Petition(s) for Summary Suspension
- 13) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 14) Presentation of Proposed Decisions
- 15) Presentation of Interim Orders
- 16) Petitions for Re-Hearing
- 17) Petitions for Assessments
- 18) Petitions to Vacate Orders
- 19) Petitions for Designation of Hearing Examiner
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

#### **I. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. s. 19.85(1)(a),); to consider licensure or certification of individuals (Wis. Stat. s. 19.85(1)(b), Stats.; to consider closing disciplinary investigations with administrative warnings (Wis. Stat. s. 19.85 (1)(b), and 440.205,); to consider individual histories or disciplinary data (Wis. Stat. s. 19.85 (1)(f),); and to confer with legal counsel (Wis. Stat. s. 19.85(1)(g),).**

#### **J. Credentialing Matters**

- 1) Application Reviews
  - a) J.L. RDH (Endorsement Application) **(26-49)**

#### **K. Deliberation on Monitoring Matters (50-51)**

- 1) Gretchen Evenson, D.D.S., Gretchen Evenson, D.D.S., Requesting Termination of Therapy **(52-87)**
- 2) Edward McGrath, D.D.S., Requesting Modification **(88-115)**

#### **L. Presentation and/or Deliberation on Proposed Stipulations, Final Decisions and Orders**

- 1) 14 DEN 097 **(116-122)**

**M. Deliberation on Administrative Warnings**

- 1) 13 DEN 077 (**123-124**)
- 2) 14 DEN 034 (**125-126**)
- 3) 14 DEN 043 (**127-128**)
- 4) 14 DEN 050 (**129-130**)
- 5) 14 DEN 091 (**131-132**)

**N. Deliberation on Case Closings**

- 1) 13 DEN 032 (**133-136**)
- 2) 14 DEN 030 (**137-138**)
- 3) 14 DEN 084 (**139-141**)
- 4) 14 DEN 093 (**142-145**)

**O. Case Status Report (146-147)**

**P. Consulting with Legal Counsel**

**Q. Deliberation of Items Received After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP)
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Review of Administrative Warning
- 10) Proposed Decisions
- 11) Matters Relating to Costs
- 12) Case Closings
- 13) Case Status Report
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

**S. Open Session Items Noticed Above not Completed in the Initial Open Session**

**ADJOURNMENT**

**DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
January 7, 2015**

**PRESENT:** Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; Leonardo Huck, DDS; Lyndsay Knoell, DDS; Wendy Pietz, DDS; Carrie Stempski, RDH; Beth Welter, DDS

**EXCUSED:** Timothy McConville, DDS

**STAFF:** Brittany Lewin, Executive Director; Gretchen Mrozinski, Legal Counsel; Taylor Thompson, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Lyndsay Knoell, Chair, called the meeting to order at 8:32 A.M. A quorum of eight (8) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments:**

- The Board references Item H.2. from the March 2014 agenda for Item E.1. in today's agenda.

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

**APPROVAL OF MINUTES**

**Corrections:**

- Remove names from closed session motions.

**MOTION:** Debra Beres moved, seconded by Eileen Donohoo, to approve the minutes of November 5, 2014 as corrected. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**ELECTION OF BOARD OFFICERS**

**BOARD CHAIR**

**NOMINATION:** Mark Braden nominated Lyndsay Knoell for the Office of Board Chair. Nomination carried by unanimous consent.

Brittany Lewin called for other nominations three (3) times.

**VICE CHAIR**

**NOMINATION:** Lyndsay Knoell nominated Mark Braden for the Office of Vice Chair. Nomination carried by unanimous consent.

Brittany Lewin called for other nominations three (3) times.

## SECRETARY

**NOMINATION:** Lyndsay Knoell nominated Debra Beres for the Office of Secretary. Nomination carried by unanimous consent.

Brittany Lewin called for other nominations three (3) times.

<b>2015 ELECTION RESULTS</b>	
<b>Board Chair</b>	<b>Lyndsay Knoell</b>
<b>Vice Chair</b>	<b>Mark Braden</b>
<b>Secretary</b>	<b>Debra Beres</b>

### LIAISON APPOINTMENTS

Practice Questions Liaisons:	All Board Officers
Screening Panel:	Lyndsay Knoell, Debra Beres
DLSC Liaison:	Mark Braden
Credentialing Liaisons:	Debra Beres, Wendy Pietz
Education and Examinations Liaison:	Eileen Donohoo
Website Liaison:	Beth Welter
PAP Liaison:	Tim McConville
PDMP Liaison:	Wendy Pietz

<b>Types of Liaisons</b>	<b>Description</b>	<b>Delegation Date: Board Member Name</b>
<b>Practice Questions Liaisons</b>	Address practice related questions.	<b>Board Officers</b>
<b>Screening Panel Liaison</b>	Reviews complaints received by the Department to determine whether a case should be opened for investigation.	<b>Lyndsay Knoell Debra Beres Vacancy – Public Member</b>
<b>Legal Services and Compliance Monitoring</b>	Work with DSPS monitors to carry out board orders	<b>Mark Braden</b>
<b>Credentialing Liaison</b>	Consult with Department staff on the processing of applications in line with the parameters set forth in the “Credentialing Procedure” document for the board	<b>Debra Beres Wendy Pietz</b>
<b>Office of Education and Examination Liaison</b>	Make decisions on routine questions involving the administration of examinations and approval of education programs. Conscious	<b>Eileen Donohoo Vacancy - Dentist</b>

	sedation course approval.	
<b>Website Liaison</b>	Work with DSPTS staff to manage/update website content.	<b>Beth Welter Vacancy – Public Member</b>
<b>PAP Liaison</b>	Work with PAP Coordinator to ensure compliance with PAP agreements. See SPS 7 for more information.	<b>Tim McConville</b>
<b>PDMP Liaison</b>		<b>Wendy Pietz</b>

**MOTION:** Eileen Donohoo moved, seconded by Mark Braden, that the record indicate the election of Lyndsay Knoell as Chair, Mark Braden as Vice Chair, and Debra Beres as Secretary, and the delegation of liaisons as appointed. Motion carried unanimously.

#### **DELEGATION OF AUTHORITY**

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document as presented in today’s agenda packet. Motion carried unanimously.

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

## LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

### DRAFT AMENDING DE 2 RELATING TO FOREIGN TRAINED DENTISTS

**MOTION:** Eileen Donohoo moved, seconded by Debra Beres, to authorize the Chair to approve the amended draft of DE 2 relating to Foreign Trained Dentists for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**MOTION:** Leonardo Huck moved, seconded by Beth Welter, to designate Mark Braden for DE 4 and 14, and to designate Deb Beres for DE 3, 7, and 11 for drafting the rules. Motion carried unanimously.

### SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

**MOTION:** Leonardo Huck moved, seconded by Beth Welter, to authorize the Chair to speak at the February WDA Board meeting. Motion carried unanimously.

**MOTION:** Lyndsay Knoell moved, seconded by Eileen Donohoo, to acknowledge that Leonardo Huck and Carrie Stempski may serve on the ADA Department of Testing Services Test Construction Committee; Eileen Donohoo, Beth Welter, Debra Beres, and Carrie Stempski may participate as a CRDTS examiner; Eileen Donohoo and Leonardo Huck may participate as a NERB examiner. Motion carried unanimously.

### CLOSED SESSION

**MOTION:** Beres moved seconded by Welter, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.). Lyndsay Knoell read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Debra Beres-yes; Mark Braden-yes; Eileen Donohoo-yes; Leonardo Huck-yes; Lyndsay Knoell-yes; Wendy Pietz-yes; Carrie Stempski-yes; and Beth Welter -yes. Motion carried unanimously.

The Board convened into Closed Session at 11:57 A.M.

### RECONVENE TO OPEN SESSION

**MOTION:** Lyndsay Knoell moved, seconded by Debra Beres, to reconvene in Open Session at 2:02 P.M. Motion carried unanimously.

### VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

**MOTION:** Eileen Donohoo moved, seconded by Lyndsay Knoell, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

## CREENTIALING MATTERS

**MOTION:** Mark Braden moved, seconded by Debra Beres, to approve the Dental Faculty License application of **D.B.**, once all requirements are met. Motion carried unanimously.

**MOTION:** Lyndsay Knoell moved, seconded by Beth Welter, to issue an intent to deny the Dental License application of **F.F.**, due to a lack of a substantially equivalent clinical examination. Respondent has 45 days to provide additional supporting information rebutting the above finding of lack of a substantially equivalent clinical examination. If applicant fails to establish documentation of a substantially equivalent clinical exam, the application will be denied. Motion carried unanimously.

**MOTION:** Lyndsay Knoell moved, seconded by Mark Braden, to issue an intent to deny the Dental Hygienist License application of **J.L., R.D.H.**, due to a lack of a substantially equivalent clinical examination. Respondent has 45 days to provide additional supporting information rebutting the above finding of lack of a substantially equivalent clinical examination. If applicant fails to establish documentation of a substantially equivalent clinical exam, the application will be denied. Motion carried unanimously.

**MOTION:** Lyndsay Knoell moved, seconded by Mark Braden, to require **S.C., D.M.D.**, submit to a personal interview according to Wis. Admin. Code. § DE 2.04(1)(i). Motion carried unanimously.

## DISCIPLINARY MATTERS

### ALJ PROPOSED FINAL DECISION AND ORDER

*Mark Braden will not be recusing himself as he has not participated in this matter although listed as Case Advisor.*

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to adopt the ALJ Proposed Findings of Fact, Conclusions of Law, and the Final Decision and Order in the matter of disciplinary proceedings against **Fredrick G. Kriemelmeyer, D.D.S., DLSC Case 14 DEN 024.** Motion carried unanimously.

## CASE CLOSINGS

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to close DLSC case number **14 DEN 067, against G.C.N., D.D.S., for No Violation (NV).** Motion carried unanimously.

## MONITORING MATTERS

**MOTION:** Eileen Donohoo moved, seconded by Debra Beres, to approve the request of **Paul Ganshert, D.D.S.**, for a reduction in drug and alcohol screens from 28 times per year to 17 times per year plus one hair test, pending a negative hair test. To deny the request of **Paul Ganshert, D.D.S.**, for the ability to prescribe controlled substances. **Reason for Denial:** Lack of time of compliance under the original order. Motion carried unanimously.

## ADJOURNMENT

**MOTION:** Debra Beres moved, seconded by Mark Braden, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:15 P.M.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Ashley Horton  Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted:  January 13, 2015  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments:  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Delegation to Monitoring Liaison and Department Monitor	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Delegated Authority Motion:  <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11) <span style="float: right;">Authorization</span>  <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">  </div> <div style="width: 30%; text-align: center;">           January 13, 2015         </div> <div style="width: 30%;"></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: 20%; text-align: center;">Date</div> <div style="width: 20%;"></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 20%; text-align: center;">Date</div> <div style="width: 20%;"></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 20%; text-align: center;">Date</div> <div style="width: 20%;"></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 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.			

## **Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor**

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

### **Current Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. **Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.**

*Monitoring Liaison currently has the authority to grant an extension up to 90 days. This change will allow the Liaison to grant payment plans and longer extensions on a case-by-case basis, which will be particularly helpful for Board/Sections that do not meet every month.*

7. **Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.**

*This addition was initiated and approved by the Medical Examining Board in October 2014. The Liaison may choose to defer a particular request to the full Board/Section for review if needed.*

### **Current Authorities Delegated to the Department Monitor**

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> Administrative Rules Coordinator		2) Date When Request Submitted:  <b>23 February 2015</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Dentistry Examining Board</b>			
4) Meeting Date:  <b>4 March 2015</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on Clearinghouse Rule 15-013 relating to foreign trained dentists</b>  <b>Review and respond to Clearinghouse Report and Public Hearing comments</b>	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Hold Public Hearing at 8:35 a.m.</b>  <b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b>			
11) Authorization  <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <b><i>Sharon Henes</i></b>  <hr/> <small>Signature of person making this request</small> </div> <div style="text-align: center;"> <b><i>23 February 2015</i></b>  <hr/> <small>Date</small> </div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="text-align: center;">   <hr/> <small>Supervisor (if required)</small> </div> <div style="text-align: center;"> <b><i>2/23/15</i></b>  <hr/> <small>Date</small> </div> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="text-align: center;"> <hr/> <small>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</small> </div> <div style="text-align: center;"> <hr/> <small>Date</small> </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 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.			

## **Notice of Hearing**

The Dentistry Examining Board announces that it will hold a public hearing on a permanent rule to repeal DE 2.01(1m)(c) and create DE 2.01(1m)(d) relating to foreign trained dentists.

### **Hearing Information**

Date: March 4, 2015

Time: 8:35 a.m.

Location: 1400 East Washington Avenue, Room 121A, Madison, Wisconsin

### **Appearances at the Hearing and Submittal of Written Comments**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on March 4, 2015 to be included in the record of rule-making proceedings.

The rule may be reviewed and comments made at <http://dsps.wi.gov/Boards-Councils/Rulemaking/Public-Hearing-Comments> no later than at or before the public hearing to be held on March 4, 2015.

### **Initial Regulatory Flexibility Analysis**

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

### **Agency Small Business Regulatory Coordinator**

Dave Ross, (608) 266-1352, Dave.Ross@wisconsin.gov

*(Forward a copy of the complete rule filed with Legislative Council Clearinghouse, including any Economic Impact Analysis and Fiscal Estimate to LRB as separate files. All documents, including the Economic Impact Analysis, must be Microsoft Word Documents. PDFs cannot be accepted.)*

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Dentistry Examining Board to repeal DE 2.01(1m)(c) and create DE 2.01(1m)(d) relating to foreign trained dentists.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 447.04, Wis. Stats.

**Statutory authority:** ss 15.08(5)(b) and 447.04(1)(b)1., Wis. Stats.

**Explanation of agency authority:**

The Board shall promulgate rules for the guidance of the profession not inconsistent with the law relating to the profession. The Board shall establish requirements for licensure established by rule for granting a license to an applicant licensed in another state, territory or country.

**Related statute or rule:**

**Plain language analysis:**

A foreign trained dentist is required to provide verification of being awarded a DDS or DMD degree from an accredited dental school or a dental diploma, degree or certificate from a dental education program lasting at least two years at an accredited dental school which is equivalent to didactic and clinical at the level of a DDS or DMD degree.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires graduates of programs outside of the United States or Canada to provide certification of completion of a minimum of 2 years of clinical training from an approved dental college in the United States or Canada in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or certification of completion of no less than 2 academic years of advanced dental education program.

**Iowa:** Iowa requires foreign trained applicants to receive a dental diploma, degree or certificate from a full-time, undergraduate supplemental dental education program of at least 2 academic years at an accredited dental college. The program must provide didactic and clinical education to the level of a DDS or DMD graduate.

**Michigan:** Michigan requires foreign trained applicants to complete a minimum 2 year program in dentistry in an approved school that leads to the awarding of a DDS or DMD or a minimum 2 year master's degree or certificate program in an approved dental school that leads to the awarding of a degree or certificate from a dental specialty program.

**Minnesota:** Minnesota requires foreign trained applicants to have an evaluation of the foreign dental school done by the International Credentialing Associates that the foreign dental school's education is equivalent to a dental school accredited by the Commission on Dental Accreditation.

**Summary of factual data and analytical methodologies:**

The Board reviewed the requirements of the surrounding states.

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

**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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before \* to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. DE 2.01(1m)(c) is repealed.

SECTION 2. DE 2.01(1m)(d) is created to read:

DE 2.01(1m)(d) Evidence of one of the following:

1. Verification of having been awarded a DDS or DMD degree from an accredited dental school.
2. Verification of having received a dental diploma, degree or certificate from a full time, undergraduate supplemental dental education program of at least two academic years at an accredited dental school. The program must provide didactic and clinical education to the level of a DDS or DMD graduate.

SECTION 3. EFFECTIVE DATE. 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.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

DE 2

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3. Subject

Foreign trained dentists

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

The policy problem addressed is a pathway for foreign trained dentists to become licensed in Wisconsin.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule was posted for economic impact comments and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.

None. It does not affect local governmental units.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule does not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the State's economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is to provide for foreign trained dentists to become licensed in Wisconsin without compromising patient safety. The rule requires a foreign trained dentist to obtain a DDS or DMD from an accredited dental school or obtain a dental diploma, degree or certificate from a dental education program lasting at least two years at an accredited dental school which results in the equivalent education to a DDS or DMD degree.

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14. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule is that foreign trained dentists will have a clear pathway to licensure and the public will be protected.

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15. Compare With Approaches Being Used by Federal Government

None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois requires foreign trained applicants to complete a minimum of 2 years of clinical training from an approved dental college. Iowa requires foreign trained applicants to receive a dental diploma, degree or certificate of at least 2 years to

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

the level of a DDS or DMD graduate. Michigan requires foreign trained applicants to complete a minimum 2 year program in dentistry that leads to the awarding of a DDS or DMD or a minimum 2 year master's or certificate program from a dental specialty program. Minnesota requires foreign trained applicants to have an evaluation of the foreign dental school done by the International Credentialing Associates that the foreign dental school is equivalent to a dental school accredited by the Commission on Dental Accreditation.

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17. Contact Name

Sharon Henes

18. Contact Phone Number

(608) 261-2377

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This document can be made available in alternate formats to individuals with disabilities upon request.



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz and Jessica Karls-Ruplinger  
*Clearinghouse Co-Directors*

Terry C. Anderson  
*Legislative Council Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 15-013

AN ORDER to repeal DE 2.01 (1m) (c); and to create DE 2.01 (1m) (d), relating to foreign trained dentists.

Submitted by **DENTISTRY EXAMINING BOARD**

02-02-2015 RECEIVED BY LEGISLATIVE COUNCIL.

02-26-2015 REPORT SENT TO AGENCY.

SG:MM

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached            YES             NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached            YES             NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached            YES             NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached            YES             NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached            YES             NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached            YES             NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached            YES             NO



## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger  
*Clearinghouse Co-Directors*

Terry C. Anderson  
*Legislative Council Director*

### CLEARINGHOUSE RULE 15-013

#### Comments

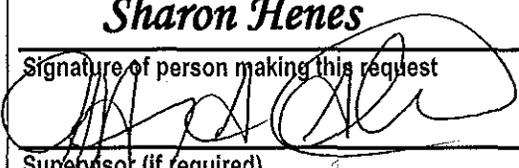
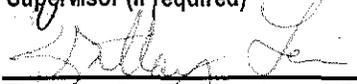
**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

The analysis should explain the current rule provision that is affected by the rule-making order, the changes made, and the reason for the changes. Specifically, the current rule requires an applicant who is a graduate of a foreign dental school to provide evidence that they have completed a postgraduate program or a residency program. The proposed rule appears to eliminate that requirement. The analysis should explain why this change is made.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted:  23 February 2015 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date:          ▪ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections:  Dentistry Examining Board			
4) Meeting Date:  4 March 2014	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Proposals for DE 1, 10 relating to mobile dentistry 2. Update on DE 3, 7, 11 relating to nitrous oxide inhalation analgesia 3. Update on DE 5, 14 relating to informed consent 4. Update on Pending and Pending Rules	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>23 February 2015</i>	
Signature of person making this request 		Date <i>2/23/15</i>	
Supervisor (if required) 		Date <i>2/23/15</i>	
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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TEXT OF RULE

SECTION 1. Chapter DE 10 is created to read:

CHAPTER DE 10  
MOBILE DENTISTRY

**DE 10.01 Definitions.** In this chapter:

(1) “Mobile dentistry program”

(a) Mobile dentistry program means a program delivering dental or dental hygiene care in one of the following:

1. Using portable equipment or supplies that are transported to any location that is not an intact dental or hospital facility.
2. In a self-contained, intact facility that can be moved.

(b) A program providing dental or dental hygienist care is not a mobile dentistry program if it meets all of the following requirements:

1. The dental or dental hygiene care is provided within a 30 mile radius of their main or satellite facility
2. The care is billed by the main or satellite dental facility.
3. The dentist or dental hygienist provides any necessary follow-up care to the patient.

(2) “Mobile dentistry program registrant” means a person registered under s. 447.058, Stats.

**DE 10.02 Mobile dentistry program registration.** (1) REGISTRATION REQUIRED. (a) No person may own or operate a mobile dentistry program in this state unless the person is registered under this section. A person that wishes to own or operate more than one mobile dentistry program in this state shall apply for a separate registration under this section for each mobile dentistry program the person owns or operates.

(b) A mobile dentistry program providing dental hygiene as defined by s. 447.01(3), Stats. or dentistry as defined by s. 447.01(8), Stats. constitutes the operation of a mobile dentistry program and requires registration.

(2) REGISTRATION. An applicant for registration to own or operate a mobile dentistry program shall submit all of the following:

- (a) An application for registration on a form provided by the department.
- (b) The fee specified in s. 440.05(1).
- (c) A list of all employees or contractors who are providing dental care in Wisconsin. The list shall include the Wisconsin license number for each person providing dental care.

(3) RENEWAL. A mobile dentistry program registrant renewing a registration shall submit all of the following:

- (a) A renewal form provided by the department.
- (b) The renewal fee as determined by the department under s. 440.03(9)(a).
- (c) A list of all employees or contractors who are providing dental care in Wisconsin. The list shall include the Wisconsin license number for each person providing dental care.

**DE 10.03 Access to patient records.** The mobile dentistry program registrant shall do all of the following:

- (1) Provide each patient with the name and contact information of the mobile dentistry program providing services.
- (2) At the time of providing services, give each patient a written description of the dental services provided for that patient and the findings and recommendations.
- (3) Maintain patient dental records in accordance with ch. DE 8, Wis. Admin. Code.
- (4) Provide access to dental records in accordance with s. 146.83, Stats.

**DE 10.04 Referrals.** (1) The mobile dentistry program shall establish a referral base within a 30 mile radius of the location the services are being provided. Evidence of establishment of a referral base shall be documentation of contacting all the dentists in the radius area or 20 dentists, whichever is less. The mobile dentistry program registrant shall have a referral agreement with each referral provider including all of the following:

- (a) Name, address and phone number of the referral provider.
  - (b) Types of payment or insurance accepted by the referral provider.
- (2) The mobile dentistry program shall provide to the patient referral information for follow-up care including all of the following:
- (a) Name, address and phone number of each referral provider.
  - (b) Types of payment or insurance accepted by the referral provider.

**DE 10.05 Standards of conduct.** Unprofessional conduct by a mobile dentistry program registrant includes any of the following:

- (1) Failure to update the Department within 30 days of new employees or contractors providing dental services in Wisconsin.
- (2) Violating any provision under ss. DE 10.03 or 10.04.
- (3) Engaging in unprofessional conduct under s. DE 5.02.

**SECTION 2. EFFECTIVE DATE.** 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.

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(END OF TEXT OF RULE)  
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**From:** Kimber Cobb [mailto:kimber@crdts.org]  
**Sent:** Thursday, February 26, 2015 9:56 AM  
**To:** Lewin, Brittany - DSPS  
**Subject:** RE: Wisconsin overview

Hi Brittany,

As a quick recap of our recent conversation regarding examiner recruitment and requirements:

CRDTS welcomes and encourages sitting Dental Board Members to observe an examination at their convenience. Please contact Kimber Cobb, Executive Director at [kimber@crdts.org](mailto:kimber@crdts.org) and we'll get them scheduled.

Additionally, any current Board Member is welcome to become a CRDTS examiner as well. If interested, please contact CRDTS using the information above. New examiners will receive manuals and necessary information prior to examining. Once scheduled, new examiners will participate in calibration at the examination, they are welcome to observe for as long as they'd like and then can jump in to examine anytime they're ready. There is additional, detailed information in the respective Examiner Manuals regarding examiner requirements/duties that can be provided as well, upon request.

Currently, CRDTS is not requesting additional deputy examiners but we appreciate staying in touch with our Member Boards on a regular basis to provide information and updates in this particular area.

Please do not hesitate to contact us for additional information or to clarify any questions/concerns.

We look forward to seeing your Board Members at an examination soon!

Best Regards,  
Kimber

*Kimber Cobb*  
Executive Director  
Director, Dental Exam Administration & Data Management  
**Central Regional Dental Testing Service, Inc.**  
1725 SW Gage Blvd|Topeka, KS|66604  
785.273.4257| 800.370.0380| [kimber@crdts.org](mailto:kimber@crdts.org)| [www.crdts.org](http://www.crdts.org)