

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD	:	ADOPTING EMERGENCY RULES

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The statement of scope for this rule, SS 071-20, was approved by the Governor on June 11, 2020, published in Register 774A3 on June 15, 2020, and approved by Dentistry Examining Board on June 25, 2020.  
This emergency rule was approved by the Governor on July 17, 2020

ORDER

An order of the Dentistry Examining Board to create DE 2.06 and 2.07, relating to temporary licenses.

Analysis prepared by the Department of Safety and Professional Services.

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FINDING OF EMERGENCY

The Dentistry Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The dental and dental hygiene testing services have canceled or postponed licensing exams. This is creating a delay for recent graduates of dental and dental hygiene programs from obtaining a license and beginning their practice. A delay for new graduates receiving licensure due to delayed licensure exams creates the inability for new dentists and dental hygienists to begin practice in areas of the state experiencing a dentistry services shortage.

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ANALYSIS

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

**Statutory authority:** ss. 15.08 (5) (b) and 447.02 (1) (e), Stats.

**Explanation of agency authority:**

Each examining board shall promulgate rules for its own guidance and 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 profession. [s. 15.08, Stats.]

The examining board may promulgate rules providing for the granting of temporary licenses under this chapter. [s. 447.02 (1) (e), Stats.]

**Related statute or rule:** s. 447.04, Stats., and ch. DE 2

**Plain language analysis:**

This rule creates temporary licenses for dentists and dental hygienists. A temporary license may be granted to an applicant who meets all of the requirements for license except the clinical examination. A person who has taken the clinical exam and failed is not eligible.

A person holding a temporary license is required to practice under the supervision of a licensed dentist. Supervision is defined as a person of immediate availability to coordinate, direct and inspect the practice of the holder of the temporary license either by being on site or available to collaborate through the use of communication technology.

The temporary license is valid for a period of 3 months or until the holder receives a regular license or notification of failing the clinical exam.

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

None

**Comparison with rules in adjacent states:**

**Illinois:** In Illinois, the only temporary license for dentists is a temporary training license for dentists licensed in another jurisdiction to complete a residency or specialty training in Illinois. There is no temporary license for dental hygienists.

**Iowa:** In Iowa, a temporary permit may be issued authorizing the practice of dentistry or dental hygiene on a short-term basis at a specific location or locations to fulfill an urgent need, to serve an educational purpose, or to provide volunteer services. A temporary permit is not meant as a way to practice before a permanent license is granted or as a means to practice because the applicant does not fulfill the requirements for permanent licensure.

**Michigan:** Michigan does not have temporary licenses for dentists or dental hygienists.

**Minnesota:** Minnesota does not have temporary licenses for dentists or dental hygienists.

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

Licensure for dentists and dental hygienists requires a clinical exam. The Dentistry Examining Board approves several testing services to administer clinical exams. The

testing services determine the testing dates and locations. Stakeholders approached the Dentistry Examining Board with the concern that the testing services were postponing or cancelling the clinical examinations in recent months.

The Dentistry Examining Board reviewed other health care profession rules which allow for the temporary issuance of a license after graduation provided the applicant meets all requirements except the licensing examination. These temporary licenses provide the recent graduate the ability to begin practicing their profession while under supervision in order to maintain patient safety.

**Analysis and supporting documents used to determine effect on small business:**

The proposed rule allows for recent graduates to enter their profession without the delay of waiting for an examination and does not create a fiscal impact for small businesses.

**Fiscal Estimate:**

This rule does not have any fiscal impact on businesses or local governmental units. This rule will have a small fiscal impact which can be absorbed within the agency's budget.

**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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@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 Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on these rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature's website and in the Wisconsin Administrative Register.

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TEXT OF RULE

SECTION 1 DE 2.06 and 2.07 are created to read:

**DE 2.06 Temporary dental license. (1) REQUIREMENTS.** The board may grant a temporary license to an applicant who meets all of the following:

- (a) Submits an application and pays the fee specified in s. 440.05 (6), Stats.
  - (b) Educational requirements in s. DE 2.01 (1) (e) or (1m) (a) and (d).
  - (c) Successful completion of the examinations in s. DE 2.01 (1) (d) and (f).
  - (d) Has not failed the examination in s. DE 2.01 (1) (g).
  - (e) Current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved by the Wisconsin department of health services.
- (2) SUPERVISION. (a) In this subsection, “supervision” means immediate availability to coordinate, direct, and inspect the practice of another by either being on site or by collaboration through the use of modern communication techniques.
- (b) A person with a temporary dental license shall practice only under the supervision of a licensed dentist.
- (3) DURATION. (a) The temporary license is valid for a period of 3 months or until the holder receives a regular license or notification of failing an examination required under DE 2.01 (1) (g).
- (b) A temporary license may be renewed in hardship cases including illness, family illness or death, accident, or natural or manmade disaster. An application for renewal based upon hardship shall be considered individually on its merits, and the renewal of a temporary license may be granted as the board deems appropriate.

**DE 2.07 Temporary dental hygienist license. (1) REQUIREMENTS.** The board may grant a temporary license to an applicant who meets all of the following:

- (a) Submits application and pays the fee specified in s. 440.05 (6), Stats.
  - (b) Educational requirements in s. DE 2.01 (2) (c)
  - (c) Successful completion of the examinations in s. DE 2.01 (1) (d) and (2) (a).
  - (d) Has not failed the examination in s. DE 2.01 (2) (b).
  - (e) Current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved by the Wisconsin department of health services.
- (2) SUPERVISION. (a) In this subsection, “supervision” means immediate availability to coordinate, direct, and inspect the practice of another by either being on site or by collaboration through the use of modern communication techniques.
- (b) A person with a temporary dental hygienist license shall practice only under the supervision of a licensed dentist.
- (3) DURATION. (a) The temporary license is valid for a period of 3 months or until the holder receives a regular license or notification of failing an examination required under s. DE 2.01 (2) (b).

(b) A temporary license may be renewed in hardship cases including illness, family illness or death, accident, or natural or manmade disaster. An application for renewal based upon hardship shall be considered individually on its merits, and the renewal of a temporary license may be granted as the board deems appropriate.

SECTION 2. EFFECTIVE DATE. This emergency rule shall take effect upon publication in the official state newspaper.

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(END OF TEXT OF RULE)  
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Dated July 17, 2020

Matthew Bistan/c.A

Chair  
Dentistry Examining Board