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Rulemaking Hearing, October 21, 2009

Proposed Changes with Statement of Basis, Purpose, and Authority

Basis and Purpose: To define appropriate methods of maintaining clinical competency for dentists and dental hygienists applying for reinstatement of licensure.

Statement of Authority: Pursuant to CRS 12-35-107 (1) (b) and (f), Make, publish, declare, and periodically review such reasonable rules as may be necessary to carry out and make effective the powers and duties of the board as vested in it by this article.

**Rule III. Licensure of Dentists and Dental Hygienists
(Amended December 2, 2002; Amended on Emergency Basis July 7, 2004; Re-Promulgated August 11, 2004; Amended April 22, 2009; AMENDED OCTOBER 21, 2009, EFFECTIVE DECEMBER 30, 2009)**

A. General Licensing Requirements

1. An applicant for a license by examination or endorsement who does not complete the licensing process within one year of the date of the original application shall begin the application process again including payment of the application fee. Materials submitted for licensing will be retained for only one year.
2. The licensee shall supply legal evidence of name change by court order, passport, marriage certificate, or divorce decree within 30 days of the effective date of the name change.
3. The licensee shall notify the Board within 30 days of any change of address. This notification must be submitted in writing, by fax, or electronically. Telephone notification will not be accepted.
4. Any notification by the Board to licensees required or permitted under the Dental Practice Law or the Colorado Administrative Procedures Act shall be addressed to the last known address provided in writing to the Board by the licensee and any such mailing shall be deemed proper service on the licensee.

B. Licensing by Examination for Dentists

1. Each applicant shall submit with the application and fee the following credentials and qualifications for review and approval by the Board.
 - a. Evidence of graduation with a DDS or DMD degree from an accredited dental school or college which at the time of the applicant's graduation was accredited by the American Dental Association Commission on Dental Accreditation. An official school transcript of credits with the date of graduation and degree obtained shall be deemed sufficient evidence.
 - b. Evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations.
 - c. Evidence of the applicant's successful completion of an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency composed of at least four states or an examination of another state.
 - d. Successful completion of the Colorado jurisprudence examination.
 - e. Verification of all health care licenses ever held in any jurisdiction.

- f. Demonstration of current clinical competency and professional ability by submitting proof of having successfully completed one or more of the following:
- I. Graduation within the 12 months immediately preceding the application with a DDS or DMD degree from an accredited dental school or college which at the time of the applicant's graduation was accredited by the American Dental Association, Commission on Dental Accreditation.
 - II. Engaged in the active clinical practice of dentistry for at least one year of the five years immediately preceding the application. Persons who have participated in a residency or intern program during this time will be evaluated on a case by case basis.
 - III. Engaged in teaching dentistry in an accredited program for at least one year of the five years immediately preceding the application.
 - IV. Engaged in service as a dentist in the military for at least one year of the five years immediately preceding the application.
 - V. Passed a board approved regional or clinical examination within one year of the application.
 - VI. A Board approved evaluation, completed by an ADA accredited Institution within one year of the application, which certifies the applicant's proficiency as equivalent to the current school graduate. A proposed evaluation must be submitted and be pre-approved by the Board.
2. An applicant who has held a license to practice dentistry in Colorado or any other jurisdiction shall submit with the application, in sealed original envelopes directly from the institution supplying the documentation, the following credentials and qualifications for review and approval by the Board.
- a. All documentation required in a, b, c, d, e, and f in section 1 above.
 - b. A report of any pending or final disciplinary actions against the applicant and a verification letter from each state in which the applicant is currently licensed or has ever held a license to practice dentistry.
 - c. A report of any pending or final malpractice actions against the applicant, verified through the National Practitioner Databank.
 - d. A report of any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s). The applicant must request a verification of coverage history for the past ten years from his/her current and all

previous malpractice insurance carriers. Any settlement or final judgment during the applicant's practice history must be reported.

3. An applicant may not qualify for licensure under this article if the applicant has a report of pending or final disciplinary action(s) in any jurisdiction, a malpractice action(s), or does not meet any of the requirements in sections 1 and 2 above.

C. Licensing by Examination for Dental Hygienists

1. Each applicant shall submit with the application and fee, in sealed original envelopes directly from the institution supplying the documentation, the following credentials and qualifications for review and approval by the Board.
 - a. Evidence of graduation from an academic program of dental hygiene that, at the time of the applicant's graduation, was accredited by the American Dental Association Commission on Dental Accreditation and which was at least two academic years. An official school transcript of credits with the date of graduation and degree obtained shall be deemed sufficient evidence.
 - b. Evidence of the applicant's successful completion of the examination administered by the Joint Commission on National Dental Examinations.
 - c. Evidence of the applicant's successful completion of an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency composed of at least four states or an examination of another state.
 - d. Successful completion of the Colorado jurisprudence examination.
 - e. Verification of all health care licenses ever held in any jurisdiction.
 - f. Demonstration of current clinical competency and professional ability by evidence of one of the following.
 - i. Graduation within the past 12 months from an academic program of dental hygiene that, at the time of the applicant's graduation, was accredited by the American Dental Association Commission on Dental Accreditation and which was at least two academic years.
 - ii. Engaged in the active clinical practice of dental hygiene for at least one year of the five years immediately preceding the application.
 - iii. Engaged in teaching dental hygiene in an academic program of dental hygiene that was accredited by the American Dental Association Commission on Dental Accreditation and which was at least two academic years for at least

one year of the five years immediately preceding the application.

- iv. Submitting proof of an evaluation, completed by an ADA accredited dental/dental hygiene institution within one year of the application for reinstatement, which certifies the applicant's proficiency as equivalent to the current school graduate. The plan must be submitted and be pre-approved by the Board.

2. An applicant who has ever held a license to practice dental hygiene in Colorado or any other jurisdiction shall submit with the application, in sealed original envelopes directly from the institution supplying the documentation, the following credentials and qualifications for review and approval by the Board.

a. All documentation required in a, b, c, d, e, and f in section 1 above.

b. A report of any pending or final disciplinary actions against the applicant and a verification letter from each state in which the applicant is currently licensed or has ever held a license to practice dentistry.

3. An applicant may not qualify for licensure under this article if the applicant has a report of pending or final disciplinary action(s) in any jurisdiction or does not meet any of the requirements in sections 1 and 2 above.

D. Examination Retakes

1. An applicant may take a clinical examination three (3) times before remedial training is required. If an applicant fails once, he/she can retake the examination two (2) more times. All retakes must be completed within 16 months from the date of the first examination.

2. After failing the examination for a third (3rd) time, and prior to the FOURTH attempt of the examination, an applicant must:

a. Submit to the Board for its pre-approval a detailed plan for remedial training by an ADA accredited dental/dental hygiene institution. The proposed remediation program must be the equivalent of an additional year of study at the qualifying institution.

b. Upon completion, submit proof to the Board of passing the remediation program, within 24 months of its approval by the Board.

c. Based on its review of all documents submitted as proof of completion of the Board-approved remediation program, the Board may grant or deny a fourth attempt of the clinical examination. Any Fourth attempt must occur within 12 months of the date of the Board's decision.

d. If a candidate fails any or all parts of the examination after remedial training, the Board must approve additional retake attempts.

E. Reinstatement requirements for dentists and dental hygienists.

1. Payment of fees pursuant to 12-35-110, and 24-34-102 & 105.
- ~~2. Verification of each health care license held in any jurisdiction, if the license has been expired for more than 6 months.~~
- 3 2. Successful completion of the jurisprudence examination if the license has been expired for more than ~~6 months~~ 2 YEARS.
- 4 3. Maintenance of clinical competency. Licensees who desire to obtain an active license and have not practiced at least ~~one year~~ out of 700 HOURS IN A 12-MONTH PERIOD DURING the five years immediately preceding application for an active REINSTATEMENT OF license must demonstrate to the Board how they have maintained their professional ability, knowledge and skills. All documentation and certification submitted for this purpose is subject to Board review.

A. YEARS SPENT IN POSTGRADUATE TRAINING, RESIDENCY PROGRAMS OR AN INTERNSHIP WILL BE EVALUATED ON A CASE-BY-CASE BASIS.

B. YEARS SPENT IN RESEARCH AND IN TEACHING POSITIONS WILL BE EVALUATED ON A CASE-BY-CASE BASIS.

C. FOR THE DENTISTS PRACTICING IN THE MILITARY: A REPORT FROM A SENIOR OFFICER WITH A RECOMMENDATION AND VERIFICATION OF CLINICAL EXPERIENCE WILL SUFFICE.

5 4. Demonstration of skills may be accomplished by:

a. Submitting proof to the Board of passing, within one year of application for reinstatement, a regional or state clinical examination; or

b. Submitting proof of an evaluation, completed by an ADA AMERICAN DENTAL

ASSOCIATION accredited dental/dental hygiene institution within one year of the application for reinstatement, which certifies the applicant's proficiency as equivalent to the current school graduate. The plan must be submitted and be pre-approved by the Board.