

# **Significant Legislative Rule Analysis**

WAC 246-817-160 Graduates of non-accredited schools.

April 13, 2016

## **SECTION 1:**

**Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.**

The Dental Quality Assurance Commission (commission) is proposing rule amendments to education requirements for graduates of non-accredited dental schools to clarify that after July 1, 2018, education must contain clinical education and be Commission on Dental Accreditation accredited. The proposal also clarifies when examination eligibility will be authorized.

The current rule does not specifically identify a clinical education requirement, whether education must be accredited, or an alternative for examination eligibility. The rule amendment is needed to ensure clinical education through an accredited education program must be obtained and to specifically identify when examination eligibility can be met.

The commission routinely receives dentist license applications from dentists who attended non-accredited dental programs, clinical training requirement is a common question. Substitute House Bill 2881 passed in 2008 and created an educational alternative to allow foreign-trained dentists to meet credentialing requirements. Amending WAC 246-817-160 is the best approach because it will provide these dentists with clear, current educational requirements that must be met to obtain a dentist license in Washington State.

Examination eligibility is based on completing all licensing requirements. Examinations are routinely administered prior to education being completed. The commission has authorized examination eligibility to be granted up to 6 months before education has been completed with verification of expected completion from the school. The proposed amendment is necessary to inform applicants when examination eligibility will be authorized. Most dentist applicants request the eligibility authorization prior to completing the required education.

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## **SECTION 2:**

**Is a Significant Analysis required for this rule?**

Yes, as defined in RCW 34.05.328 the proposed rule requires a significant analysis. The proposed rule amendments alter qualifications and standards for the issuance of a dentist license.

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### **SECTION 3:**

**Clearly state in detail the general goals and specific objectives of the statute that the rule implements.**

RCW 18.32.002 includes establishing qualifications for licensure as part of the commission's purpose. Additionally, RCW 18.32.040 requires the commission to approve dental school institutions. As allowed by RCW 18.32.0365, the commission has established minimum licensure requirements for graduates of non-accredited dental schools in WAC 246-817-160.

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### **SECTION 4:**

**Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.**

The commission has identified the need to provide clarity in expected education requirements and when examination eligibility will be granted.

Rules are necessary to clarify the expected education requirements and when examination eligibility will be authorized. The commission has determined that there are no feasible alternatives to rulemaking because in order to be enforceable, approved education must be in rule. Examination eligibility is best placed in rule to inform dentist applicants of the when the commission may grant examination authorization. If the proposed rules are not adopted, the commission will be hampered in its ability to provide clear requirements for acceptable education for graduates of non-accredited dental schools.

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### **SECTION 5:**

**Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.**

Rule Overview

The proposed rule adds that the required education must contain clinical training and be Commission on Dental Accreditation accredited for education completed after July 1, 2018, and identifies when examination eligibility may be authorized by the commission.

## Rule Cost/Benefit Analysis

There is no new costs for licensed dentists or license applicants to comply with this proposed rule because clinical training is already a part of the accredited programs. The rule would not increase education and examination costs for Washington State dentist license applicants. The proposed rule provides consistency of education and training required of graduates of accredited dental schools and graduates of non-accredited dental schools. By requiring accredited dental education, there may be less dental education programs available to graduates of non-accredited dental schools. The proposed rule provides clarity to Washington State dentist licensure applicants who are graduates of non-accredited dental schools of additional education requirements and when examination eligibility may be authorized.

### Cost/Benefit summary

The proposed rule does not impose any new costs for licensed dentists or license applicants. The commission is unaware of any dental school providing accredited dental education programs as being any more expensive than a dental school providing non-accredited dental education programs. Most dental schools offer both accredited and non-accredited dental education programs. Since the rule provides clearer requirements for applicants who are graduates of non-accredited dental schools, and clarity on the dental examinations authorization process, the benefits outweigh any unforeseen costs. Accredited dental education programs are reviewed routinely by the Commission on Dental Education and are consistent with national standards to protect the health and safety of patients.

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## **SECTION 6:**

**Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.**

### Descriptions of alternatives considered:

1. Included allowing substantially equivalent education to Commission on Dental Accreditation. The commission determine there was no option nationally for a substantially equivalent program.

2. Considered an option that did not include the clinical examination requirement in the rule. The commission determined the rule lacked clarity without having the clinical examination requirement listed.
3. Listing the new requirement to begin on July 1, 2018 rather than education completed after July 1, 2018. The commission determined education completed after July 1, 2018 is better option.

Least burdensome determination

The proposed rule is the least burdensome option as it provides dentists applying for Washington State dentist license, who graduated from a non-accredited dental school, clear requirements of acceptable education and when examination eligibility will be authorized.

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## **SECTION 7:**

**Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.**

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

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## **SECTION 8:**

**Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.**

The rule does not impose more stringent performance requirements on private entities than on public entities.

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## **SECTION 9:**

**Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is**

**justified by an explicit state statute or by substantial evidence that the difference is necessary.**

The rule does not differ from any applicable federal regulation or statute.

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## **SECTION 10:**

**Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.**

There are no other applicable laws.