

Significant Legislative Rule Analysis

WAC 246-817-130, 135, and 140
a Rule Concerning License without examination
for dentist licensed in another state whom apply
for Washington State licensure.

March 16, 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 amendments to detail license without examination eligibility and application requirements in a single existing rule. A single rule provides clear license requirements and eliminates confusion for dentists licensed in another state whom apply for Washington State licensure. The proposed rule amendments include:

- Combines WAC 246-817-130 and 135 into WAC 246-817-135, for clarity;
- Repeals WAC 246-817-140 as it does not apply to licensure without examination;
- Eliminates conflicts with RCW 18.32.215;
- Removes unnecessary license requirements, including reference to required examinations;
- Removes unnecessary application procedures;
- Adds requirements not currently in rule but required by process or statute;
- Eliminates duplication of licensure eligibility and procedure requirements;
- Defines “currently engaged in the practice of dentistry;” and
- Further defines state as a U.S. state or territory.

The commission determined there was a conflict of WAC 246-817-130, 135, and 140 with RCW 18.32.215. The rules required verification of a clinical examination but the statute allows a dentist currently engaged in practice in another state may be granted a license without examination. Additionally, many previous dentist applicants asked for further clarification with the requirements of “currently engaged in practice” and “in another state”. WAC 246-817-130 and 135 have duplicate and unnecessary licensure requirements. WAC 246-817-140 does not apply to applicants applying for licensure without examination and examination requirements are listed in current WAC 246-817-120. The proposed rule adds requirement of photograph of applicant and jurisprudence examination. Current application process requires a photograph of applicant and a jurisprudence examination but it is not in current rule. To provide clear and concise licensure requirements for dentists licensed in another U.S. state or territory, the commission determined rule amendments are necessary.

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.

SECTION 3:

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

RCW 18.32.002 establishes qualifications for licensure as part of the commission's purpose. RCW 18.32.215 provides requirements for dentists licensed in another state to obtain Washington State dentist license without examination. The rule amendment is necessary to provide clarity to dentist applicants and enforce minimum licensing standards.

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 licensure requirements when dentist apply by licensure without examination.

Rules are necessary to correct conflict with statute, remove unnecessary listed procedures, eliminate duplication, define currently engaged in the practice of dentistry, and define state as a U.S. state or territory.

The commission has determined that there are no feasible alternatives to rulemaking because in order to be enforceable, licensure requirements must be in rule. If the proposed rules are not adopted, the commission will be hampered in its ability to provide clear requirements for dentist applying for licensure without examination.

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 – Repeal – WAC 246-817-130 Licensure without examination for dentists - Eligibility

The proposed rule repeal is for the following reasons:

- Duplicate or similar requirements in both WAC 246-817-130 (1) and (2) and WAC 246-817-135 (3) and (5);
- Move and reword requirements (3) and (4) from WAC 246-817-130 to proposed WAC 246-817-135 (2) and (4);
- Delete reference to WAC 246-817-110 as it is in conflict with RCW 18.32.215; and
- Delete unnecessary requirement of personal interview in (5).

Rule Overview WAC 246-817-135 Licensure without examination for dentists – Application procedure

The proposed rule amendments include:

- Combine and reword WAC 246-817-130 (1) and (2) and WAC 246-817-135 (3) and (5), for clarity;
- Delete reference to WAC 246-817-110 as it is in conflict with RCW 18.32.215;
- Remove unnecessary application requirements and procedures;
 - Statement by applicant related to discipline action in another state;
 - Statement by applicant related to impaired practitioner;
 - Documentation for clinical examination.
- Define “currently engaged in the practice of dentistry” as minimum of twenty hours per week for four consecutive years preceding application;
- Define “state” as a U.S. state or territory;
- Add jurisprudence examination requirement;
- Add photo requirement to be consistent with standard application procedure;
- Delete time restriction to complete application; and
- Overall eliminate duplication of licensure eligibility and procedure requirements and lists all in a single rule.

Rule Overview WAC 246-817-140 Licensure without examination for dentists – Licensing examination standards

The proposed rule repeal is necessary as examination requirements do not apply to dentists licensed in other states that meet requirements to apply by license without examination. Examination requirements are already listed in WAC 246-817-120.

Overall Cost/Benefit summary

There is no cost for licensed dentists to comply with this proposed rule. There is a current application and license fee for dentists applying for licensure in Washington State. rule provides clear license requirements and eliminates confusion for dentists licensed in

another state whom apply for Washington State licensure. The proposed rule does not impose any new fees for these requirements.

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:

The commission considered one alternative associated to what constitutes as currently engaged in the practice of dentistry. The alternative considered did not include practicing dentistry for the four consecutive years preceding application. The commission determined that RCW 18.32.215 requires four years of practice preceding the application, as well as completion of an approved post-doctoral residency, if the applicant graduated from a non-approved dental school.

Least burdensome determination

The proposed rule is the least burdensome option as it provides clear and concise licensure requirements for dentists licensed in another U.S. state or territory applying for dentist license in Washington State.

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.

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.

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.

There are no other applicable laws.

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.