






**TO:** The Professional Practice Committee

**FROM:** Douglas E. Lentivech  


**SUBJECT:** Proposed Amendment of §61.4 of the Regulations of the Commissioner of Education Relating to the Endorsement Requirements for Licensure as a Dentist

**DATE:** January 11, 2018

**AUTHORIZATION(S):**  

### **SUMMARY**

#### **Issue for Discussion**

Should the Board of Regents amend §61.4 of the Regulations of the Commissioner of Education relating to the endorsement requirements for licensure as a dentist?

#### **Reason for Consideration**

Review of policy.

#### **Proposed Handling**

The proposed amendment will be presented to the Professional Practice Committee for discussion at the January 2018 meeting of the Board of Regents.

#### **Procedural History**

It is anticipated that a Notice of Proposed Rule Making will be published in the State Register on February 7, 2018. A copy of the proposed rule is attached. Supporting materials for the proposed rule are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Currently, dentists who are licensed by another jurisdiction of the United States can become licensed as dentists in New York State by endorsement of their license from another state, if they meet certain requirements. These requirements include, but are not limited to: (1) submitting an application to the Department; (2) meeting the education, examination and experience requirements for licensure as a dentist in New York State; (3) be at least 21 years of age; (4) be of good moral character as determined by the Department; (5) be a United States citizen or an alien lawfully admitted for permanent residence in the United States; (6) complete coursework or training in the identification and reporting of child abuse offered by a New York State provider; and (7) lawful and reputable practice in dentistry of not less than eight months during the two years next preceding the filing of the application.

The proposed amendment to §61.4 of the Regulations of the Commissioner of Education would permit dentists with licenses issued by a Canadian province to become licensed dentists in New York State by endorsement of their Canadian license, if they meet all the other licensure by endorsement requirements.

The Commission on Dental Accreditation (CODA) is nationally recognized by the United States Department of Education as the sole agency in the United States to accredit dental schools and programs, including advanced dental education programs and allied dental education programs<sup>1</sup> at the post-secondary level. CODA's mission is to serve the oral health care needs of the public through the development and administration of standards that foster continuous quality improvement of dental and dental related educational programs. CODA accredits more than 1,400 dental educational programs.

By reciprocal agreement, programs that are accredited by the Commission on Dental Accreditation of Canada (CDAC) are recognized by CODA. Thus, graduates of the 10 accredited Canadian dental programs are held to the same standards of in-depth training and quality assurance as graduates of the 66 United States dental schools, which will assist in ensuring that public protection will be maintained as access to dental services is improved in New York State by permitting licensure as a dentist by endorsement of Canadian dentist licenses.

New York State is one of 13 states which share a border (land and/or water) with Canada and three of Canada's 10 dental schools are three hours or less away from the New York State border. Access to dental care is a challenge for New Yorkers in the North Country region of the State. According to the New York State Department of Health's 2014 New York State Oral Health Plan,<sup>2</sup> "there is a striking variability in the distribution of dentists regionally across the state. On Long Island, there are more than

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<sup>1</sup> Allied dental education programs are programs relating to dentistry but not dental programs, such as dental hygiene, dental assisting and dental laboratory programs.

<sup>2</sup> [Oral Health Plan 2014 \(https://www.health.ny.gov/prevention/dental/docs/oral\\_health\\_plan\\_2014.pdf\)](https://www.health.ny.gov/prevention/dental/docs/oral_health_plan_2014.pdf)

105 dentists per 100,000 residents, compared to 52 dentists per 100,000 in the North Country. The actual number may be lower, as some dentists may not provide direct patient care on a full-time basis.” Thus, the proposed amendment would assist in addressing this access issue by providing another potential pool of dental services providers to serve an already seriously underserved area.

In 2007, New York State changed the experience requirement for a dental license to satisfactory completion of a clinically-based postdoctoral general practice or specialty dental residency program, of at least one year's duration (see, Education Law §6604[3]). Currently, New York State is the only state that requires a residency for licensure purposes. Under §61.4(a)(2) of the Regulations of the Commissioner of Education, a dentist licensed in another state who is seeking licensure in New York, but has not completed one of these two types of residency programs, must have satisfactory professional experience of at least two years preceding the filing of their New York application.

The experience requirement for a Canadian dental license does not include the satisfactory completion of a clinically-based postdoctoral general practice or specialty dental residency program, of at least one year's duration. This residency requirement has created obstacles for Canadian dentists seeking licensure in New York State and impeded the ability of some New York State dental schools to recruit Canadian dentists for faculty positions. For instance, based on information received by the Department, there have been several Canadian dentist candidates for faculty positions at the University of Buffalo and other schools, who declined faculty position offers because they were unable to obtain unrestricted New York State dental licenses, unless and until they completed a one-year residency program first, regardless of how many years they had practiced dentistry in Canada. Under Education Law §6604-b, the Department may issue a restricted dental faculty license to a full-time faculty member employed at an approved New York State school of dentistry, as long as they meet specified requirements. A restricted dental faculty license authorizes the holder to practice dentistry, as defined in Article 133 of the Education Law, but such practice of dentistry is limited to the school's facilities or the school's clinics, or facilities or clinics with relationships to the school confirmed by formal affiliation agreements. A restricted dental faculty license does not authorize the holder to engage in the private practice of dentistry at any other site.

Permitting licensure as a dentist by endorsement of a Canadian dental license would assist in eliminating this barrier in recruiting dental faculty for some New York State dental schools because Canadian dentists, like dentists licensed other states who seek licensure in New York, would not have to complete one of the two types of residency programs to become licensed, if they have at least two years of satisfactory professional experience preceding the submission of their licensure application to the Department.

It should also be noted that, currently, §60.5(b) of the Regulations of the Commissioner of Education permits licensure as a physician by endorsement of a Canadian physician license, if certain requirements are met. Additionally, endorsement of licenses issued by other countries for New York State licensure purposes is permitted

in the professions of speech-language pathology, audiology, massage therapy and licensed clinical social work.

**Related Regents Items**

None.

**Timetable for Implementation**

It is anticipated that the proposed amendment will be presented for adoption at the May 2018 Regents meeting, after the publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the May 2018 meeting, the proposed rule will become effective on May 23, 2018.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, and 6604 of the Education Law

1. Section 61.4 of the Regulations of the Commissioner of Education is amended, as follows:

(a) For endorsement of a dental license issued by another jurisdiction of the United States or a Canadian province the applicant shall submit satisfactory evidence of:

- (1) having met all requirements of section 59.6 of this Subchapter; and
- (2) lawful and reputable practice in dentistry or not less than eight months during the two years next preceding the filing of the application.