

By: Representative Guice

To: Public Health and Human
Services

HOUSE BILL NO. 339

1 AN ACT TO AMEND SECTION 73-9-24, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE ISSUANCE OF A LICENSE TO PRACTICE DENTAL HYGIENE
3 TO ANY GRADUATE OF A FOREIGN DENTAL SCHOOL OR DENTAL HYGIENE
4 SCHOOL WHO HAS SUCCESSFULLY COMPLETED THE NATIONAL BOARD DENTAL
5 HYGIENE EXAMINATIONS, HOLDS A CURRENT LICENSE TO PRACTICE
6 DENTISTRY OR DENTAL HYGIENE FROM ANOTHER STATE AND HAS
7 SUCCESSFULLY COMPLETED A PRACTICAL EXAMINATION OR DEMONSTRATION
8 ADMINISTERED BY THE STATE BOARD OF DENTAL EXAMINERS; TO AMEND
9 SECTION 73-9-23, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
10 PRECEDING SECTION; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** Section 73-9-24, Mississippi Code of 1972, is
13 amended as follows:

14 73-9-24. (1) In addition to the method for obtaining a
15 license to practice dentistry or dental hygiene by way of
16 examination as provided by Section 73-9-23, the board, in its sole
17 discretion, may grant a license to a candidate who meets the
18 following criteria:

19 (a) Submit proof of graduation from a dental school or
20 school of dental hygiene accredited by the Commission on Dental
21 Accreditation of the American Dental Association (ADA), or its
22 successor commission;

23 (b) Be engaged in the active practice of dentistry or
24 dental hygiene or in full-time dental education or dental hygiene
25 education for the past five (5) years;

26 (c) Currently hold a valid, unrestricted and unexpired
27 license in a state whose standards for licensure are determined by
28 the board as equivalent to Mississippi's standards, and which
29 state grants reciprocity or licensure by credentials to licensees
30 of the State of Mississippi;

31 (d) Provides an endorsement from all states in which he
32 or she is currently licensed or has ever been licensed to practice
33 dentistry or dental hygiene;

34 (e) Has not been the subject of pending or final
35 disciplinary action in any state in which the applicant has been
36 licensed;

37 (f) Is not the subject of a pending investigation in
38 any other state or jurisdiction;

39 (g) Has passed a state or regional clinical licensure
40 examination and, within the past five (5) years, has not failed a
41 clinical licensure examination administered by another state,
42 jurisdiction, or regional licensing board;

43 (h) Has not failed at any time, a licensure examination
44 administered by the Mississippi State Board of Dental Examiners;

45 (i) Provides a written statement agreeing to appear for
46 interviews at the request of the board;

47 (j) Has successfully completed all parts of the
48 National Board Examinations of the Joint Commission on National
49 Dental Examinations, or its successor commission, unless the
50 applicant graduated from an accredited dental or dental hygiene
51 school before 1960;

52 (k) Successfully passes a written jurisprudence
53 examination;

54 (l) Provides payment of a nonrefundable application fee
55 as provided in Section 73-9-43; and

56 (m) In addition, the State Board of Dental Examiners
57 may consider the following in accepting, rejecting or denying an
58 application for licensure by credentialing:

59 (i) Information from the National Practitioner
60 Data Bank, the Healthcare Integrity and Protection Data Bank
61 and/or the American Association of Dental Examiners Clearinghouse
62 for Disciplinary Information.

63 (ii) Questioning under oath.

64 (iii) Results of peer review reports from
65 constituent societies and/or federal dental services.

66 (iv) Substance abuse testing or treatment.

67 (v) Background checks for criminal or fraudulent
68 activities.

69 (vi) Participation in continuing education.

70 (vii) A current certificate in cardiopulmonary
71 resuscitation.

72 (viii) Recent patient case reports and/or oral
73 defense of diagnosis and treatment plans.

74 (ix) No physical or psychological impairment that
75 would adversely affect the ability to deliver quality dental care.

76 (x) Agreement to initiate practice in the
77 credentialing jurisdiction within a reasonable period of time.

78 (xi) Proof of professional liability coverage and
79 that the coverage has not been refused, declined, canceled,
80 nonrenewed or modified.

81 (xii) Any additional information or documentation
82 that the board may stipulate by rule or regulation as necessary to
83 qualify for a license by credentialing.

84 (2) In addition to the method for obtaining a license to
85 practice dental hygiene by way of examination as provided by
86 Section 73-9-23, the board shall grant a license to an applicant
87 who meets the following criteria:

88 (a) Is of good moral character and has attained the age
89 of eighteen (18) years;

90 (b) Is proficient in oral and written communications in
91 the English language;

92 (c) Has completed not less than two (2) academic years
93 of postsecondary study and graduated from a foreign dental school
94 or dental hygiene school that is recognized by the licensure
95 authorities in that country;

96 (d) Has been licensed as a dentist or dental hygienist
97 or admitted to the practice of dentistry or dental hygiene in the
98 foreign country in which the applicant received foreign dental
99 hygiene school training;

100 (e) Has successfully completed the National Board
101 Dental Hygiene Examinations of the Joint Commission on National
102 Dental Examinations, or its successor commission;

103 (f) Currently holds a valid, unrestricted and unexpired
104 license to practice dentistry or dental hygiene in a state whose
105 standards for licensure are determined by the board as equivalent
106 to Mississippi's standards, and which state grants reciprocity or
107 licensure by credentials to licensees of the State of Mississippi;

108 (g) Provides an endorsement from all states in which he
109 or she is currently licensed or has ever been licensed to practice
110 dentistry or dental hygiene;

111 (h) Has not been the subject of pending or final
112 disciplinary action in any state in which the applicant has been
113 licensed;

114 (i) Is not the subject of a pending investigation in
115 any other state or jurisdiction;

116 (j) Has not failed, within the past five (5) years, a
117 clinical licensure examination administered by another state,
118 jurisdiction, or regional licensing board;

119 (k) Has not failed, at any time, a licensure
120 examination administered by the Mississippi State Board of Dental
121 Examiners;

122 (l) Provides payment of a nonrefundable application fee
123 as provided in Section 73-9-43; and

124 (m) Successfully completes a practical examination or
125 demonstration administered by the Mississippi State Board of
126 Dental Examiners to determine the applicant's learning and skill
127 in dental hygiene.

128 (3) The board shall be granted sufficient time to conduct a
129 complete inquiry into the applicant's qualifications for licensure
130 by credentials, and the board may adopt such rules and regulations
131 pertaining to the time needed to conduct investigations and the
132 responsibility of applicants to produce verifiable documentation.

133 (4) Any applicant failing to meet the criteria in subsection
134 (1) or (2) of this section shall not be eligible for a license
135 based on credentials. Upon meeting the criteria in subsection (1)
136 of this section, the Mississippi State Board of Dental Examiners
137 may, in its discretion, issue to the applicant a license to
138 practice dentistry, or dental hygiene, unless grounds for denial
139 of licensure exist as enumerated in Section 73-9-61. Upon meeting
140 the criteria in subsection (2) of this section, the Mississippi
141 State Board of Dental Examiners shall issue to the applicant a
142 license to practice dental hygiene, unless grounds for denial of
143 licensure exist as enumerated in Section 73-9-61. Evidence of
144 falsification in the application for licensure through
145 credentialing will result in revocation of the license.

146 (5) Any applicant applying for a specialty license by
147 credentials must stay within his or her board recognized specialty
148 and must practice only that specialty within the State of
149 Mississippi. A specialty license holder must hold a general
150 dentistry license before obtaining a specialty license.

151 **SECTION 2.** Section 73-9-23, Mississippi Code of 1972, is
152 amended as follows:

153 73-9-23. (1) No person who desires to practice dentistry or
154 dental hygiene in the State of Mississippi shall be licensed until
155 that person has passed an examination by the board, except as
156 otherwise provided in Section 73-9-24. Applicants for examination
157 shall apply in writing to the board for an examination at least
158 thirty (30) days before the examination and shall upon application
159 pay a nonrefundable fee as elsewhere provided in this chapter.

160 (2) An applicant for licensure by examination as a dentist
161 who is a graduate of a dental school accredited by the Commission
162 on Dental Accreditation of the American Dental Association (ADA),
163 or its successor commission, shall:

164 (a) Be of good moral character, be possessed of a high
165 school education, and have attained the age of twenty-one (21)
166 years;

167 (b) Exhibit with the application a diploma or
168 certificate of graduation from the ADA accredited dental school;
169 and

170 (c) Have successfully completed Parts I and II of the
171 National Board Examinations of the Joint Commission on National
172 Dental Examinations, or its successor commission, unless the
173 applicant graduated from an accredited dental school before 1960.

174 (3) An applicant for licensure by examination as a dentist
175 who is a graduate of a non-ADA accredited foreign country dental
176 school shall:

177 (a) Be of good moral character and have attained the
178 age of twenty-one (21) years;

179 (b) Be proficient in oral and written communications in
180 the English language;

181 (c) Have completed not less than six (6) academic years
182 of postsecondary study and graduated from a foreign dental school
183 that is recognized by the licensure authorities in that country;

184 (d) Have been licensed as a dentist or admitted to the
185 practice of dentistry in the foreign country in which the
186 applicant received foreign dental school training;

187 (e) Present documentation of having completed at least
188 two (2) or more years of full-time postdoctoral dental education
189 in a dental school accredited by the Commission on Dental
190 Accreditation of the American Dental Association, or its successor
191 commission, and has been certified by the dean of the accredited

192 dental school as having achieved the same level of didactic and
193 clinical competence as expected of a graduate of the school; and

194 (f) Have successfully completed Parts I and II of the
195 National Board Examinations of the Joint Commission on National
196 Dental Examinations, or its successor commission, unless the
197 applicant graduated from an approved dental school before 1960.

198 (4) An applicant for licensure by examination as a dental
199 hygienist who is a graduate of a dental hygiene school accredited
200 by the Commission on Dental Accreditation of the American Dental
201 Association (ADA), or its successor commission, shall:

202 (a) Be of good moral character, be possessed of a high
203 school education and have attained the age of eighteen (18) years;

204 (b) Exhibit with the application a diploma or
205 certificate of graduation from the ADA accredited dental hygiene
206 school; and

207 (c) Have successfully completed the National Board
208 Dental Hygiene Examinations of the Joint Commission on National
209 Dental Examinations, or its successor commission.

210 (5) An applicant for licensure by examination as a dental
211 hygienist who is a graduate of a non-ADA accredited foreign
212 country dental hygiene school shall:

213 (a) Be of good moral character and have attained the
214 age of eighteen (18) years;

215 (b) Be proficient in oral and written communications in
216 the English language;

217 (c) Have completed not less than two (2) academic years
218 of postsecondary study and graduated from a foreign dental hygiene
219 school that is recognized by the licensure authorities in that
220 country;

221 (d) Have been licensed as a dental hygienist or
222 admitted to the practice of dental hygiene in the foreign country
223 in which the applicant received foreign dental hygiene school
224 training;

225 (e) Present documentation of having completed at least
226 one or more years of full-time postgraduate clinical education in
227 a dental hygiene school accredited by the Commission on Dental
228 Accreditation of the American Dental Association, or its successor
229 commission, and has been certified by the dean of the accredited
230 dental hygiene school as having achieved the same level of
231 didactic and clinical competence as expected of a graduate of the
232 school; and

233 (f) Have successfully completed the National Board
234 Dental Hygiene Examinations of the Joint Commission on National
235 Dental Examinations, or its successor commission.

236 (6) Applications shall be made in the form and content as
237 required in this section and as shall be prescribed by the board,
238 and each applicant shall submit upon request such proof as the
239 board may require as to age, character and qualifications.
240 Applications must be signed by two (2) citizens of the state of
241 which the applicant is a resident, attesting under oath that the
242 applicant is of good moral character. All applicants for
243 licensure shall submit an endorsement from all states in which he
244 or she is currently licensed or has ever been licensed to practice
245 dentistry or dental hygiene. The board may disallow the licensure
246 examination to any applicant who has been found guilty of any of
247 the grounds for disciplinary action as enumerated in Section
248 73-9-61.

249 (7) Examination shall be as elsewhere provided in this
250 chapter and the board may by its rules and regulations prescribe
251 reasonable professional standards for oral, written, clinical and
252 other examinations given to applicants, and, if deemed necessary
253 by the board, include a requirement that licensure examinations of
254 applicants be conducted utilizing live human subjects. Each
255 applicant shall appear before the board and be examined to
256 determine his or her learning and skill in dentistry or dental
257 hygiene. If found by the members of the board conducting the

258 examination to possess sufficient learning and skill therein and
259 to be of good moral character, the board shall, as early as
260 practicable, grant to the person a license to practice dentistry
261 or dental hygiene, as the case may be, which shall be signed by
262 each member of the board who attended the examination and approved
263 the issuance of a license.

264 (8) The Board of Dental Examiners may, at its own
265 discretion, accept certification of a licensure applicant, either
266 dentist or dental hygienist, by the National Board Examinations of
267 the Joint Commission on National Dental Examinations, or its
268 successor commission, in lieu of the written examination.
269 However, in all such instances the board shall retain the right to
270 administer such further written and practical examinations and
271 demonstrations as it deems necessary.

272 (9) Each application or filing made under this section shall
273 include the social security number(s) of the applicant in
274 accordance with Section 93-11-64.

275 **SECTION 3.** This act shall take effect and be in force from
276 and after July 1, 2006.