



**House  
Legislative  
Analysis  
Section**

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**DENTIST'S HEALTH PROFESSION  
SPECIALTY FIELD LICENSE**

**House Bill 5103 (Substitute H-2)  
First Analysis (3-20-02)**

**Sponsor: Rep. Patricia Birkholz  
Committee: Health Policy**

***THE APPARENT PROBLEM:***

The state Public Health Code regulates health care professions through a system of licensure and registration. Under the code, "license" is defined as an authorization to *practice* where practice would otherwise be unlawful, whereas "registration" means the authorization to *use a designated title* where its use would otherwise be prohibited. A licensed health professional who has acquired a level of skill and knowledge beyond the minimum needed for licensure may apply for specialty certification in a "health profession specialty field," i.e., an area within the scope of practice of a licensed health profession that requires advanced education and training beyond that required for initial licensure. Although only licensed health professionals may obtain such specialty certification, the specialty certification itself is a form of registration. Thus, the lack of specialty certification in a health profession specialty field does not restrict a professional's scope of practice but does restrict his or her use of designated titles.

Dentists may currently apply for specialty certification in any one or more of the following specialty fields: prosthodontics, endodontics, oral and maxillofacial surgery, orthodontics, pediatric dentistry, periodontics, and oral pathology. To obtain specialty certification, a dentist must meet the additional education and training requirements mentioned above and demonstrate to the Board of Dentistry his or her competency through an examination or other credentialing process. Since specialty certification is a form of registration, both generalists and specialists may perform dental services in the seven specialty fields, but only a dentist who has received specialty certification may use a title indicating that he or she is a specialist in the areas in which he or she has received such certification. Some specialists believe that the term "specialty certification" makes it difficult for the public to distinguish between a true specialist and a generalist who has perhaps received some additional schooling and training in a specialty field, e.g., a weekend conference, but has not been gone through

the examination or credentialing process required by the Board of Dentistry. Legislation has been introduced that would effectively replace dental specialty certification with dental specialty field licensure to provide dental specialists with some additional title protection.

***THE CONTENT OF THE BILL:***

House Bill 5103 would amend the Public Health Code (MCL 333.16105 et al.) to replace certain references to health profession *dental* "specialty certification" with "health profession specialty field license." (There are also nursing specialty certifications, but "health profession specialty field license" would be defined exclusively with reference to dentists. References to "specialty certification" that do not refer exclusively to dental specialty certification would not be eliminated.) A "health profession specialty field license" would be defined as an authorization to *use a title* issued to a licensee who had met qualifications established by the Michigan Board of Dentistry for registration in a health profession specialty field. Any individual who held a dental specialty certification on the bill's effective date would be considered to hold a health profession specialty field license in that specialty and could renew the specialty field license on the specialty certification's expiration date. Just as specialty certification is considered a form of registration under current law, a specialty field *license* would really be a form of *registration*.

The bill also includes a provision explicitly authorizing the Board of Dentistry to issue a health profession specialty field license to a licensed dentist who had completed the requirements currently required of an applicant for a dentist's health profession specialty certification—i.e., advanced training beyond that required for initial licensure and competency in one or more of the seven (currently) acknowledged dentistry specialty fields. Again, any licensed dentist who held a specialty certification in

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one or more of the seven acknowledged dentistry specialty fields would be considered to hold a specialty field license in each of those fields and could obtain renewal when his or her current specialty certification expired. The bill would also specify that a licensed dentist who had not been issued a specialty field license in any of the specialty fields of dentistry was not prohibited from performing services in those fields.

The bill would also amend the code to apply the Public Health Code's and the state administrative code's current fee structure and requirements for holders of (and applicants for) a health profession specialty certification to holders of (and applicants for) a health profession specialty field license.

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

### ***ARGUMENTS:***

#### ***For:***

Since a specialty field license, like specialty certification, would be a form of registration, the bill proposes nothing more than a name change. The bill would not affect dentists' scope of practice. At the same time, the bill proposes nothing less than a name change, and as the distinction between licensure and registration makes clear, the use of a title is very important for a dentist who has received professional recognition for a particular expertise that he or she has acquired. The health code currently prohibits a dentist from advertising himself or herself as "limiting his or her practice to, being specially qualified in, or as giving particular attention to a health profession specialty field for which a board issues a specialty certification without first having obtained a specialty certification." Still, dental specialists report frustration that some generalists who attend a weekend conference in a specialty area and receive a certificate in that specialty area use that certificate as a justification for describing themselves as certified in the specialty. The distinction between a weekend *certificate* and state *certification* is clear enough when one looks at the different processes involved in obtaining the two credentials, but it remains ambiguous terminologically. The bill would remove this ambiguity by allowing a specialist who had met the Board of Dentistry requirements for a specialty in orthodontics, for instance, to advertise herself as a licensed orthodontist. A generalist could still perform orthodontic services, and could indicate that he had received "certification" in orthodontics

after having attended a weekend orthodontic conference and having satisfied whatever requirements were set for the certificate, but the generalist could say that he was a *licensed dentist*—not a licensed orthodontist. Prospective patients would be in a much better position to determine whether an individual dentist had truly achieved expertise in a specialty area or was a generalist who had received some—perhaps even significant—training in a specialty area but had not actually satisfied board requirements.

### ***POSITIONS:***

The Department of Consumer and Industry Services supports the bill. (3-19-02)

The Council of Michigan Dental Specialties, Inc. supports the bill. (3-19-02)

The Michigan Dental Association supports the bill. (3-19-02)

Analyst: J. Caver

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.