

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 10

Relating to: Regulation of Mobile Dentistry Programs

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to implement 2013 Act 244 by doing the following:

- o Create a definition of “mobile dentistry program”;
- o Define the activities that constitute the operation of a mobile dentistry program for purposes of the registration requirement;
- o Requirements for obtaining a registration;
- o Requirements for patient access to dental records; and
- o Standards of conduct for the operation of a mobile dentistry program, the provision of dental services through a mobile dentistry program and the use of portable dental equipment.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Under 2013 Act 244, no person may own or operate a mobile dentistry program in Wisconsin unless the person is registered. The Dentistry Examining Board was given specific authority to promulgate rules to regulate mobile dentistry programs as outline in the above objective of the proposed rule.

The alternative to promulgation of rules would be to create confusion as to the definition of a mobile dentistry program, the activities the program may perform, the process for obtaining registration and the standards of conduct which must be followed.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

447.02(2) The examining board shall promulgate rules specifying all of the following:

(f) A requirement that a mobile dentistry program registrant establish procedures for a patient treated in the mobile dentistry program to access his or her patient records.

(g) Standards of conduct for the operation of a mobile dentistry program in this state, the provision of dental services through a mobile dentistry program, and the use of portable dental equipment.

(h) A definition of “mobile dentistry program” and the activities that constitute the operation of mobile dentistry program for purposes of the registration requirement under s. 447.058.

447.058(2)(a) The examining board may grant a registration under this section to a person who does all of the following:

3. Satisfies any other requirements established by the examining board by rule.

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

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5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

200 hours

6. List with description of all entities that may be affected by the proposed rule:

The owners, operators and employees of mobile dentistry programs and their patients will be affected by the proposed rule.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Authorized Signature

Date Submitted