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**VIRTUAL/TELECONFERENCE  
DENTISTRY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Will Johnson, (608) 266-2112**  
**March 6, 2024**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Pledge of Allegiance**
- B. Adoption of Agenda (1-4)**
- C. Approval of Minutes of January 3, 2024 (5-8)**
- D. Introductions, Announcements and Recognition**
- E. Reminders: Conflicts of Interest, Scheduling Concerns**
- F. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Appointments of Liaisons and Alternates, Delegation of Authorities **(9-25)**
  - 3) Board Members – Term Expiration Dates
    - a. Alton, Troy – 7/1/2025
    - b. Bahr, Lisa – 7/1/2026
    - c. Bistan, Matthew – 7/1/2025
    - d. Fox, Joan – 7/1/2025
    - e. Govani, Shaheda – 7/1/2026
    - f. Gundersen, David – 7/1/2026
    - g. Kenyon, Chris – 7/1/2026
    - h. Kolste, Debra – 7/1/2024
    - i. Schrubbe, Katherine – 7/1/2026
    - j. Sheild, Peter – 7/1/2026
    - k. Whalen, Diana – 7/1/2024
- G. Legislative and Policy Matters – Discussion and Consideration**

**H. Administrative Rule Matters – Discussion and Consideration (26-31)**

- 1) Consideration of board approval of Adoption Order for DE 2 and 11 (27-30)
- 2) Pending or Possible Rulemaking Projects (31)

**I. Expanding Licensure Opportunities – Discussion and Consideration**

**J. Discussion and Consideration of Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Public Health Emergencies
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**K. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**L. Credentialing Matters**

- 1) **Application Review**
  - a. Bernice Clement – Expanded Function Dental Auxiliary (32-43)
  - b. Rose DeMendonca – Expanded Function Dental Auxiliary (44-59)
  - c. Amy Elizabeth Gilbert – Dental Hygiene Certificate (60-79)
  - d. Chase Oshiro – Dentist (80-128)

**M. Division of Legal Services and Compliance (DLSC) Matters**

- 1) Proposed Stipulations, Final Decisions and Orders**
  - a. 21 DEN 005 – Matthew H. Langewisch (129-135)
  - b. 22 DEN 176 – David E. Krigbaum (136-141)
  - c. 23 DEN 023 and 23 DEN 024 – Jon E. Cruz (142-148)
- 2) Administrative Warnings**
  - a. 23 DEN 069 – T.T.T. (149-150)
- 3) Case Closings**
  - a. 22 DEN 051 – E.N.A. (151-156)
  - b. 22 DEN 005 – D.J.W. (157-169)
  - c. 23 DEN 117 – E.J.G. (170-177)
  - d. 23 DEN 139 – D.S.R. (178-181)

**N. Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

**O. Consulting with Legal Counsel**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**P. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate**

**Q. Open Session Items Noticed Above Not Completed in the Initial Open Session**

**ADJOURNMENT**

**NEXT MEETING: MAY 1, 2024**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
JANUARY 3, 2024**

**PRESENT:** Troy Alton, DDS; Lisa Bahr, RDH; Joan Fox (arrived at 9:01 a.m.); Shaheda Govani, DDS; Christine Kenyon, DDS; Debra Kolste; Katherine Schrubbe, RDH; Peter Sheild, DDS; Diana Whalen, RDH

**EXCUSED:** Matthew Bistan, David Gundersen

**STAFF:** Will Johnson, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Cari Starr, Board Administration Specialist; and other Department staff

**CALL TO ORDER**

Shaheda Govani, Vice Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with eight (8) members present.

*Joan Fox arrived at 9:01 a.m.*

**ADOPTION OF AGENDA**

**MOTION:** Troy Alton moved, seconded by Katherine Schrubbe, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 1, 2023**

**MOTION:** Lisa Bahr moved, seconded by Diana Whalen, to approve the Minutes of November 1, 2023, as published. Motion carried unanimously.

**INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION**

**Recognition: Herbert Kaske, Dentist Member**

**MOTION:** Shaheda Govani moved, seconded by Katherine Schrubbe, to recognize and thank Herbert Kaske for his years of dedicated service to the Dentistry Examining Board and State of Wisconsin. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Chairperson*

**NOMINATION:** Shaheda Govani nominated Matthew Bistan for the Office of Chairperson. Matthew Bistan accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

All in favor

Matthew Bistan was elected as Chairperson by unanimous vote.

***Vice Chairperson***

**NOMINATION:** Peter Sheild nominated Shaheda Govani for the Office of Vice Chairperson. Shaheda Govani accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

All in favor

Shaheda Govani was elected as Vice Chairperson by unanimous vote.

***Secretary***

**NOMINATION:** Shaheda Govani nominated Troy Alton for the Office of Secretary. Troy Alton accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

All in favor

Troy Alton was elected as Secretary by unanimous vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Matthew Bistan
<b>Vice Chairperson</b>	Shaheda Govani
<b>Secretary</b>	Troy Alton

**9:00 A.M. PUBLIC HEARING – CLEARINGHOUSE RULE 23-066 ON DE 3 AND 7, RELATING TO TOPICAL APPLICATION OF ANESTHETICS BY A DENTAL HYGIENIST**

**Review Public Hearing Comments and Respond to Clearinghouse Report**

**MOTION:** Shaheda Govani moved, seconded by Lisa Bahr, to accept all Clearinghouse comments for Clearinghouse Rule 23-066 (DE 3 and 7), Relating to Topical Application of Anesthetics by a Dental Hygienist. Motion carried unanimously.

**MOTION:** Diana Whalen moved, seconded by Christine Kenyon, to authorize Matthew Bistan the Chairperson (to approve the Legislative Report and Draft for Clearinghouse Rule 23-066 (DE 3 and 7), Relating to Topical Application of Anesthetics by a Dental Hygienist for submission to the Governor’s Office and Legislature. Motion carried unanimously.

## ADMINISTRATIVE RULE MATTERS

### Final Rule Draft: DE 1, 5, 6, 13, and 16 Relating to Certification of Expanded Function Dental Auxiliaries

**MOTION:** Troy Alton moved, seconded by Katherine Schrubbe, to authorize Matthew Bistan the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 23-051 (DE 1, 5, 6, 13 and 16), relating to Certification of Expanded Function Dental Auxiliaries for submission to the Governor's Office and Legislature. Motion carried unanimously.

### CLOSED SESSION

**MOTION:** Shaheda Govani moved, seconded by Katherine Schrubbe, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Shaheda Govani, Vice Chairperson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Troy Alton-yes; Lisa Bahr-yes; Joan Fox-yes; Shaheda Govani-yes; Christine Kenyon-yes; Debra Kolste-yes; Katherine Schrubbe-yes; Peter Sheild-yes; and Diana Whalen-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:52 a.m.

*Joan Fox excused at 10:52 a.m.*

### CREDENTIALING MATTERS

#### Application Review

##### *Nicole Mathew – Expanded Function Dental Auxiliary*

**MOTION:** Troy Alton moved, seconded by Shaheda Govani, to approve the Expanded Function Dental Auxiliary application of Nicole Mathew once all requirements are met. Motion carried unanimously.

### DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

#### Proposed Stipulations, Final Decisions and Orders

**MOTION:** Shaheda Govani moved, seconded by Lisa Bahr, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of the following cases:  
21 DEN 121 – Bruce M. Trimble  
22 DEN 034 – Supriya K. Shetty  
23 DEN 074 – Fred E. Zietz  
Motion carried unanimously.

#### Administrative Warnings

**MOTION:** Katherine Schrubbe moved, seconded by Troy Alton, to issue an Administrative Warning in the following DLSC Cases:  
22 DEN 022 – J.J.R., D.D.S.  
22 DEN 034 – J.M.L.  
23 DEN 051 – J.L.M., D.M.D  
23 DEN 074 – A.A.B.  
Motion carried unanimously.

**Case Closings**

**MOTION:** Shaheda Govani moved, seconded by Lisa Bahr, to close the following DLSC Cases for the reasons outlined below:  
22 DEN 004 – C.E.C. & R.E. – No Violation  
22 DEN 039 – C.E.C. – No Violation  
23 DEN 074 – K.A.L. – No Violation  
Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Lisa Bahr moved, seconded by Troy Alton, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:11 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Shaheda Govani moved, seconded by Christine Kenyon, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*Joan Fox arrived at 11:11 a.m.*

**ADJOURNMENT**

**MOTION:** Shaheda Govani, seconded by Troy Alton, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:14 a. m.



# DENTISTRY EXAMINING BOARD

## Elections as of 12/31/2023

ELECTION RESULTS	
<b>Chairperson</b>	Matthew Bistan
<b>Vice Chairperson</b>	Shaheda Govani
<b>Secretary</b>	Troy Alton

### Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
<b>Credentialing Liaisons</b>	Lisa Bahr ( <i>Dental Hygiene</i> ), Shaheda Govani ( <i>Dentistry</i> ) <i>Alternate: Troy Alton,</i>
<b>Education and Examination Liaison</b>	Herbert Kaske, Katherine Schrubbe <i>Alternate: Diana Whalen, Peter Sheild</i>
<b>Monitoring Liaison</b>	Peter Sheild <i>Alternate: Debra Kolste</i>
<b>Professional Assistance Procedure (PAP) Liaison</b>	Peter Sheild <i>Alternate: Debra Kolste</i>
<b>Legislative Liaison</b>	Matthew Bistan <i>Alternate: Shaheda Govani</i>
<b>Travel Authorization Liaison</b>	Matthew Bistan <i>Alternate: Katherine Schrubbe</i>
<b>Website Liaison</b>	Matthew Bistan <i>Alternate: Lisa Bahr</i>
<b>PDMP Liaison/ Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)</b>	Troy Alton <i>Alternate: Matthew Bistan</i>
<b>Screening Panel Members</b>	Troy Alton, Peter Sheild, Debra Kolste, Katherine Schrubbe <i>Alternate: Diana Whalen</i>
<b>Licensure Forms Committee</b>	Lisa Bahr, Shaheda Govani, Diana Whalen <i>Alternate: Matthew Bistan</i>



**State of Wisconsin**  
**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**  
**CORRESPONDENCE / MEMORANDUM**

**DATE: January 9, 2024**

**TO: Board, Council, and Committee Members**

**FROM: Legal Counsel**

**SUBJECT: Liaison Definitions and Delegations Explanations**

### **Overall Purpose of Liaison Appointments**

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

### **Liaison Definitions**

**Credentialing Liaison:** The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

**Monitoring Liaison:** The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

**Professional Assistance Procedure (PAP) Liaison:** PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

**Education and Examination Liaison:** Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

**Legislative Liaison:** The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

**Travel Authorization Liaison:** The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

**Communication Liaison:** The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

**Screening Panel Members:** The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

## **Delegations Explanations**

### **Credentialing Delegations**

*The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.*

#### **Delegation of Authority to Credentialing Liaison (Generic)**

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

#### **Delegation of Authority for Predetermination Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

### **Delegation of Authority for Conviction Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

### **Delegation to DSPS When Applicant’s History Has Been Previously Reviewed**

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

### **Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed**

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

### **Delegation of Authority for Reciprocity Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

### **Delegation of Authority for Military Reciprocity Reviews**

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

### **Delegation of Authority for Application Denial Reviews**

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

### **Delegation to Department Attorneys to Approve Duplicate Legal Issue**

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed

by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

### **Monitoring Delegations**

*The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.*

### **Delegation of Authority to Department Monitor**

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

### **Delegation of Authority to Monitoring Liaison**

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

### ***Education and Exam Delegations***

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make

these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

## **Miscellaneous Delegations**

### ***Document Signature***

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

### ***Urgent Matters***

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

### ***Delegation to Chief Legal Counsel***

#### **Due to Loss of Quorum**

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.



## **Stipulated Resolutions**

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

### ***Voluntary Surrenders***

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

### ***DLSC Pre-screening***

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

## **Roles and Authorities Delegated for Monitoring**

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

### **Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review. (Except PHM, MED)

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
  - a. Initial: 49 screens (including 1 hair test, if required by original order)
  - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
  - c. 2<sup>nd</sup> Reduction: 28 screens plus 1 hair test
  - d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. **The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.**
13. **The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.**

**Authorities Delegated to the Department Monitor**

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval. (Except for MED)
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

## **Authorities Delegated to Board Legal Counsel**

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
- 

Updated 03/13/2023

2022 Roles & Authorities

## DENTISTRY EXAMINING BOARD

### 2023 Delegations

#### *Document Signature Delegations*

**MOTION:** Peter Sheild moved, seconded by Diana Whalen, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Lisa Bahr moved, seconded by Peter Sheild, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

#### *Delegated Authority for Urgent Matters*

**MOTION:** Matthew Bistan moved, seconded by Troy Alton, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

#### *Delegation to Chief Legal Counsel Due to Loss of Quorum*

**MOTION:** Matthew Bistan moved, seconded by Debra Kolste, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

#### *Delegation to Chief Legal Counsel for Stipulated Resolutions*

**MOTION:** Matthew Bistan moved, seconded by Peter Sheild, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous

behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

### *Monitoring Delegations*

#### **Delegation of Authorities for Monitoring**

**MOTION:** Matthew Bistan moved, seconded by Troy Alton, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 4, 2023 as additional materials, except that item 11 under Liaison Delegations shall not be removed. Motion carried unanimously.

#### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Matthew Bistan moved, seconded by Diana Whalen, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Matthew Bistan moved, seconded by Lisa Bahr, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

#### **Delegation of Authority to Department When Credentialing Criteria is Met**

**MOTION:** Shaheda Govani moved, seconded by Matthew Bistan, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Matthew Bistan moved, seconded by Peter Sheild, to delegate authority to the Department Attorneys to make decisions regarding predetermination

applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

**Delegation of Authority for Conviction Reviews**

**MOTION:** Matthew Bistan moved, seconded by Lisa Bahr, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of Dentistry. Motion carried unanimously.

***Delegated Authority for Application Denial Reviews***

**MOTION:** Matthew Bistan moved, seconded by Shaheda Govani, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

**Delegation of Authority for Military Reciprocity Reviews**

**MOTION:** Matthew Bistan moved, seconded by Debra Kolste, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

**Delegation to Department When Applicant's Discipline History Has Been Previously Reviewed**

**MOTION:** Shaheda Govani moved, seconded by Matthew Bistan, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

**Delegation to Department When Applicant's Conviction History Has Been Previously Reviewed**

**MOTION:** Matthew Bistan moved, seconded by Diana Whalen, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record. Motion carried unanimously.

***Voluntary Surrenders***

**MOTION:** Matthew Bistan moved, seconded by Troy Alton, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary

surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

***Education and Examination Liaison(s) Delegation***

**MOTION:** Shaheda Govani moved, seconded by Matthew Bistan, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

***Authorization for Department to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Matthew Bistan moved, seconded by Diana Whalen, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

***Optional Renewal Notice Insert Delegation***

**MOTION:** Matthew Bistan moved, seconded by Peter Sheild, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

***Legislative Liaison Delegation***

**MOTION:** Matthew Bistan moved, seconded by Peter Sheild, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Authorization Liaison Delegation***

**MOTION:** Matthew Bistan moved, seconded by Troy Alton, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the Board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

***Website Liaison(s) Delegation***

**MOTION:** Matthew Bistan moved, seconded by Lisa Bahr, to authorize to the Website Liaison(s) to act on behalf of the Board in working with



Department staff to identify and execute website updates. Motion carried unanimously.

***Licensure Forms Committee Delegation***

**MOTION:** Lisa Bahr moved, seconded by Matthew Bistan, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson to appoint members to the Licensure Forms Committee between meetings as necessary. Motion carried unanimously.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Jake Pelegrin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 2/22/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting														
<b>3) Name of Board, Committee, Council, Sections:</b> Dentistry Examining Board																
<b>4) Meeting Date:</b> 3/6/24	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>Administrative Rule Matters – Discussion and Consideration</b> 1. Consideration of board approval of Adoption Order for DE 2 and 11 2. Pending or possible rulemaking items														
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A														
<b>10) Describe the issue and action that should be addressed:</b>  Attachments: -Adoption Order for DE 2 and 11 -Dentistry Rules Chart																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;"> <b>11)</b>  <i>Jake Pelegrin</i> </td> <td style="width: 40%; border-bottom: 1px solid black; text-align: center;"> <b>Authorization</b> </td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">                 2/22/24             </td> </tr> <tr> <td style="border-bottom: 1px solid black;">                 Signature of person making this request             </td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;">                 Date             </td> </tr> <tr> <td style="border-bottom: 1px solid black;">                 Supervisor (if required)             </td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;">                 Date             </td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">                 Executive Director signature (indicates approval to add post agenda deadline item to agenda)             </td> <td style="border-bottom: 1px solid black; text-align: right;">                 Date             </td> </tr> </table>				<b>11)</b> <i>Jake Pelegrin</i>	<b>Authorization</b>	2/22/24	Signature of person making this request	Date		Supervisor (if required)	Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
<b>11)</b> <i>Jake Pelegrin</i>	<b>Authorization</b>	2/22/24														
Signature of person making this request	Date															
Supervisor (if required)	Date															
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date													
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 23-041)

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ORDER

An order of the Dentistry Examining Board to amend DE 2.01 (1) (h) (Note), 2.015 (4) (Note), and 11.025 (3) (e), and to create DE 2.03 (1) (e), (5) (a) 5., and (5) (b) 4, relating to certification in advanced cardiovascular life support or pediatric advanced life support.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 447.02 (2) (b), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 447.02 (2) (b), Stats.

**Explanation of agency authority:**

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.

447.02 (2) (b) The Examining Board shall promulgate rules specifying the standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry.

**Related statute or rule:** None.

**Plain language analysis:**

The objective of the proposed rule is to revise the requirements in DE 11 relating to Advanced Cardiovascular Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certification to reflect that it should be an ongoing or maintained certification for each dentist who performs anesthesia services. This update includes amendments to DE 2.03 (1) and (5), as well as DE 11.025 (3) (e). This rule also includes updates to DE 2.01 (1) (h) (Note) and 2.015 (4) (Note) to reflect current application submission requirements to the Department.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:** N/A

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires Dentists who practice moderate or deep sedation to have a permit. These permits require that the Dentists complete and maintain current certification in ACLS or PALS. All persons assisting the Dentist shall complete and maintain basic life support certification [225 Illinois Compiled Statutes 25/8.1].

**Iowa:** Iowa requires Dentists who practice moderate sedation, deep sedation, or general anesthesia to have a permit. Current certification in ACLS or current certification in PALS for those administering sedation to pediatric patients, is required for all sedation permits [650 Iowa Administrative Code Chapter 29 Section 5].

**Michigan:** Michigan requires Dentists who practice general anesthesia and intravenous conscious sedation to maintain current certification in both basic and advanced cardiovascular life support [Michigan Administrative Rules R 338.11601 and 338.11602].

**Minnesota:** Minnesota requires Dentists who practice moderate sedation, deep sedation, or general anesthesia to maintain current certification in ACLS or PALS, as well as in cardiopulmonary resuscitation [Minnesota Administrative Rules Section 3100.3600].

**Summary of factual data and analytical methodologies:**

The Board reviewed Wisconsin Administrative Code Chapters DE 2 and 11 to determine what changes were needed to make ACLS or PALS certification a current and ongoing requirement for licensees who perform sedation.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

**Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. DE 2.01 (1) (h) (Note) and 2.015 (4) (Note) are amended to read:

**DE 2.01 (1) (h) (Note)** ~~Application forms~~ Instructions for applications are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53080~~ on the department of safety and professional services' website at <http://dsps.wi.gov> or by calling (608) 266-2112.

**2.015 (4) (Note)** ~~Application forms~~ Instructions for applications are available ~~upon request to the Dentistry Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53080~~ on the department of safety and professional services' website at <http://dsps.wi.gov> or by calling (608) 266-2112.

SECTION 2. DE 2.03 (1) (e), (5) (a) 5., and (5) (b) 4. are created to read:

**DE 2.03 (1) (e)** For licensees who hold any sedation permit under ch. DE 11, evidence satisfactory to the board of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

**2.03 (5) (a) 5.** For licensees who hold any sedation permit under ch. DE 11, evidence satisfactory to the board of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

**2.03 (5) (b) 4.** For licensees who hold any sedation permit under ch. DE 11, evidence satisfactory to the board of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

SECTION 3. DE 11.025 (3) (e) is amended to read:

**DE 11.025 (3) (e)** Evidence of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support through a course that is certified by the American Heart Association. Pediatric Advanced Life Support is required if treating

pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

\_\_\_\_\_  
Chair  
Dentistry Examining Board

**Dentistry Examining Board  
Rule Projects**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Implementation</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
23-051 (EmR 2304)	065-22	08/15/2022	02/01/2025	DE 1, 5, 6, 13, and 16	Certification of Expanded Function Dental Auxiliaries	Final Rule Draft is with the Legislature for review.	Board review of Adoption Order at a future meeting.
23-041	086-22	11/21/2022	05/07/2025	DE 2 and 11	Certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support	In the Legislature, JCRAR has taken no action. Board approval of Adoption Order.	Submittal of Adoption Order and Adoption Certificate.
23-066	039-23	06/30/2023	12/12/2025	DE 3 and 7	Topical Application of Anesthetics by a Dental Hygienist	Final Rule Draft is with the Governor's Office for review.	Submittal of Final Draft to the Legislature.