



HYBRID (IN-PERSON/VIRTUAL) MEETING
DENTISTRY EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor Madison
Contact: Adam Barr, (608) 266-2112
May 4, 2022

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. Be advised that board members may attend meetings designated as "Hybrid" in-person or virtually.

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 March 2, 2022 (5-11)

D. Introductions, Announcements and Recognition

- 1) Introduction: Joan Fox, Dentist Member (Succeeds: Pietz)
- 2) Recognition: Wendy Pietz, Dentist Member (Replaced: 3/8/2022)

E. Reminders: Conflicts of Interest, Scheduling Concerns

F. Administrative Matters

- 1) Department, Staff and Board Updates
- 2) Board Members – Term Expiration Dates
 - a. Alton, Troy – 7/1/2025
 - b. Bahr, Lisa – 7/1/2022
 - c. Bistan, Matthew – 7/1/2025
 - d. Fox, Joan – 7/1/2025
 - e. Govani, Shaheda – 7/1/2022
 - f. Kaske, Herbert – 7/1/2022
 - g. Kenyon, Chris – 7/1/2022
 - h. Kolste, Deb – 7/1/2024
 - i. Schrubbe, Katherine – 7/1/2022
 - j. Sheild, Peter – 7/1/2022
 - k. Whalen, Diana – 7/1/2024

G. Board Chair Meeting and Options for Addressing Department Resources – Discussion and Consideration

H. Legislative and Policy Matters – Discussion and Consideration (9-12)

- 1) 2021 Wisconsin Act 254 (Expanded Function Dental Auxiliaries)

I. Administrative Rule Matters – Discussion and Consideration (13)

- 1) Possible Scope Statement: 2021 Wisconsin Act 254
- 2) Preliminary Rule Draft: DE 11, Relating to Definitions **(14-16)**
- 3) Drafting Proposals: DE 11, Relating to Pre-Certification Sedation Education Requirements **(17-22)**
- 4) Pending or Possible Rulemaking Projects **(23)**

J. Review of Dentistry Examining Board Position Statements – Discussion and Consideration

K. COVID-19 – Discussion and Consideration

L. 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) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

M. 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.).

N. Credentialing Matters

1) Application Review

- a. Amy Fleischman – Dental Hygienist Applicant **(24-78)**
- b. Christopher Kania – Dentistry Renewal Applicant **(79-158)**
- c. Assad Qasim – Conscious Sedation Permit Applicant **(159-188)**

O. Division of Legal Services and Compliance (DLSC) Matters

1) Proposed Stipulations, Final Decisions and Orders

- a. 20 DEN 107 – Mohammad M. Alsamarraie, DDS **(189-195)**
- b. 21 DEN 069 – Frederick B. Gilbert, DDS **(196-202)**
- c. 21 DEN 101 – Aaron R. Cwik, DDS **(203-210)**

2) Administrative Warnings

- a. 20 DEN 109 – M.V.R. **(211-212)**

3) Case Closing(s)

- a. 20 DEN 070 – P.M.M. **(213-221)**
- b. 20 DEN 125 – R.S., M.S. **(222-226)**
- c. 21 DEN 011 – P.M.M. **(227-237)**
- d. 21 DEN 029 – A.G.C. **(238-244)**
- e. 21 DEN 092 – S.P. **(245-258)**

4) Monitoring Matters (259-260)

- a. David W. Blanchard, DDS – Requesting Full Licensure **(261-337)**
- b. Eugene A. Darkrow, DDS – Requesting Full Licensure **(338-352)**

P. 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

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

S. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: JUNE 7, 2022

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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 deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
DENTISTRY EXAMINING BOARD
MEETING MINUTES
MARCH 2, 2022**

PRESENT: Troy Alton, DDS; Lisa Bahr, RDH; Matthew Bistan, DDS; Shaheda Govani, DDS; Herbert Kaske, DDS; Debra Kolste; Wendy Pietz, DDS (*arrived at 9:28 a.m.*); Katherine Schrubbe, RDH; Peter Sheild, DDS; Diana Whalen, RDH

EXCUSED: Christine Kenyon

STAFF: Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department staff

CALL TO ORDER

Matthew Bistan, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

MOTION: Kathrine Schrubbe moved, seconded by Debra Kolste, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 5, 2022

MOTION: Shaheda Govani moved, seconded by Peter Sheild, to approve the Minutes of January 5, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Department, Staff, and Board Updates

LIAISON APPOINTMENTS	
Screening Panel Members	Matthew Bistan, Debra Kolste, Katherine Schrubbe, Peter Sheild <i>Alternate:</i> Diana Whalen

ADMINISTRATIVE RULE MATTERS

DE 13, Relating to Controlled Substances Prescribing Continuing Education Requirements

MOTION: Shaheda Govani moved, seconded by Herbert Kaske, to authorize the Chairperson to approve the Scope Statement revising DE 13, relating to controlled substances prescribing education requirements, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

(Wendy Pietz arrived at 9:28 a.m.)

CLOSED SESSION

MOTION: Peter Sheild moved, seconded by Herbert Kaske, 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.). Matthew Bistan, 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; Matthew Bistan-yes; Shaheda Govani-yes; Herbert Kaske-yes; Debra Kolste-yes; Wendy Pietz-yes; Katherine Schrubbe-yes; Peter Sheild-yes; and Diana Whalen-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:56 a.m.

CREDENTIALING MATTERS

Application Review

Kelly Suralik, DMD – Dental Applicant

MOTION: Shaheda Govani moved, seconded by Troy Alton, to approve the Dental license application of Kelly Suralik, DMD, once all requirements are met. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

MOTION: Matthew Bistan moved, seconded by Lisa Bahr, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 20 DEN 098 – Richard J. Grzybowski, DDS
 2. 21 DEN 052 – Steven W. Campbell, DDS
- Motion carried unanimously.

Administrative Warnings

MOTION: Matthew Bistan moved, seconded by Katherine Schrubbe, to issue Administrative Warnings in the following cases:

1. 20 DEN 099 – K.M.B.
2. 20 DEN 100 – Z.Z.

Motion carried unanimously.

Case Closings

MOTION: Peter Sheild moved, seconded by Shaheda Govani, to close the following DLSC Cases for the reasons outlined below:

3. 20 DEN 021 – S.A.A. – No Violation
4. 20 DEN 053 – Unknown – Insufficient Evidence
5. 20 DEN 075 – D.R.G. – No Violation
6. 20 DEN 100 – S.S., P.P. – No Violation
7. 21 DEN 007 – B.J., P.H. – No Violation
8. 21 DEN 018 – M.C.C. – Prosecutorial Discretion (P5)

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Matthew Bistan moved, seconded by Lisa Bahr, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:13 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Debra Kolste moved, seconded by Matthew Bistan, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Matthew Bistan moved, seconded by Diana Whalen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:15 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Adam Barr, Executive Director		2) Date when request submitted: 4/21/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 5/4/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration - 2021 Wisconsin Act 254 (Expanded Function Dental Auxiliaries)	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable:	
10) Describe the issue and action that should be addressed: Discussion of recent legislation.			
11) Authorization			
<i>Adam Barr</i>		4/21/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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



2021 Senate Bill 392

Date of enactment: April 15, 2022
Date of publication*: April 16, 2022

2021 WISCONSIN ACT 254

AN ACT to renumber and amend 447.05; to amend 440.08 (2) (a) (intro.), 447.04 (title), 447.07 (3) (intro.), 447.07 (3) (e), 447.07 (3) (f), 447.07 (3) (g), 447.07 (3) (h), 448.03 (2) (a), 448.21 (1) (a), 450.03 (1) (e) and 462.02 (2) (d); and to create 440.03 (13) (b) 28m., 447.035, 447.04 (3) and 447.05 (1) (b) of the statutes; relating to: certification of expanded function dental auxiliaries, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.03 (13) (b) 28m. of the statutes is created to read:

440.03 (13) (b) 28m. Expanded function dental auxiliary.

SECTION 2. 440.08 (2) (a) (intro.) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal dates for credentials are as follows:

SECTION 3. 447.035 of the statutes is created to read:

447.035 Certification; expanded function dental auxiliaries. (1) In this section, "auxiliary" means an expanded function dental auxiliary.

(2) Notwithstanding s. 447.03 (1) and (2), a certification to practice as an auxiliary granted under s. 447.04 (3) shall permit the holder to perform all of the following as delegated and supervised by a dentist:

(a) Placement and finishing of restoration material after the dentist prepares a tooth for restoration.

(b) Application of sealants.

- (c) Coronal polishing.
 - (d) Impressions.
 - (e) Temporizations.
 - (f) Packing cord.
 - (g) Removal of cement from crowns.
 - (h) Adjustment of dentures and other removable oral appliances.
 - (i) Removal of sutures and dressings.
 - (k) Application of topical fluoride, fluoride varnish, or similar dental topical agent.
- (3) (a) The examining board shall, subject to pars. (b) and (c), promulgate rules for the certification and practice of auxiliaries.
- (b) The rules promulgated under par. (a) shall do all of the following:
1. Require an applicant to the accredited instructional program described in subd. 2. to demonstrate in his or her application that the individual satisfies one of the following criteria in order to be permitted to enroll in the instructional program:
 - a. Has completed at least 1,000 hours practicing as a dental assistant and holds the certified dental assistant credential issued by the Dental Assisting National Board, Inc., or its successor.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

b. Has completed at least 2,000 hours practicing as a dental assistant, as verified by the supervising licensed dentist.

2. Require an applicant for certification under s. 447.04 (3) to demonstrate to the satisfaction of the examining board that the applicant has successfully completed an accredited instructional program that provides training in practice as an auxiliary and requires no fewer than 70 hours of classroom instruction.

3. Require a dentist who delegates a procedure to an auxiliary certified under s. 447.04 (3) to remain on the premises where the auxiliary is performing the procedure until the procedure is complete and the dentist has verified that the procedure has been performed successfully.

4. Require each auxiliary to maintain current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(c) The rules promulgated under par. (a) may not permit an auxiliary to perform any of the following:

1. Cutting of hard or soft tissue.
2. Diagnosis.
3. Treatment planning.

SECTION 4. 447.04 (title) of the statutes is amended to read:

447.04 (title) Licensure; certification.

SECTION 5. 447.04 (3) of the statutes is created to read:

447.04 (3) EXPANDED FUNCTION DENTAL AUXILIARIES. The examining board shall grant a certification to practice as an expanded function dental auxiliary to an individual who does all of the following:

(a) Pays the fee specified in s. 440.05 (1).

(b) Submits evidence satisfactory to the examining board that he or she has completed the accredited instructional program required under s. 447.035 (3) (b) 2.

(c) Submits evidence satisfactory to the examining board that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 6. 447.05 of the statutes is renumbered 447.05 (1) (a) and amended to read:

447.05 (1) (a) ~~Renewal Except as provided in par. (b), renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).~~

(2) The examining board may not renew a license to practice dentistry unless the applicant for renewal attests that he or she has complied with s. 447.056, that he or she

has current proficiency in cardiopulmonary resuscitation, ~~including and that he or she has current proficiency in~~ the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(3) The examining board may not renew a license to practice dental hygiene unless the applicant for renewal attests that he or she has complied with s. 447.055 and any rules promulgated by the examining board under s. 447.055, that he or she has a current certification in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 7. 447.05 (1) (b) of the statutes is created to read:

447.05 (1) (b) A certification to practice as an expanded function dental auxiliary granted under s. 447.04 (3) is permanent unless revoked and not subject to periodic renewal.

SECTION 8. 447.07 (3) (intro.) of the statutes is amended to read:

447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist ~~or dental hygienist, or expanded function dental auxiliary~~, of a mobile dentistry program registrant, or of any other person it has reason to believe is engaged in or has engaged in the practice of dentistry or dental hygiene, or the operation of a mobile dentistry program, in this state, and may, on its own motion, or upon complaint in writing, reprimand any dentist ~~or dental hygienist, or expanded function dental auxiliary~~ who is licensed or certified under this chapter, or any mobile dentistry program registrant, or deny, limit, suspend, or revoke his or her license or certificate, or the registration of the mobile dentistry program registrant, if it finds that the dentist, dental hygienist, expanded function dental auxiliary, or mobile dentistry program registrant has done any of the following:

SECTION 9. 447.07 (3) (e) of the statutes is amended to read:

447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a crime, the circumstances of which substantially relate to the practice of dentistry or dental hygiene, the practice of an expanded function dental auxiliary, or the operation of a mobile dentistry program.

SECTION 10. 447.07 (3) (f) of the statutes is amended to read:

447.07 (3) (f) Violated this chapter or any federal or state statute or rule that relates to the practice of dentistry

or, dental hygiene, or an expanded function dental auxiliary, or the operation of a mobile dentistry program.

SECTION 11. 447.07 (3) (g) of the statutes is amended to read:

447.07 (3) (g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry or dental hygiene or as an expanded function dental auxiliary while his or her ability was impaired by alcohol or other drugs.

SECTION 12. 447.07 (3) (h) of the statutes is amended to read:

447.07 (3) (h) Engaged in conduct that indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of dentistry or dental hygiene or the practice of an expanded function dental auxiliary.

SECTION 13. 448.03 (2) (a) of the statutes, as affected by 2021 Wisconsin Acts 23 and 130, is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice optometry under ch. 449, to practice as a physician assistant under subch. VIII, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

SECTION 14. 448.21 (1) (a) of the statutes is amended to read:

448.21 (1) (a) The practice of dentistry or dental hygiene within the meaning of ch. 447 or the practice of an expanded function dental auxiliary under s. 447.035.

SECTION 15. 450.03 (1) (e) of the statutes, as affected by 2021 Wisconsin Act 130, is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice dentistry or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

SECTION 16. 462.02 (2) (d) of the statutes is amended to read:

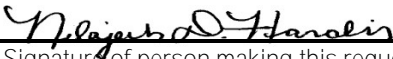
462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s. 447.04 (2), a person certified as an expanded function dental auxiliary under s. 447.04 (3), or a person under the direct supervision of a dentist.

SECTION 17. Nonstatutory provisions.

(1) EMERGENCY RULES. Using the procedure under s. 227.24, the dentistry examining board shall promulgate the rules for the certification and practice of expanded function dental auxiliaries required under s. 447.035 (3). Notwithstanding s. 227.24 (1) (a) and (3), the dentistry examining board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (c) and (2), an emergency rule promulgated under this subsection remains in effect for one year after its promulgation, or until permanent rules take effect, whichever is sooner, and the effective period may not be further extended under s. 227.24 (2).

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 04/22/22 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 05/04/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Possible Scope Statement – 2021 Wisconsin Act 254 2. Preliminary Rule Draft – DE 11, Relating to Definitions 3. Drafting Proposals – DE 11, Relating to Pre-Certification Sedation Education Requirements 4. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Review Board’s Current Rule Projects Attachments: <ul style="list-style-type: none"> DE 11 (Definitions) Preliminary Rule Draft DE 11 (Pre-Certification Sedation Education) Scope Statement Wisconsin Administrative Code Chapter DE 11 Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
 Signature of person making this request		04/22/22 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 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

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

PROPOSED ORDER

An order of the Dentistry Examining Board to amend DE 11.02 (3m) and (6g) relating to definitions.

Analysis prepared by the Department of Safety and Professional Services.

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: s. 447.04 (1), Stats.

Plain language analysis:

The Dentistry Examining Board has determined a need to modify the definition of “ental”. The Board will also clarify other definitions as necessary to be consistent with American Dental Association guidelines and review other rule provisions to ensure clarity.

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: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Dentists in Illinois, with input from the Illinois Board of Dentistry. The Illinois Board is also responsible for the promulgation of rules to implement certain sections of the Illinois Dental Practice Act. This Act contains requirements for dental practice, including dentistry done under anesthesia or sedation. [225 Illinois Compiled Statutes ch. 25]

Iowa: The Iowa Dentistry Board is responsible for the licensure and regulation of Dentists in Iowa. Listed in the Iowa Administrative Code are the requirements for dental practice, including dentistry done under anesthesia or sedation. [650 Iowa Administrative Code ch. 29]

Michigan: The Michigan Board of Dentistry is responsible for the licensure and regulation of Dentists in Michigan. Act 368 Article 15 of the Michigan Compiled Laws includes the regulations for dentistry in Michigan, among several other occupations. These regulations include requirements for anesthesia and sedation dentistry. [Michigan Compiled Laws s. 333.166]

Minnesota: The Minnesota Board of Dentistry is responsible for the licensure and regulation of Dentists in Minnesota. Part 3100 of the Minnesota Administrative Code includes the regulations for dentistry in Minnesota, including the requirements for anesthesia and sedation dentistry. [Minnesota Administrative Rules part 3100.3600]

Summary of factual data and analytical methodologies:

The Board reviewed Wisconsin Administrative Code DE 11 and made updates to align section 11.02 with definitions for clinical terms provided by the American Dental Association.

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

The proposed rules will be 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.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

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 608-26-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. DE 11.02 (3m) and (6g) are amended to read:

DE 11.02 (3m) “Enteral” means administration by which the agent is absorbed through the gastrointestinal tract or through oral, rectal, or ~~nasal~~ sublingual mucosa.

(6g) “Parenteral” means administration by which the drug bypasses the gastrointestinal tract through intramuscular, intravenous, intranasal, submucosal, subcutaneous, or ~~intraocular~~ intraosseous methods.

SECTION 2. 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.

(END OF TEXT OF RULE)

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 11

Relating to: Pre-Certification Sedation Education

Rule Type: Both Permanent and Emergency

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

Clearinghouse rule 19-132 went into effect on September 1, 2020. Among the provisions created, DE 11.035 was established to outline the board approved education criteria for Class II Enteral and Parenteral sedation permits. Upon further review, the Board has determined that changes to DE 11.035 are needed in order to properly implement these criteria. As currently written, the requirements are not specific enough for the Board to issue Class II sedation permits to their licensees in a timely manner. Therefore, emergency rules are needed to ensure that these permits can be issued safely and in line with the Board's expectations for sedation training until permanent rules can be promulgated.

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

The objective of the proposed rule is to update and add details to the requirements listed in DE 11.035. The Board will also review and update DE 11.025 (3) to align it with the expectations of the Board for courses certified by the American Heart Association.

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:

Wisconsin Administrative Code Chapter DE 11 currently includes the education criteria for Class II sedation permits. Without further clarification by the Board on the requirements, delays in permitting may continue to occur due to the ambiguity of the current rules.

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

Section 15.08 (5) (b), Stats., provides that an examining board "[s]hall 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."

Section 447.02 (2) (b), Stats, provides that 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."

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

60 hours

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

Dentists, Conscious Sedation Education Providers
Rev. 3/6/2012

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):

This rule is not likely to have a significant impact on small businesses.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:



Authorized Signature

2/22/2022

Date Submitted

Approved for implementation:



Authorized Signature

4/13/2022

Date Submitted

Chapter DE 11

ANESTHESIA

<p>DE 11.01 Authority and purpose. DE 11.02 Definitions. DE 11.025 Permit to administer anesthesia. DE 11.03 Requirements for nitrous oxide in combination with sedative agent. DE 11.035 Board approved education program content.</p>	<p>DE 11.075 Continuing education. DE 11.085 Auxiliary Personnel. DE 11.09 Standards of care. DE 11.10 Reporting of adverse occurrences related to sedation or anesthesia administration.</p>
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DE 11.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 (2) (a) and 447.02 (2) (b), Stats., for the purpose of defining standards for the administration of anesthesia by dentists. The standards specified in this chapter shall apply equally to general anesthesia and sedation, regardless of the route of administration.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85; am. Register, October, 1988, No. 394, eff. 11-1-88; am. Register, August, 1991, No. 428, eff. 9-1-91.

DE 11.02 Definitions. In this chapter,

(1g) “ASA” means American Society of Anesthesiologists.

(1s) “Class I permit” means a sedation permit issued prior to September 1, 2020. This permit is no longer valid.

(1t) “Class II permit – enteral” means a sedation permit enabling a dentist to administer, by enteral route, moderate sedation.

(1tm) “Class II permit – parenteral” means a sedation permit enabling a dentist to administer, by parenteral route, moderate sedation.

(1u) “Class III permit” means a sedation permit enabling a dentist to administer moderate or deep sedation, or general anesthesia.

(2g) “Continual” means repeated regularly and frequently in a steady succession.

(2r) “Continuous” means prolonged without any interruption at any time.

(3) “Deep sedation” means a drug-induced depression of consciousness during which a patient cannot be easily aroused but responds purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. A patient may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

(3m) “Enteral” means administration by which the agent is absorbed through the gastrointestinal tract or through the oral, rectal, or nasal mucosa.

(4) “General anesthesia” means drug-induced loss of consciousness during which a patient is not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. A patient often requires assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

(4e) “Immediately available” means physically located in the dental office or facility and ready for immediate use or response.

(4m) “Minimal sedation” means a minimally depressed level of consciousness, produced by a pharmacological method that retains the patient’s ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.

(4s) “Moderate sedation” means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. If more than one enteral drug is administered or if an enteral drug is administered at a dosage that exceeds the maximum recommended dose during a single appointment, such administration is considered moderate sedation.

(6) “Nitrous oxide” means a combination of nitrous oxide and oxygen.

(6g) “Parenteral” means administration by which the drug bypasses the gastrointestinal tract through intramuscular, intravenous, intranasal, submucosal, subcutaneous, or intraocular methods.

(6r) “Pediatric patient” means a patient who is 12 years old and under.

(10) “Time-oriented anesthesia record” means documentation at appropriate intervals of drugs, doses and physiologic data obtained during patient monitoring.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85; r. and recr. Register, October, 1988, No. 394, eff. 11-1-88; r. (4), renum. (1) to (3) to be (2) to (4) and am., cr. (1) and (5), Register, August, 1991, No. 428, eff. 9-1-91; CR 04-095: am. (1) to (4), cr. (1m) and (6) to (10), r. (5) Register August 2006 No. 608, eff. 1-1-07; CR 13-061: cr. (1s) to (1u) Register June 2014 No. 702, eff. 7-1-14; CR 19-132: r. (1), cr. (1g), r. (1m), am. (1s), (1t), cr. (1tm), am. (1u), r. (2), cr. (2g), (2r), am. (3), cr. (3m), am. (4), cr. (4e), (4m), (4s), am. (6), cr. (6g), (6r), r. (7) to (9) Register August 2020 No. 776, eff. 9-1-20; correction in (3) made under s. 35.17, Stats., Register August 2020 No. 776.

DE 11.025 Permit to administer anesthesia.

(1) Minimal sedation does not require a permit.

(2) The board may issue an anesthesia permit at the following levels:

(a) Class II – enteral is for the administration of moderate sedation by enteral route.

(b) Class II – parenteral is for the administration of moderate sedation by either enteral or parenteral route,

(c) Class III is for the administration of moderate or deep sedation, or general anesthesia.

(3) A dentist may apply to the board for an anesthesia permit by submitting all of the following:

(a) Application and fee.

(b) Verification of any permit or credential authorizing anesthesia or sedation held by the dentist.

(c) Disclosure of any previous anesthesia or sedation-related incident, morbidity, or mortality or any board investigation or discipline relating to the delivery of anesthesia or sedation.

(d) Evidence of current licensure to practice dentistry in the state of Wisconsin.

(e) Evidence of certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support through a course that follows the American Heart Association guidelines. Pediatric Advanced Life Support is required if treating pediatric patients.

(f) Affidavit indicating the dentist has the required equipment and medications.

(g) If applying for a class II permit – enteral, evidence of one of the following:

1. Current board certification or a candidate for board certification by the American Board of Oral and Maxillofacial Surgery.
2. Completion of an accredited oral and maxillofacial surgery residency.
3. Diplomate or candidate of the American Dental Board of Anesthesiology.
4. Successful completion of a board approved education program that provides comprehensive training meeting the requirements in s. DE 11.035.

(h) If applying for a class II permit– parenteral, evidence of one of the following:

1. Current board certification or a candidate for board certification by the American Board of Oral and Maxillofacial Surgery.
2. Completion of an accredited oral and maxillofacial surgery residency.
3. Diplomate or candidate of the American Dental Board of Anesthesiology.
4. Successful completion of a board approved education program that provides comprehensive training meeting the requirements in s. DE 11.035.

(i) If applying for a class III permit, evidence of one of the following:

1. Current board certification or a candidate for board certification by the American Board of Oral and Maxillofacial Surgery.
2. Completion of an accredited oral and maxillofacial surgery residency.
3. Diplomate or candidate of the American Dental Board of Anesthesiology.
4. Postdoctoral residency in an accredited dental program in dental anesthesiology.

(j) Notwithstanding par. (g) or (h), a dentist holding a class I permit on August 31, 2020, shall be granted a class II permit – enteral upon evidence of 20 cases within the last 5 years of providing moderate sedation.

Note: As of September 1, 2020, a class I permit is no longer valid and moderate sedation requires either a class II permit – enteral or class II permit – parenteral.

(k) Notwithstanding par. (h), a dentist holding a class II permit on August 31, 2020, shall be granted a class II permit – parenteral.

(4) A dentist may not administer anesthesia or sedation without a permit at the appropriate level of anesthesia or sedation.

History: CR 13–061: cr. Register June 2014 No. 702, eff. 7–1–14; CR 19–132: r. and recr. Register August 2020 No. 776, eff. 9–1–20; correction in (2) (a) to (c), (3) (c), (g) (intro.), (h) (intro.), (i) (intro.), (j), (k) made under s. 35.17, Stats., and correction in (3) (j), (k) made under s. 13.92 (4) (b) 14., Stats., Register August 2020 No. 776.

DE 11.03 Requirements for nitrous oxide in combination with sedative agent. Nitrous oxide when used in combination with sedative agent may produce minimal, moderate or deep sedation. During the administration of moderate or nitrous–oxide oxygen sedation, if a patient enters a deeper level of sedation than the dentist is authorized by permit to provide, then the dentist shall stop the sedation and dental procedures until the patient returns to the intended level of sedation.

History: CR 04–095: cr. Register August 2006 No. 608, eff. 1–1–07; CR 15–056: am. (1) Register February 2016 No. 722, eff. 3–1–16; CR 19–132: r. and recr. Register August 2020 No. 776, eff. 9–1–20.

DE 11.035 Board approved education program content. (1) A board approved education program that provides comprehensive training for a class II permit – enteral shall consist of a minimum of 18 hours in administration and management of moderate sedation, including all of the following course content:

(a) Historical, philosophical and psychological aspects of anxiety and pain control.

(b) Patient evaluation and selection through review of medical history taking, physical diagnosis and psychological profiling.

(c) Use of patient history and examination for ASA classification, risk assessment and pre–procedure fasting instruction.

(d) Definitions and descriptions of physiological and psychological aspects of anxiety and pain.

(e) Description of the sedation anesthesia continuum, with special emphasis on the distinction between the conscious and the unconscious state.

(f) Review of adult respiratory and circulatory physiology and related anatomy.

(g) Pharmacology of local anesthetics and agents used in moderate sedation, including drug interactions and contraindications.

(h) Indications and contraindications for use of moderate sedation.

(i) Review of dental procedures possible under moderate sedation.

(j) Patient monitoring using observation, monitoring equipment, with particular attention to vital signs, ventilation, breathing and reflexes related to consciousness.

(k) Maintaining proper records with accurate chart entries recording medical history, physical examination, informed consent, time–oriented anesthesia record, including the names of all drugs administered, doses and monitored physiological parameters.

(L) Prevention, recognition and management of complications and emergencies.

(m) Description, maintenance and use of moderate sedation monitors and equipment.

(n) Discussion of abuse potential.

(o) Description and rationale for the technique to be employed.

(p) Prevention, recognition and management of systemic complications of moderate sedation, with particular attention to airway maintenance and support of the respiratory and cardiovascular systems.

(q) 20 cases, which may include group observation cases.

(2) A board approved education program that provides comprehensive training for a class II permit – parenteral shall consist of a minimum of 60 hours in administration and management of moderate sedation, including all of the following course content:

(a) Historical, philosophical and psychological aspects of anxiety and pain control.

(b) Patient evaluation and selection through review of medical history taking, physical diagnosis and psychological profiling.

(c) Use of patient history and examination for ASA classification, risk assessment and pre–procedure fasting instruction.

(d) Definitions and descriptions of physiological and psychological aspects of anxiety and pain.

(e) Description of the sedation anesthesia continuum, with special emphasis on the distinction between the conscious and the unconscious state.

(f) Review of adult respiratory and circulatory physiology and related anatomy.

(g) Pharmacology of local anesthetics and agents used in moderate sedation, including drug interactions and contraindications.

(h) Indications and contraindications for use of moderate sedation.

(i) Review of dental procedures possible under moderate sedation.

(j) Patient monitoring using observation, monitoring equipment, with particular attention to vital signs, ventilation, breathing and reflexes related to consciousness.

(k) Maintaining proper records with accurate chart entries recording medical history, physical examination, informed consent, time oriented anesthesia record, including the names of all

drugs administered, doses and monitored physiological parameters.

(L) Prevention, recognition and management of complications and emergencies.

(m) Description, maintenance and use of moderate sedation monitors and equipment.

(n) Discussion of abuse potential.

(o) Intravenous access anatomy, equipment and technique.

(p) Prevention, recognition and management of complications of venipuncture and other parenteral techniques.

(q) Description and rationale for the technique to be employed.

(r) Prevention, recognition and management of systemic complications of moderate sedation, with particular attention to airway maintenance and support of the respiratory and cardiovascular systems.

(s) 20 individually managed cases.

History: CR 19-132: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (intro.), (2) (intro.) made under s. 35.17, Stats., Register August 2020 No. 776, eff. 9-1-20.

DE 11.075 Continuing education. A dentist with a sedation permit shall complete 2 hours of continuing education on the topic of sedation and anesthesia each biennium. The continuing education completed under this section shall count toward the continuing education requirement under s. DE 13.03.

History: CR 19-132: cr. Register August 2020 No. 776, eff. 9-1-20.

DE 11.085 Auxiliary Personnel. (1) Auxiliary personnel shall be certified in basic life support for the health care provider.

(2) A dentist administering sedation shall have one additional individual present during the procedure and another individual on the premises and available to respond to a patient emergency.

(3) A dentist administering general anesthesia or deep sedation shall have 2 additional individuals present during the procedure.

(4) If a dentist is both performing the dental procedure and administering moderate or deep sedation, or general anesthesia, one auxiliary personnel must be designated to only monitor the patient. The designated auxiliary personnel may be one of the additional individuals required in sub. (2) or (3).

History: CR 19-132: cr. Register August 2020 No. 776, eff. 9-1-20.

DE 11.09 Standards of care. (1) GENERAL. A dentist administering anesthesia or sedation shall be in the room to continuously monitor the patient until the patient meets the criteria for transfer to recovery and may not leave the dental office or facility until the patient meets the criteria for discharge and is discharged from the dental office or facility.

(2) Preoperative preparation. Preoperative preparation for the administration of anesthesia or sedation shall include all of the following steps:

(a) Determine the adequacy of the oxygen supply and equipment necessary to deliver oxygen under positive pressure.

(b) Take and record the patient's baseline vital signs, including blood pressure, respiratory rate and heart rate. For the administration of general anesthesia and deep and moderate sedation, baseline vital signs include weight, height, blood pressure, heart rate, respiratory rate, blood oxygen saturation by pulse oximetry, and body temperature when appropriate. The inability to take vital signs due to the patient's behavior or condition shall be documented in the patient record.

(c) Complete medical history and a focused physical evaluation.

(d) Instruct the patient on specific dietary limitations based upon the sedative and anesthetic technique to be used and patient's physical status.

(e) Provide preoperative instructions to the patient or, as appropriate, to the patient's parent or legal guardian.

(f) Notify and require a patient to arrive and leave with a vested escort.

(g) Establish and secure, where clinically indicated, an intravenous line throughout the procedure, except as provided for pediatric or special needs patients.

(h) Advise the patient of fasting requirements.

(3) MONITORING AND EVALUATION OF GENERAL ANESTHESIA, DEEP SEDATION OR MODERATE SEDATION. A dentist administering general anesthesia, deep sedation, or moderate sedation shall continuously monitor and evaluate all of the following:

(a) Level of consciousness.

(b) Oxygenation saturation by pulse oximetry.

(c) Chest excursions.

(d) Ventilation monitored by end-tidal carbon dioxide.

(e) Auscultation of breath sounds by precordial or pretracheal stethoscope.

(f) Respiration rate.

(g) Heart rate and rhythm via electrocardiogram.

(h) Blood pressure.

(i) Color of mucosa, skin or blood.

(j) Body temperature whenever triggering agents associated with malignant hyperthermia are administered.

(4) MONITORING AND EVALUATION OF MINIMAL SEDATION. A dentist administering minimal sedation shall continuously monitor and evaluate all of the following:

(a) Level of consciousness.

(b) Chest excursions.

(c) Ventilation by either auscultation of breath sounds or by verbal communication with the patient.

(d) Color of mucosa, skin or blood.

(e) Blood pressure, heart rate, and oxygenation saturation by pulse oximetry pre-operatively and post-operative and intraoperatively.

(5) RECOVERY AND DISCHARGE. A dentist shall maintain and implement recovery and discharge procedures which include all of the following:

(a) Immediate availability of oxygen and suction equipment.

(b) Monitor and document the patient's blood pressure, heart rate, oxygenation and level of consciousness during recovery.

(c) Determine and document that blood pressure, heart rate, level of consciousness, oxygenation, ventilation, and circulation are satisfactory for discharge.

(d) Post-operative verbal and written instructions provided.

(e) If a reversal agent is administered before discharge criteria have been met, the patient must be monitored until recovery is assured.

(6) EQUIPMENT. A dentist administering anesthesia or sedation shall have immediately available and maintain equipment, appropriate for patients served, in good working order according to manufacturer's directions all the following equipment:

(a) Alternative light source for use during power failure.

(b) Automated external defibrillator.

(c) Disposable syringes in assorted sizes.

(d) Oxygen in a portable cylinder E tank capable of administering positive pressure ventilation via a bag-valve-mask system.

(e) Sphygmomanometer and stethoscope for pediatric and adult patients.

(f) Suction and backup system.

(g) An operating chair capable of withstanding cardiopulmonary resuscitation or a back board.

(h) Emergency airway equipment including oral and nasal airway and advanced airway devices for appropriate patient populations being served.

(7) DRUGS. A dentist administering anesthesia or sedation shall be responsible to maintain and properly store drugs in current and unexpired condition and properly dispose of expired drugs. The following drugs shall be maintained in an emergency drug kit:

- (a) Non-enteric coated aspirin.
- (b) Ammonia inhalants.
- (c) Antihistamine.
- (d) Antihypoglycemic agent.
- (e) Bronchodilator.
- (f) Epinephrine.
- (g) Oxygen.
- (h) Nitroglycerin.
- (i) Reversal agents.
- (j) Muscle relaxant.

(8) EMERGENCY MANAGEMENT. A dentist administering anesthesia or sedation shall be responsible for the sedative or anesthetic management, diagnosis and treatment of emergencies related to the administration of anesthesia or sedation and for ensuring the equipment, drugs and protocols for patient rescue are immediately available.

(9) ANESTHESIA RECORD. A dentist shall maintain an anesthesia record that documents all events related to the administration of the sedative or anesthetic agents, including all of the following:

- (a) Time-oriented anesthesia record that includes the date, names of all drugs administered, dosages, methods of administration and monitored physiological parameters.
- (b) Heart rate, respiratory rate, blood pressure, pulse oximetry, and end-tidal carbon dioxide measurements shall be recorded in 5-minute intervals for general anesthesia, deep and moderate sedation.

(c) The duration of the procedure.

(d) The individuals present during the procedure.

History: CR 04-095: cr. Register August 2006 No. 608, eff. 1-1-07; CR 19-132: r. and recr. Register August 2020 No. 776, eff. 9-1-20; correction in (2) (e) made under s. 35.17, Stats., Register August 2020 No. 776.

DE 11.10 Reporting of adverse occurrences related to sedation or anesthesia administration. (1m) A dentist shall report to the board any anesthesia-related or sedation-related mortality which occurs during or as a result of treatment provided by the dentist within 2 business days of the dentist's notice of such mortality.

(2m) A dentist shall report any morbidity which may result in permanent physical or mental injury as a result of the administration of anesthesia or sedation by the dentist to the board within 30 days of the notice of the occurrence of any such morbidity.

(3m) The report shall include all of the following:

- (a) A description of the dental procedures.
- (b) The names of all participants in the dental procedure and any witnesses to the adverse occurrence.
- (c) A description of the preoperative physical condition of the patient.
- (d) A list of drugs and dosage administered before and during the dental procedures.
- (e) A detailed description of the techniques utilized in the administration of all drugs used during the dental procedure.
- (f) A description of the adverse occurrence, including the symptoms of any complications, any treatment given to the patient, and any patient response to the treatment.
- (g) A description of the patient's condition upon termination of any dental procedures undertaken.

Note: Forms are available at the office of the Dentistry Examining Board located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

History: CR 04-095: cr. Register August 2006 No. 608, eff. 1-1-07; CR 19-132: r. (intro.), renum. (1) to (7) to (3) (a) to (g), cr. (1m), (2m), (3m) (intro.) Register August 2020 No. 776, eff. 9-1-20; correction in (1m) made under s. 35.17, Stats., and renum. (3) (a) to (g) to (3m) (a) to (g) under s. 13.92 (4) (b) 7., Stats., Register August 2020 No. 776.

**Dentistry Examining Board
Rule Projects (updated 04/21/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
21-086	036-21	10/05/2023	DE 11	Permits to Administer Anesthesia	Legislative Review after 01/03/2023	Adoption Order Anticipated for Board Review at a Future Meeting
Not Assigned Yet	109-21	06/13/2024	DE 11	Definitions	Preliminary Rule Draft for Board Review at 05/04/22	Posting for EIA Comments and Submission to Clearinghouse
Not Assigned Yet	023-22	09/28/2024	DE 11	Pre-Certification Sedation Education	Drafting	Board Review and Approval of Preliminary Rule Draft
Not Assigned Yet	031-22	10/11/2024	DE 13	Controlled Substances Prescribing Continuing Education Requirements	Scope Ready for Implementation after 04/21/22	Drafting