



---

**VIRTUAL/TELECONFERENCE  
DENTISTRY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Will Johnson, (608) 266-2112**  
**May 3, 2023**

*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 March 1, 2023 (5-7)**
- D. Introductions, Announcements and Recognition
- E. Reminders: Conflicts of Interest, Scheduling Concerns
- F. 9:00 A.M. Public Hearing – Emergency Rule 2304 on DE 1, 5, 6, 13, and 16, Relating to Certification of Expanded Function Dental Auxiliaries (8-15)**
  - 1) Review Public Hearing Comments
- G. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
    - a. Alton, Troy – 7/1/2025
    - b. Bahr, Lisa – 7/1/2026
    - c. Bistan, Matthew – 7/1/2025
    - d. Fox, Joan – 7/1/2025
    - e. Govani, Shaheda – 7/1/2026
    - f. Kaske, Herbert – 7/1/2022
    - 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
- H. Legislative and Policy Matters – Discussion and Consideration

**I. Administrative Rule Matters – Discussion and Consideration (16)**

- 1) Adoption Order
  - a. DE 11, Relating to Requirements for Class III Permits for Anesthesia (17-19)
  - b. DE 11, Relating to Definitions (20-22)
- 2) Preliminary Rule Draft
  - a. DE 2 and 11, Relating to Certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support (23-26)
- 3) Pending or Possible Rulemaking Projects (27)

**J. The Use of Lasers on Ulcers – Discussion and Consideration (28)**

**K. Dental Hygienists and the Use of Botox - Discussion and Consideration (29)**

**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) 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

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

**1) Proposed Stipulations, Final Decisions and Orders**

- a. 21 DEN 112 – Richard H. Tran, D.D.S. **(30)**
- b. 21 DEN 132 – Soumen Chatterjee, D.D.S. **(37)**
- c. 22 DEN 042 – Mohammed Parvez, D.M.D. **(44)**
- d. 22 DEN 144 – Aidan Park, D.D.S. **(51)**
- e. 22 DEN 164 – Aileen Jong, D.M.D. **(57)**

**2) Case Closing(s)**

- a. 20 DEN 028 – K.L., S.M., N.M., H.V. **(63)**
- b. 22 DEN 070 – D.G. **(80)**
- c. 22 DEN 096 – S.A. **(87)**
- d. 22 DEN 101 – P.T.B. **(92)**
- e. 22 DEN 114 – M.B. **(100)**
- f. 22 DEN 127 – B.J.B. **(107)**
- g. 22 DEN 174 – K.W. **(112)**
- h. 23 DEN 002 – Y.C.C. **(120)**

**O. 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

**P. Consulting with Legal Counsel**

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

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

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

**ADJOURNMENT**

**NEXT MEETING: JULY 12, 2023**

\*\*\*\*\*  
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  
MARCH 1, 2023**

**PRESENT:** Troy Alton, DDS; Lisa Bahr, RDH; Matthew Bistan, DDS; Joan Fox; Shaheda Govani, DDS; Herbert Kaske (*arrived at 9:03 a.m.*), Christine Kenyon, DDS; Debra Kolste; Katherine Schrubbe, RDH; Peter Sheild, DDS; Diana Whalen, RDH

**STAFF:** Renee Parton, Acting Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Matthew Bistan, Chairperson, called the meeting to order at 9:02 a.m. A quorum was confirmed with ten (10) members present.

**ADOPTION OF AGENDA**

**MOTION:** Lisa Bahr moved, seconded by Shaheda Govani, to adopt the Agenda as published. Motion carried unanimously.

*(Herbert Kaske arrived at 9:03 a.m.)*

**APPROVAL OF MINUTES OF JANUARY 4, 2023**

**MOTION:** Peter Sheild moved, seconded by Katherine Schrubbe, to approve the Minutes of January 4, 2023 as published. Motion carried unanimously.

**INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION**

**MOTION:** Peter Sheild moved, seconded by Troy Alton, to recognize and thank Adam Barr for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Final Rule Draft: DE 11, Relating to Pre-Certification Sedation Education Requirements**

**MOTION:** Matthew Bistan moved, seconded by Lisa Bahr, to accept all Clearinghouse comments for Clearinghouse Rule CR 22-086 (DE 11), relating to Pre-Certification Sedation Education Requirements. Motion carried unanimously.

**MOTION:** Shaheda Govani moved, seconded by Christine Kenyon, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 22-086 (DE 11), relating to Pre-Certification

Sedation Education Requirements, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**Scope Statement: DE 3 and 7, Relating to Topical Application of Anesthetics by a Dental Hygienist**

**MOTION:** Matthew Bistan moved, seconded by Shaheda Govani, to approve the Scope Statement revising DE 3 and 7, relating to Topical Application of Anesthetics by a Dental Hygienist, 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.

**CLOSED SESSION**

**MOTION:** Lisa Bahr 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; Joan Fox-yes; Shaheda Govani-yes; Herbert Kaske-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 10:21 a.m.

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

**Proposed Stipulations, Final Decisions and Orders**

***20 DEN 091, 20 DEN 097, 20 DEN 105, 21 DEN 003, 21 DEN 030, 21 DEN 083, 22 DEN 011, 22 DEN 012, 22 DEN 116 – Azim A. Presswala, DDS***

**MOTION:** Matthew Bistan moved, seconded by Katherine Schrubbe, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Azim A. Presswala, DDS, DLSC Case Numbers 20 DEN 091, 20 DEN 097, 20 DEN 105, 21 DEN 003, 21 DEN 030, 21 DEN 083, 22 DEN 011, 22 DEN 012, 22 DEN 116. Motion carried unanimously.

**Administrative Warnings**

***19 DEN 067, 19 DEN 068– R.C.P.***

**MOTION:** Matthew Bistan moved, seconded by Joan Fox, to issue an Administrative Warning in the matter of R.C.P., DLSC Case Numbers 19 DEN 067, 19 DEN 068. Motion carried unanimously.

***19 DEN 067– S.B.S.***

**MOTION:** Matthew Bistan moved, seconded by Lisa Bahr, to issue an Administrative Warning in the matter of S.B.S., DLSC Case Number 19 DEN 067. Motion carried unanimously.

**Case Closings**

**MOTION:** Matthew Bistan moved, seconded by Joan Fox, to close the following DLSC Cases for the reasons outlined below:

1. 19 DEN 068 – S.B.S. – Prosecutorial Discretion (P1)
2. 19 DEN 099 – R.C.P. – No Violation
3. 19 DEN 107 – M.C.W. – No Violation
4. 20 DEN 127 – P.M.M. – Insufficient Evidence
5. 21 DEN 099 – A.P. – Prosecutorial Discretion (P7)
6. 22 DEN 008 – L.J.M., R.A.M. – No Violation

Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 10:32 a.m.

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

**MOTION:** Matthew Bistan moved, seconded by Peter Sheild, 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.)*

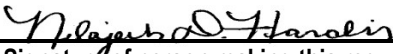
**ADJOURNMENT**

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

The meeting adjourned at 10:34 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 04/20/23 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> 05/03/23	<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> 9:00 A.M. Public Hearing – Emergency Rule 2304 on DE 1, 5, 6, 13, and 16, Relating to Certification of Expanded Function Dental Auxiliaries 1. Review Public Hearing Comments	
<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> The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
<b>11) Authorization</b>			
 Signature of person making this request		04/20/23 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

---

IN THE MATTER OF RULEMAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD  
DENTISTRY EXAMINING BOARD : ADOPTING EMERGENCY RULES

---

The statement of scope for this rule, SS 065-22, was approved by the Governor on July 21, 2022, published in Register 800A1 on August 1, 2022, and approved by the Dentistry Examining Board on August 15, 2022. This emergency rule was approved by the Governor on December 22, 2022.

ORDER

An order of the Dentistry Examining Board to amend DE 1.01, 5.02 (intro.), (5), (9), (14m), (18), (20), (24), and (25); and create DE 5.02 (22m), 13.045, 13.05 (3), and chapter DE 16, relating to Certification of Expanded Function Dental Auxiliaries.

Analysis prepared by the Department of Safety and Professional Services.

---

EXEMPTION FROM FINDING OF EMERGENCY

The Legislature by section 17 (1) in 2021 Wisconsin Act 254 provides an exemption from a finding of emergency for the adoption of the rule.

---

ANALYSIS

**Statutes interpreted:** s. 447.04 (3), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 447.035 (3) (a), Stats.

**Explanation of agency authority:**

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 447.035 (3) (a), Stats. provides that “the examining board shall, subject to pars. (b) and (c), promulgate rules for the certification and practice of dental auxiliaries.”

2021 Wisconsin Act 254, Section 17 provides that “(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).”

**Related statute or rule:** 2021 Wisconsin Act 254

**Plain language analysis:** The objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 254.

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

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of the practice of Dentistry 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 Expanded Function Dental Assistants. These requirements include supervised practice, and performance of specific functions. In Illinois, Expanded Function Dental Assistants are allowed to perform digital scans for impressions, pulp vitality tests, placing and carving of amalgam restorations, placing and finishing of composite restorations, and coronal polishing, among other functions. The supervising dentist is required to remain onsite and is responsible for all functions performed by the dental assistant. Education and training for Expanded Function Dental Assistants must be completed through either an approved continuing education sponsor or a dental assistant training program approved by the Commission on Dental Accreditation of the American Dental Association. [225 Illinois Compiled Statutes ch. 25 s. 17.1].

**Iowa:** The Iowa Dentistry Board is responsible for the licensure and regulation of the practice of dentistry in Iowa. Listed in the Iowa Administrative Code are the requirements for dental practice, including practice for Expanded Function Dental Assistants and Hygienists. Iowa has two levels of expanded function procedures that Dental Hygienists and Assistants can operate under. Level 1 expanded functions for Dental Assistants include taking occlusal registrations, placement of gingival retraction material, fabrication and removal of provisional restorations, applying cavity lines and bonding systems, placement of orthodontic brackets, adjustment of nitrous oxide inhalation analgesia, and taking impressions. Level 2 expanded functions for Dental Assistants or Hygienists includes placing and shaping of amalgam and restorative materials, polishing of adhesive restorative materials, and placement of intracoronal temporary fillings, among other procedures. In order to qualify for Level 1, each Dental Assistant or Hygienist must have either an active dental assistant registration or dental hygiene license, be certified by the Dental Assistant National Board, or at least one year of clinical practice as a registered dental assistant. Each Dental Assistant or Hygienist must also complete an approved expanded function training program approved by the Iowa Board. [650 Iowa Administrative Code ch. 23].

**Michigan:** The Michigan Board of Dentistry is responsible for the licensure and regulation of the practice of dentistry in Michigan. Act 368 Article 15 of the Michigan Compiled Laws includes the regulations for the practice dentistry in Michigan, among several other occupations. In Michigan, Dental Assistants may perform expanded functions under either direct or general supervision of a Dentist upon completion of a

course in that area of practice that is offered by a program accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the Michigan Department of Licensing and Regulatory Affairs. Expanded functions that require direct supervision include placing and condensing amalgam restorations and taking final impressions for indirect restorations. Expanded functions that require general supervision include pulp vitality testing, placing matrices and wedges, applying cavity liners, placing non-epinephrine retraction cords, applying desensitizing agents and taking impressions for orthodontic appliances, among other functions. [Michigan Compiled Laws Act 368, Article 15, Part 166, Section 333.16611 (11) to (13)].

**Minnesota:** The Minnesota Board of Dentistry is responsible for the licensure and regulation of dentistry in Minnesota. Part 3100 of the Minnesota Administrative Code includes the regulations for dentistry in Minnesota, including the requirements for licensed Dental Assistants. Minnesota requires more coursework or in-office training for any procedure delegated that indicates the need for more coursework. Procedures that Dental Assistants can perform under general supervision of a Dentist include working on orthodontic appliances, placing temporary fillings, taking radiographs and impressions. Procedures that Dental Assistants can perform under indirect supervision, or while the supervising Dentist remains on-site, include applying topical medications, placing devices for isolation purposes, performing mechanical polishing of crowns, placing periodontal dressings, and removing sutures, among other procedures. Procedures that Dental Assistants can perform under direct supervision include removing bond material from teeth with rotary instruments after removal of orthodontic appliances, etching enamel surfaces before bonding, fabrication and placement of temporary crowns and restorations, placing matrix systems and wedges, and administration of nitrous oxide inhalation analgesia, among other procedures. [Minnesota Administrative Rules s. 3100.8500]

**Summary of factual data and analytical methodologies:** The Board reviewed Wisconsin Administrative Code DE 1, 5, 6, and 13 to determine what changes need to be made due to 2021 Wisconsin Act 254. Additionally, the Board decided to create chapter DE 16 to outline practice requirements for Expanded Function Dental Auxiliaries.

**Fiscal Estimate:** The Fiscal Estimate 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 [Jennifer.Garrett@wisconsin.gov](mailto: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 608-26-7139; email at [DSPSAdminRules@wisconsin.gov](mailto: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](mailto: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 1.01 is amended to read:

**DE 1.01 Authority.** The provisions in chs. DE 1 to ~~4216~~ are adopted pursuant to authority in ss. 15.08 (5) and 227.11 (2) (a), Stats., and ch. 447, Stats.

SECTION 2 DE 5.02 (intro.), (5), (9), (14m), (18), (20), (24), and (25) are amended to read:

**DE 5.02 (intro.)** Unprofessional conduct by a dentist, ~~or dental hygienist,~~ or expanded function dental auxiliary includes:

**DE 5.02 (5)** Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist, ~~or dental hygienist,~~ or expanded function dental auxiliary which harms or could have harmed a patient.

**DE 5.02 (9)** Impersonating another dentist, ~~or dental hygienist,~~ or expanded function dental auxiliary.

**DE 5.02 (14m)** Surrendering, while under investigation, a license, certificate, permit, or registration granted by another state to practice as a dentist, ~~or dental hygienist,~~ or expanded function dental auxiliary.

**DE 5.02 (18)** Failing to maintain records and inventories as required by the United States department of justice drug enforcement administration, and under ch. 961, Stats., and s. ~~Phar 8-02~~ 8.05, Wis. Adm. Code.

**DE 5.02 (20)** Violating, or aiding or abetting the violation of any law substantially related to the practice of dentistry, ~~or dental hygiene,~~ or expanded function dental auxiliary.

**DE 5.02 (24)** Failing to hold a current certificate in cardiopulmonary resuscitation unless the licensee or certified individual has obtained a waiver from the board based on a medical evaluation documenting physical inability to comply. A waiver shall be issued by the board only if it is satisfied that another person with current certification in CPR is immediately available to the licensee when patients are present.

**DE 5.02 (25)** After a request by the board, failing to cooperate in a timely manner with the board's investigation of complaints filed against the applicant, certified individual, or licensee. There is a rebuttable presumption that a licensee, certified individual, or applicant who takes longer than 30 days to respond to a request of the board has not acted in a timely manner under this subsection.

SECTION 3 DE 5.02 (22m) is created to read:

**DE 5.02 (22m)** Aiding or abetting or permitting persons who are not certified in the practice of an expanded function dental auxiliary under s. 447.035, Stats.

SECTION 4 DE 13.045 and 13.05 (3) are created to read:

**DE 13.045 Continuing education requirements for expanded function dental auxiliaries.**

- (1) COMPLETION OF CONTINUING EDUCATION CREDIT HOURS. Except as provided in sub. (5), in each two-year period following certification, an expanded function dental auxiliary shall complete 12 credit hours of continuing education related to the clinical practice of expanded function dental auxiliaries or the practice of medicine. No more than 2 of the 12 credit hours may be satisfied by training related to basic life support or cardiopulmonary resuscitation. Not less than 2 of the 12 credit hours shall include training in infection control.
- (2) CREDIT FOR TEACHING OR PREPARING A PROGRAM. One hour of teaching or preparing a professional dental or medical program is equivalent to one credit hour of continuing education. A certified individual who teaches or prepares a professional dental or medical program may obtain credit for the program only once every two-year period.
- (3) CREDIT FOR COLLEGE LEVEL COURSES. One credit hour of a college level course is equivalent to 6 credit hours of continuing education. A certified individual may substitute credit hours of college level courses related to the practice of expanded function dental auxiliaries or the practice of medicine for the required continuing education credit hours.
- (4) CREDIT FOR DISTANCE EDUCATION. The credit hours required under sub. (1) may be satisfied by independent study, correspondence, or internet programs or courses.
- (5) EXEMPTION FOR NEW CERTIFIED INDIVIDUALS. Subsection (1) does not apply to an applicant who has had their certification for two years or less.
- (6) CERTIFICATION STATEMENT. Every two years, each certified individual shall sign a statement certifying that within the two years immediately preceding that time, they have completed the continuing education credit hours required under sub. (1).
- (7) FAILURE TO COMPLETE CONTINUING EDUCATION HOURS. A certified individual who fails to meet the continuing education requirements every two years may be subject to discipline for unprofessional conduct under DE 5.02 (16).
- (8) TIME LIMITS ON OBTAINING CREDITS. Credit hours completed outside of each two-year time period may not count towards the requirements in sub. (1).
- (9) RECORDKEEPING. Every certified individual shall maintain a written record of the continuing education hours required under sub. (1) for not less than 6 years after completion of each credit.

**(10) WAIVER OF CONTINUING EDUCATION HOURS.** The board may waive the continuing education requirements under sub. (1) if it finds that exceptional circumstances such as prolonged illness, disability, or other similar circumstances have prevented a certified individual from meeting the requirements.

**DE 13.05 (3) EXPANDED FUNCTION DENTAL AUXILIARIES.** The board accepts continuing education programs for expanded function dental auxiliaries that satisfy the following criteria:

- (a) The subject matter of the continuing education program relates to the clinical practice of an expanded function dental auxiliary or the practice of medicine.
- (b) The continuing education program is one of the following:
  - 1. Sponsored or recognized by a local, state, regional, national, or international dental, dental hygiene, dental assisting, or medical related professional organization.
  - 2. A study group as specified in s. DE 13.02 (4).

SECTION 5 Chapter DE 16 is created to read:

## **Chapter DE 16**

### **CERTIFICATION OF EXPANDED FUNCTION DENTAL AUXILIARIES**

**DE 16.01 Authority.** The rules in this chapter are adopted pursuant to authority in s.447.035 (3) (a), Stats.

**DE 16.02 Definitions.** In this chapter:

- (1) “Auxiliary” means an expanded function dental auxiliary certified under s. 447.04 (3), Stats.

**DE 16.03 Certification. (1)** Each applicant for an expanded function dental auxiliary certification shall complete the following:

- (a) Submit a completed application form as specified by the Department.  
Note: Instructions for applications are available on the department of safety and professional services’ website at <http://dsps.wi.gov>.
- (b) Pay the fee as required by s. 440.05 (1), Stats.
- (c) Submit proof of completion of an accredited educational program specified under s. 447.035 (3) (b) 2., Stats.
- (d) Evidence satisfactory to the board the applicant 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 by the Wisconsin department of health services.

(2) Pursuant to s. 447.05 (1) (b), once granted, a certification to practice as an expanded function dental auxiliary is permanent unless revoked and is not subject to periodic renewal.

**DE 16.04 Education Requirements.** In order to enroll in an educational program specified under s. 447.035 (3) (b) 2., Stats., each applicant shall complete one of the following:

- (1) Has completed at least 1,000 hours of practice as a dental assistant and holds a certified dental assistant credential from the Dental Assisting National Board, Inc. or a successor organization approved by the Board.
- (2) Has completed at least 2,000 hours of practice as a dental assistant, verified by a supervising licensed dentist.

**DE 16.05 Supervised Practice. (1)** An auxiliary certified under s. 447.04 (3), Stats. may perform any of the functions listed in s. 447.035 (2), Stats. under the supervision of a Wisconsin licensed dentist.

**(2)** The supervising licensed dentist who has delegated a procedure to an auxiliary certified under s. 447.04 (3), Stats. shall remain on site for the duration and verify that the procedure has been performed correctly.

SECTION 6 Pursuant to 2021 Wisconsin Act 254 section 17 (1), this emergency rule shall take effect upon publication in the official state newspaper and remain in effect for one year or until permanent rules are promulgated, whichever is sooner.

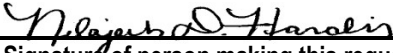
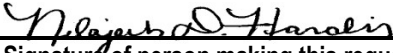
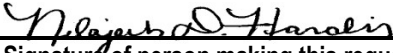
-----  
(END OF TEXT OF RULE)  
-----

Dated 11/21/2022

Agency   
Chairperson  
Dentistry Examining Board

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 04/20/23 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> 05/03/23	<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> Administrative Rule Matters – Discussion and Consideration <ol style="list-style-type: none"> <li>1. Adoption Order                         <ol style="list-style-type: none"> <li>a. DE 11, Relating to Requirements for Class III Permits for Anesthesia</li> <li>b. DE 11, Relating to Definitions</li> </ol> </li> <li>2. Preliminary Rule Draft                         <ol style="list-style-type: none"> <li>a. DE 2 and 11, Relating to Certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support</li> </ol> </li> <li>3. Pending or Possible Rulemaking Projects</li> </ol>																
<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> Act on a Scope Statement and Drafting of Rules; Review Board’s Current Rule Projects Attachments: <ul style="list-style-type: none"> <li>• Adoption Order (DE 11 – Requirements for Class III Permits for Anesthesia and DE 11 – Definitions)</li> <li>• Preliminary Rule Draft (DE 2 and 11)</li> <li>• Rule Projects Chart</li> </ul> Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><b>11)</b></td> <td style="width: 60%; text-align: center;"><b>Authorization</b></td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"></td> <td style="text-align: center;">04/20/23</td> </tr> <tr> <td></td> <td style="text-align: center;">Signature of person making this request</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">Supervisor (if required)</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: center;">Date</td> </tr> </table>				<b>11)</b>	<b>Authorization</b>				04/20/23		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>	<b>Authorization</b>																	
		04/20/23																
	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> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>																		



STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 21-086)

---

ORDER

An order of the Dentistry Examining Board to amend DE 11.025 (3) (i), relating to requirements for class III permits for anesthesia.

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:**

Each Examining Board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [ s. 15.08 (5) (b), Stats.]

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. [ s. 447.02 (2) (b), Stats.]

**Related statute or rule:** s. 447.04 (1), Stats.

**Plain language analysis:**

The rule clarifies that dentists who apply for a Class 3 anesthesia permit allowing a dentist to perform deep sedation or general anesthesia, as an option for receiving the permit complete a postdoctoral residency in an accredited dental program in dental anesthesiology.

**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:**

No comments were received on the statement of scope.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not require a permit for minimal sedation. Moderate sedation requires a Permit A. Deep sedation or general anesthesia requires a Permit B. To receive a Permit B, a dentist must be a diplomate of the American Board of Oral and Maxillofacial Surgery, or complete 2 years of advanced training in anesthesiology or have a specialty license in oral and maxillofacial surgery. (225 ILCS 25/8.1)

**Iowa:** Iowa requires a general anesthesia permit if the dentist is applying deep sedation or general anesthesia. To qualify for a moderate sedation permit, the applicant shall complete a training program approved by the board that consists of a minimum of 60 hours of instruction and management of at least 20 patients or an accredited residency program that includes: formal training and clinical experiences in moderate sedation; a training that includes rescuing patients from a deeper level of sedation than intended; and if intends to utilize on pediatric or ASA III or IV patients, an accredited residency program that includes formal training in anesthesia and clinical experience in managing pediatric or ASA III or IV patients. To qualify for a general anesthesia permit, the applicant shall complete an advanced education program accredited by the Commission on Dental Accreditation that provides training in deep sedation and general anesthesia; a minimum of one year of advanced training in anesthesiology and related academic subjects in a training program approved by the anesthesia credentials committee of the board; formal training in airway management; and current ACLS certification. (IAC 650-29.11)

**Michigan:** Under Chapter 6 of the Michigan Administrative Rules, R338.11601 - R338.11605, the requirements for general anesthesia, intravenous conscious sedation and enteral sedation are identified. Under R338.11603, Michigan adopts the standards for advanced training in anesthesia and pain control and training in intravenous conscious sedation as identified by the Commission on Dental Education of the American Dental Association in the publication entitled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" (October 2012). Michigan adopts the standards for enteral sedation course as outlined in the Dental Education of the American Dental Association in the publication entitled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students" (October 2012).

**Minnesota:** Minnesota requires the following education for deep sedation or general anesthesia: a didactic and clinical program at a dental school, hospital, or graduate medical or dental program accredited by the Commission on Dental Accreditation equivalent to a program for advanced specialty education in oral and maxillofacial surgery or a one year residency in general anesthesia at an institution certified by the American Society of Anesthesiology, the American Medical Association, or the Joint Commission on Hospital Accreditation with minimum number of hours for various procedures. The dentist must also have ACLS or PALS certification and CPR certification. (Minnesota Administrative Rules 3100.3600)

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

The Dentistry Examining Board members were consulted in the development of this rule project.

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

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, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

-----  
TEXT OF RULE

SECTION 1 DE 11.025 (3) (i) 4. is amended to read:

**DE 11.025 (3) (i) 4.** ~~Postdoctoral~~ Completion of a postdoctoral residency in an accredited dental program in dental anesthesiology.

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)  
-----

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Dentistry Examining Board

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

---

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 22-055)

---

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:**

Each Examining Board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [ s. 15.08 (5) (b), Stats.]

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. [ s. 447.02 (2) (b), Stats.]

**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 “enteral.” The Board prefers to align the definitions in rule relating to anesthesia with those provided by the American Dental Association (ADA). Upon review of the current ADA definitions and guidelines, it was determined that at least two of the definitions in Wisconsin Administrative Code Chapter DE 11 need to be updated. The Board also reviewed 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:**

No comments were received on the statement of scope.

**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 report:**

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, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

---

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)

---

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Chairperson  
Dentistry Examining Board

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 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.

-----  
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 ILCS 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 (IAC 650-29.5).

**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 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 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 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).

**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](mailto: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 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 5308~~ on the department of safety and professional services' website at <http://dsps.wi.gov>.

**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 5308~~ on the department of safety and professional services' website at <http://dsps.wi.gov>.

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.

**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.

**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.

SECTION 2. DE 11.025 (3) (e), as affected by Clearinghouse Rule 22-086, is amended to read:

**Commented [HND1]:** Pre-Certification Sedation Education Permanent Rule

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.

SECTION 3. 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)  
-----

DRAFT

**Dentistry Examining Board  
Rule Projects (updated 04/20/23)**

Clearinghouse Rule Number	Scope #	Scope Implementation	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet (EmR 2304)	065-22	08/15/2022	02/01/2025	DE 1, 5, 6, 13, and 16	Certification of Expanded Function Dental Auxiliaries	Public Hearing on Emergency Rule at 05/03/23 Meeting (Effective 03/01/2023-03/01/2024 or when permanent rules take effect)	Permanent Rule Drafting
Not Assigned Yet	086-22	11/21/2022	05/07/2025	DE 2 and 11	Certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support	Preliminary Rules Draft Presented at 05/03/23 Meeting	Board Approval of Preliminary Rule Draft
21-086	036-21	04/21/2021	10/05/2023	DE 11	Requirements for Class III Permits for Anesthesia	Adoption Order Presented at 05/03/23 Meeting	Board Approval of Adoption Order and Submission for Publication (Anticipated Effective date of 07/01/23)
22-055	109-21	01/14/2022	06/13/2024	DE 11	Definitions	Adoption Order Presented at 05/03/23 Meeting	Board Approval of Adoption Order and Submission for Publication (Anticipated Effective date of 07/01/23)
22-086	023-22	04/13/2022	09/28/2024	DE 11	Pre-Certification Sedation Education	Submitted to the Governor's Office for Approval on 03/29/23	Legislative Review
22-087	031-22	06/03/2022	10/11/2024	DE 13	Controlled Substances Prescribing Continuing Education Requirements	Submitted to the Governor's Office for Approval on 04/10/23	Legislative Review

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Will Johnson, Executive Director, DPD, DSPS		<b>2) Date when request submitted:</b> April 25, 2023 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> 05/03/2023	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Discussion of the use of lasers on ulcers	
<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 <Appearance Name(s)> <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Board member Bahr has requested an agenda item regarding use of lasers on ulcers at the next meeting.			
<b>11) Authorization</b>			
William H. Johnson		04/25/2023	
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	
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> 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  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Will Johnson, Executive Director, DPD, DSPS		<b>2) Date when request submitted:</b> April 25, 2023 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> 05/03/2023	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Dental Hygienists and the use of Botox	
<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 <Appearance Name(s)> <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Board member Kaske has requested an agenda item regarding dental hygienists and the use of Botox at the next meeting.			
<b>11) Authorization</b>			
William H. Johnson		04/25/2023	
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	
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> 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.			