

**STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
DENTISTRY EXAMINING BOARD : CR 17-044**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS: N/A**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

In response to the opioid epidemic, this rule requires apportion of the biennial continuing education address the responsible prescribing of controlled substances for acute dental pain. The requirement will be in place for the next two bienniums.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Dentistry Examining Board held a public hearing on July 5, 2017. No one testified at the hearing, or submitted written comments.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

There were no recommendations suggested in the Clearinghouse Report.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

This rule will not have an impact on small businesses

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD  
DENTISTRY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 17-044)

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PROPOSED ORDER

An order of the Dentistry Examining Board to create DE 13.03 (1m) relating to designating continuing education on the topic of prescribing controlled substances.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 447.056, Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 447.02 (1) (f), 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 (1) (f) The examining board may promulgate rules governing compliance with continuing education requirements under s. 447.056.

**Related statute or rule:** ch. DE 13, Wis. Admin. Code

**Plain language analysis:**

Dentists are required to complete 30 credit hours of continuing education every biennium. This rule will require 2 credit hours, of the 30 credit hours, to be in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain. This requirement will be in place for the next two bienniums.

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

### **Comparison with rules in adjacent states:**

**Illinois:** Illinois does not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

**Iowa:** Iowa does not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

**Michigan:** Michigan requires 3 continuing education credits, in each 3 year renewal period, in pain and symptom management, which may include courses in behavior management, psychology of pain, pharmacology, behavior medication, stress management, clinical applications and drug interactions.

**Minnesota:** Minnesota does not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

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

The Dentistry Examining Board is responding to the current opioid epidemic. The Dentistry Examining Board considered the approaches of the Medical Examining Board and the Board of Nursing relating to specific required continuing education addressing the prescribing of controlled substances. In addition, the Dentistry Examining Board evaluated how to best achieve the goal of continuing education on this topic without creating a burden on the dentist.

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

The rule was posted for economic comments and none were received. The rule does not change the number of continuing education credits required, therefore, it has a neutral fiscal impact on licensees.

### **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 [Kirsten.Reader@wisconsin.gov](mailto:Kirsten.Reader@wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. DE 13.03 (1m) is created to read:

DE 13.03 (1m) RESPONSIBLE PRESCRIBING CONTROLLED SUBSTANCES CONTINUING EDUCATION  
The 30 credit hours of continuing education shall include 2 hours in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain. This subsection applies to the bienniums ending in 2019 and 2021.

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.


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(END OF TEXT OF RULE)

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This Proposed Order of the Dentistry Examining Board is approved for submission to the Governor and Legislature.

Dated 7-17-2017

Agency Mark Praden   
Chairperson  
Dentistry Examining Board



## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

DE 13

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3. Subject

Designating continuing education on the topic of prescribing controlled substances

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

In response to the opioid epidemic, dentists will be required to take 2 credits (of the required 30 credits) each biennium in the topic of responsible prescribing of controlled substances.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule was posted for economic comments and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.

None

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

There is will not be an economic or fiscal impact. This rule does not change the number of credits of continuing education required.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit is requiring a portion of the biennial continuing education be on the topic of responsible prescribing of controlled substances will address the growing concern with prescription drug abuse.

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14. Long Range Implications of Implementing the Rule

The long range implication is dentists are provided with education on the topic of responsible prescribing of controlled substances.

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15. Compare With Approaches Being Used by Federal Government

None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Michigan requires 3 continuing education credits, in each 3 year renewal period, in pain and symptom management. Illinois, Iowa and Minnesota do not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

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17. Contact Name

Sharon Henes

18. Contact Phone Number

(608) 261-2377

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