

**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 23-041**

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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:**

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.

**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 September 6, 2023. No public comments were received.

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

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

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

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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

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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.

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ANALYSIS

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

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

**Explanation of agency authority:**

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

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

**Related statute or rule:** None.

**Plain language analysis:**

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

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

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

**Comparison with rules in adjacent states:**

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

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

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

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

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

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

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

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

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

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

**Agency contact person:**

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

**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 September 6, 2023, to be included in the record of rule-making proceedings.

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TEXT OF RULE

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

**DE 2.01 (1) (h) (Note)** ~~Application forms~~ Instructions for applications are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 5308~~ on the department of safety and professional services' website at <http://dps.wi.gov> or by calling (608) 266-2112.

**2.015 (4) (Note)** ~~Application forms~~ Instructions for applications are available ~~upon request to the Dentistry Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 5308~~ on the department of safety and professional services' website at <http://dps.wi.gov> or by calling (608) 266-2112.

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

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

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

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

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

DE 11.025 (3) (e) Evidence of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support through a course that is certified by the American Heart Association. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

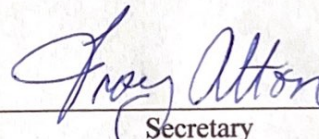
SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Dentistry Examining Board is approved for submission to the Governor and Legislature.

Dated 10/2/2023

Agency



Secretary

Dentistry Examining Board

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date July 24, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DE 2 and 11	
4. Subject Certification in Advanced Cardiovascular Life Support (ACLS) or Pediatric Advanced Life Support (PALS)	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule will update the Dentistry Examining Board's part of the administrative code to require ongoing certification in either ACLS or PALS for those licensees who perform anesthesia procedures are part of their practice.	
12. 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. The rule was posted on the Department of Safety and Professional Service's (DSPS) website for 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.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
14. 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) DSPS estimates a total of \$1,300 in one-time costs for staffing and an indeterminate one-time IT impact to implement the rule. The estimated one-time cost is for staff and board training, website and forms updates, and additional workload associated with a temporary increase in inquiries. The one-time estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule is protection of patient safety during anesthesia procedures performed by licensees who have their ACLS or PALS certification renewed on a regular basis. The alternative to implementing the rule is that licensees who perform anesthesia will only have to be certified in ACLS or PALS at the time of their application for an anesthesia permit.	
16. Long Range Implications of Implementing the Rule The long range implications of implementing the rule is safer anesthesia procedures performed by licensees.	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None.

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

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)

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19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-7139

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This document can be made available in alternate formats to individuals with disabilities upon request.

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

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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