



**VIRTUAL/TELECONFERENCE
DENTISTRY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr, (608) 266-2112
January 5, 2022**

The following agenda describes the issues that the Dentistry Examining 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 Dentistry Examining 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 November 3, 2021 (5-7)**
- D. Introductions, Announcements and Recognition
- E. Reminders: Conflicts of Interest, Scheduling Concerns**
- F. 9:00 A.M. Public Hearing: Clearinghouse Rule 21-086 (DE 11), Relating to Permits to Administer Anesthesia (8-15)**
 - 1) Review Public Hearing Comments and Respond to Clearinghouse Report
- G. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Annual Policy Review **(16-19)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(20-26)**
 - 4) Board Members – Term Expiration Dates
 - a. Alton, Troy – 7/1/2025
 - b. Bahr, Lisa – 7/1/2022
 - c. Bistan, Matthew – 7/1/2025
 - d. Govani, Shaheda – 7/1/2022
 - e. Kaske, Herbert – 7/1/2022
 - f. Kenyon, Chris – 7/1/2022
 - g. Kolste, Deb – 7/1/2024
 - h. Pietz, Wendy – 7/1/2021
 - i. Schrubbe, Katherine – 7/1/2022
 - j. Sheild, Peter – 7/1/2022

k. Whalen, Diana – 7/1/2024

H. Legislative and Policy Matters – Discussion and Consideration

I. Administrative Rule Matters – Discussion and Consideration (27)

- 1) Scope Statement – DE 11, Relating to Precertification Sedation Education **(28-29)**
- 2) Pending or Possible Rulemaking Projects **(30)**
 - a. Possible Scope Statement Extending Continuing Education Requirements for Controlled Substances Prescribing (DE 13)

J. COVID-19 – Discussion and Consideration

K. 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

L. 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.).

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

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 20 DEN 065 – Michael Kowalski, DDS **(31-36)**

- b. 20 DEN 083 – Ajit V. Pillai, DDS (**37-42**)
 - c. 20 DEN 114 – Dean L. Wahl, DDS (**43-48**)
 - d. 21 DEN 010 – William J. Baxa, DDS (**49-54**)
 - e. 21 DEN 096 – David J. Crewe, DDS (**55-60**)
- 2) Administrative Warnings**
- a. 20 DEN 054 – L.J.F. (**61-62**)
- 3) Case Closing(s)**
- a. 21 DEN 076 – S.S.R. (**63-68**)
 - b. 21 DEN 087 – H.K. (**69-73**)

N. Deliberation of Items Added After Preparation of the Agenda

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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: MARCH 2, 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, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
DENTISTRY EXAMINING BOARD
MEETING MINUTES
NOVEMBER 3, 2021**

PRESENT: Troy Alton, DDS; Lisa Bahr, RDH (*via Zoom*); Shaheda Govani, DDS; Herbert Kaske, DDS (*via Zoom*); Christine Kenyon (*via Zoom*); Debra Kolste (*via Zoom*); Wendy Pietz, DDS (*via Zoom*); Katherine Schrubbe, RDH (*via Zoom*); Peter Sheild, DDS (*via Zoom*); Diana Whalen, RDH

EXCUSED: Matthew Bistan, DDS

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

CALL TO ORDER

Shaheda Govani, Vice Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with ten (10) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Page 4 of the agenda: Modify the “Next Meeting” date from “November 3, 2021” to “January 5, 2022”

MOTION: Lisa Bahr moved, seconded by Herbert Kaske, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 1, 2021

MOTION: Debra Kolste moved, seconded by Diana Whalen, to approve the Minutes of September 1, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: DE 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses

MOTION: Peter Sheild moved, seconded by Herbert Kaske, to approve the Adoption Order for Clearinghouse Rule 21-032 (DE 2), relating to reciprocal credentials for service members, former service members, and their spouses. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Certification Education Program Project: Education Program Approval Forms

MOTION: Wendy Pietz moved, seconded by Shaheda Govani, to request DSPS staff draft a Scope Statement revising DE 11, relating to pre-certification sedation education. Motion carried unanimously.

CLOSED SESSION

MOTION: Lisa Bahr moved, seconded by Katherine Schrubbe, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Shaheda Govani, Vice Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Troy Alton-yes; Lisa Bahr-yes; Shaheda Govani-yes; Herbert Kaske-yes; Christine Kenyon-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 10:06 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Stipulations, Final Decisions and Orders

MOTION: Herbert Kaske moved, seconded by Peter Sheild, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 19 DEN 087 – Nagaveni M. Reddy, DDS
2. 20 DEN 046 – Feras T. Alkhader, DDS
3. 20 DEN 064 – Patrick J. Crawford, DDS
4. 20 DEN 068 – Thomas E. Kissner, DDS
5. 20 DEN 110 – Randall S. Krebs, DDS
6. 20 DEN 124 – Robert A. Dwyer, DDS
7. 20 DEN 129 – Lisa M. Krebs (Graham), DDS
8. 21 DEN 057 – Mark R. Zelko, DDS

Motion carried unanimously.

Administrative Warnings

MOTION: Debra Kolste moved, seconded by Christine Kenyon, to issue an Administrative Warning in the matter of the following DLSC Cases:

1. 20 DEN 089 – M.M.A.
2. 20 DEN 089 – S.S.R.

Motion carried unanimously.

Case Closings

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

1. 18 DEN 041 – J.J.S. – No Violation
2. 19 DEN 122 – K.G., W.B. – Insufficient Evidence
3. 20 DEN 020 – B.J.B. – Insufficient Evidence
4. 20 DEN 037 – R.N. – Prosecutorial Discretion (P5)
5. 20 DEN 062 – Unknown – Prosecutorial Discretion (P1)
6. 20 DEN 089 – S.C. – No Violation
7. 20 DEN 104 – Unknown – Prosecutorial Discretion (P2)
8. 20 DEN 112 – K.A.Z. – No Violation
9. 20 DEN 117 and 21 DEN 001 – D.T. & C.L. – No Violation
10. 20 DEN 120 – A.L.S. – No Violation

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Lisa Bahr moved, seconded by Debra Kolste, 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: Shaheda Govani 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: Christine Kenyon, seconded by Lisa Bahr, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:33 a.m.

**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: 12/10/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 01/05/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:00 A.M. Public Hearing – Clearinghouse Rule 21-086 on DE 11, Relating to Permits to Administer Anesthesia 1. Review Public Hearing Comments and Respond to Clearinghouse Report	
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: The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
11) Authorization			
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	
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 revise 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, intervenous conscience 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 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 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, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-267-7139; 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 at or before the public hearing, held on January 5, 2022 at 9:00 a.m., to be included in the record of rule-making proceedings.

TEXT OF RULE

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

DE 11.025 (3) (i) 4. 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)



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **21-086**

AN ORDER to revise DE 11.025 (3) (i), relating to requirements for class III permits for anesthesia.

Submitted by **DENTISTRY EXAMINING BOARD**

10-21-2021 RECEIVED BY LEGISLATIVE COUNCIL.

11-15-2021 REPORT SENT TO AGENCY.

MSK:KAM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 21-086

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, the board should change the word “revise” to “amend”. [s. 1.01 (1) (b), Manual.]

b. In the text of the proposed rule, the board should strike the capitalized word “Postdoctoral” as shown in the existing rule. The underscored new text, “Completion of a postdoctoral”, should follow the stricken text. [s. 1.04 (4), Manual.]

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/13/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
Kimberly Wood		12/13/2021	
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: <ol style="list-style-type: none"> 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. 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the Department's website.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations


NAME OF EXAMINING BOARD OR COUNCIL			BOARD OR COUNCIL MEMBER'S NAME	
EXAMPLE EXAMINING BOARD			MARY SUNSHINE	
Activity Date	Duration of Activity	Purpose Code	Where Performed	Activity
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSPS)	Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Megan Glaeser, Bureau Assistant		2) Date when request submitted: 14 December 2021 <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 December 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. <ol style="list-style-type: none"> a. Credentialing Delegations b. Monitoring Delegations c. Pre-Screening Delegations 			
11)  Authorization		14 December 2021	
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: <ol style="list-style-type: none"> 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. 			

DENTISTRY EXAMINING BOARD

ELECTION RESULTS	
Chairperson	Matthew Bistan
Vice Chairperson	Shaheda Govani
Secretary	Herbert Kaske
LIAISON APPOINTMENTS	
Credentialing Liaisons	Lisa Bahr (<i>Dental Hygiene</i>), Shaheda Govani (<i>Dentistry</i>) Alternate: Wendy Pietz
Education and Exams Liaison	Herbert Kaske, Katherine Schrubbe
Monitoring and Professional Assistance Procedure (PAP) Liaison	Peter Sheild
Legislative Liaison	Matthew Bistan
Travel Liaison	Matthew Bistan
PDMP Liaison/ Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)	Herbert Kaske
Screening Panel Members	Peter Sheild, Debra Kolste, and Katherine Schrubbe
Licensure Forms Committee	Lisa Bahr, Shaheda Govani, Wendy Pietz

Delegation of Authorities

Document Signature Delegations

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

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

Delegated Authority for Urgent Matters

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

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Dennis Myers moved, seconded by Wendy Pietz, to delegate the review of disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

MOTION: Dennis Myers moved, seconded by Wendy Pietz, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 7, 2021 agenda materials on pages 15-16. Motion carried unanimously.

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

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Wendy Pietz moved, seconded by Matthew Bistan, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing

applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Wendy Pietz moved, seconded by Diana Whalen, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of OWI/Underage Drinking Determinations

MOTION: Wendy Pietz moved, seconded by Shaheda Govani, to delegate authority to DSPS Attorneys and Paralegals to review and approve applications or predeterminations with one OWI or underage drinking violation which does not substantially relate to the practice of Dentistry or Dental Hygiene. Motion carried unanimously.

Delegation of Faculty License Credentialing Decisions

MOTION: Leonardo Huck moved, seconded by Wendy Pietz, to delegate all faculty license credentialing decisions to the Board's Credentialing Liaisons. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

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

Voluntary Surrenders

MOTION: Peter Sheild moved, seconded by Katherine Schrubbe, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examinations Liaison Delegation(s)

MOTION: Dennis Myers moved, seconded by Wendy Pietz, to delegate authority to the Education and Examinations Liaison(s) to address all issues related to

education, continuing education, and examinations. Motion carried unanimously.

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

MOTION: Peter Sheild moved, seconded by Shaheda Govani, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

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

Legislative Liaison Delegation

MOTION: Wendy Pietz moved, seconded by Diana Whalen, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Wendy Pietz moved, seconded by Shaheda Govani, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

Licensure Forms Committee

MOTION: Wendy Pietz moved, seconded by Dennis Myers, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson to appoint members to the Licensure Forms Committee between meetings as necessary. Motion carried unanimously.

MOTION: Wendy Pietz moved, seconded by Leonardo Huck, to delegate authority to the Chairperson of the Licensure Forms Committee to approve revisions to forms recommended by the Licensure Forms Committee for submission to the Department. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

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

Authorities Delegated to the Monitoring Liaison

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

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
13. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

Authorities Delegated to the Department Monitor

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

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


Authorities Delegated to Board Legal Counsel

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

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

**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: 12/10/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Dentistry Examining Board			
4) Meeting Date: 01/05/22	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. Scope Statement – DE 11, relating to Precertification Sedation Education 2. 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 and Approve Scope Statement for DE 11, relating to Precertification Sedation Education Review Board’s Current Rule Projects Attachments: <ul style="list-style-type: none"> • DE 11 Scope Statement • Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
		12/10/21	
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			
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.			

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 the requirements listed in DE 11.035, specifically to add details to the 20-case requirement for Class II Enteral and Parenteral sedation permits under DE 11.035 (1) (q) and (2) (s).

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:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

**Dentistry Examining Board
Rule Projects (updated 12/10/21)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
21-032	099-20	01/27/2023	DE 2	Reciprocal Credentials for Service Members, Former Service Members, and their Spouses	Adoption Order Ready for Submission for Publication	Anticipated Rule Effective Date of 02/01/22
21-086	036-21	10/05/2023	DE 11	Permits to Administer Anesthesia	Public Hearing at 01/05/22 Meeting	Finalize Rule Draft and Legislative Report for Submission to the Governor's Office for Approval
Not Assigned Yet	109-21	06/13/2024	DE 11	Definitions	Scope Statement Submitted for Publication	Scope Approved for Implementation 10 Calendar Days Following Publication
Not Assigned Yet	Not Assigned Yet	Determined After Governor Approval	DE 11	Pre-Certification Sedation Education	Scope Statement for Board Review and Approval at 01/05/22 Meeting	Scope Submittal to the Governor's Office for Approval