



**Scott Walker, Governor**  
**Dave Ross, Secretary**

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**DENTISTRY EXAMINING BOARD**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**July 8, 2015**

*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 description of the actions of the Board.*

**AGENDA**

**8:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Pledge of Allegiance**

**B. Adoption of Agenda (1-3)**

**C. Approval of Minutes – May 6, 2015 (4-7)**

**D. Administrative Matters**

- 1) Staff Updates

**E. Legislative/Administrative Rule Matters – Discussion and Consideration**

- 1) Preliminary Rule Draft of DE 2, 3, 7, 11, Relating to Nitrous Oxide Inhalation **(9-15)**
- 2) Updated on DE 10, Relating to Foreign Trained Dentists **(16-23)**
- 3) Preliminary Rule Draft of DE 5 and 14, Relating to Informed Consent **(24-28)**
- 4) Draft of DE 10 Relating to Mobile Dentistry **(29-33)**
- 5) Update on Pending and Possible Rules

**F. Speaking Engagement(s), Travel, or Public Relation Request(s) (34)**

- 1) CRDTS Steering Meeting Report (June 12, 2015 – Kansas City, MO) – Eileen Donohoo **(35)**
- 2) CRDTS Workshop and Annual Meeting Travel Request – August 20-22, 2015 – Kansas City, MO **(36-37)**

**G. Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Matters
- 5) Education and Examination Matters
- 6) Credentialing Matters

- 7) Practice Matters
- 8) Legislative/Administrative Rule Matters
- 9) Liaison Report(s)
- 10) Informational Item(s)
- 11) Disciplinary Matters
- 12) Presentations of Petition(s) for Summary Suspension
- 13) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 14) Presentation of Proposed Decisions
- 15) Presentation of Interim Orders
- 16) Petitions for Re-Hearing
- 17) Petitions for Assessments
- 18) Petitions to Vacate Orders
- 19) Petitions for Designation of Hearing Examiner
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

#### **H. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. s. 19.85(1)(a),); to consider licensure or certification of individuals (Wis. Stat s. 19.85(1)(b), Stats.; to consider closing disciplinary investigations with administrative warnings (Wis. Stat. s. 19.85 (1)(b), and 440.205,); to consider individual histories or disciplinary data (Wis. Stat. s. 19.85 (1)(f),); and to confer with legal counsel (Wis. Stat. s. 19.85(1)(g),).**

#### **I. APPEARANCE: DLSC Prosecutors: Jim Polewski, Cody Wagner and Sandy Nowack – Case Advisor Guidance from the Board’s Prosecution Team (38)**

#### **J. Deliberation of Order Fixing Costs**

- 1) Allen W. Knox, D.D.S. (39-44)

#### **K. Review of Administrative Warning**

- 1) T.M.D. – 14 DEN 091/WARN00000291 (45-47)

#### **L. Presentation and/or Deliberation on Proposed Stipulations, Final Decisions and Orders**

- 1) 14 DEN 103 – Tawfiq S. Nadi, D.D.S. (48-53)
- 2) 14 DEN 096 – Joseph M. Labella, D.D.S. (54-59)
- 3) 15 DEN 003 – Robert G. Quirt, D.D.S. (60-64)

#### **M. Deliberation on Case Closings**

- 1) 14 DEN 073 (65-66)

#### **N. Consulting with Legal Counsel**

**O. Deliberation of Items Received After Preparation of the Agenda**

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

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

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

**Q. APPEARANCE: Al Rohmeyer, Division Administrator – Division of Legal Services and Compliance**

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

**ADJOURNMENT**

**DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
May 6, 2015**

**PRESENT:** Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; Leonardo Huck, DDS; Lyndsay Knoell, DDS; Timothy McConville, DDS; Wendy Pietz, DDS; Carrie Stempski, RDH; Beth Welter, DDS

**STAFF:** Brittany Lewin, Executive Director; Gretchen Mrozinski, Legal Counsel; Kimberly Wood, Program Assistant Supervisor; and other Department staff

**CALL TO ORDER**

Lyndsay Knoell, Chair, called the meeting to order at 8:30 a.m. A quorum of nine (9) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Wendy Pietz moved, seconded by Beth Welter, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**Amendments to the Minutes:**

- Page 8 of the Minutes: In Closed Session – Under “Deliberation of Case Closings” – Add a last name for Beth Welter in the motion regarding case: 13 DEN 032

**MOTION:** Eileen Donohoo moved, seconded by Debra Beres, to approve the minutes of March 4, 2015 as amended. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Review of Preliminary Rule Draft of DE 3, 11, 15, Relating to Certificate for Dental Hygienist to Administer Nitrous Oxide Inhalation Analgesia**

**MOTION:** Timothy McConville moved, seconded by Eileen Donohoo, to authorize Debra Beres to approve DE 3, 11, 15, relating to certificates for Dental Hygienists to administer Nitrous Oxide Inhalation Analgesia for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Debra Beres moved, seconded by Beth Welter, 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.). Lyndsay Knoell, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Debra Beres-yes; Mark Braden-yes; Eileen Donohoo-yes; Leonardo Huck-yes; Lyndsay Knoell-yes; Timothy McConville-yes; Wendy Pietz-yes; Carrie Stempski-yes; and Beth Welter-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:45 a.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Debra Beres moved, seconded by Mark Braden, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:48 p.m.

### VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

### CREDENTIALING MATTERS

#### Application Reviews

**MOTION:** Mark Braden moved, seconded by Debra Beres, to delegate all faculty license credentialing decisions to the Board's credentialing liaison(s). Motion carried unanimously.

*Arndt Guentsch, D.M.D. (Faculty License)*

**MOTION:** Eileen Donohoo moved, seconded by Mark Braden, approve the application of Arndt Guentsch, D.M.D., for faculty license, once all requirements are met. Motion carried unanimously.

*Waeli Elmisalati, B.D.S. (Faculty License)*

**MOTION:** Beth Welter moved, seconded by Carrie Stempski, approve the application of Waeli Elmisalati, B.D.S., for faculty license, once all requirements are met. Motion carried unanimously.

### DELIBERATION ON MONITORING MATTERS

#### Bradley Byce, D.D.S. – Requesting Full Licensure

**MOTION:** Beth Welter moved, seconded by Debra Beres, to **deny** the request of **Bradley Byce, D.D.S.** for full licensure. The Board will not consider requests for modification until the respondent has demonstrated compliance with all terms of the Order for at least one full year. **Reason for Denial:** Lack of continuous compliance with the Board Order. Motion carried. Recused: Timothy McConville

*(Timothy McConville recused himself and left the room for deliberation, and voting in the matter concerning the request of Bradley Byce, D.D.S. for full licensure.)*

**Daniel Humiston, D.D.S. – Requesting Consideration of Tabled Petition**

**MOTION:** Eileen Donohoo moved, seconded by Beth Welter, to **grant** the request of **Daniel Humiston, D.D.S.** for termination of suspension of Class 1 and Class 2 sedation permits. Motion carried. Recused: Timothy McConville

*(Timothy McConville recused himself and left the room for deliberation, and voting in the matter concerning the request of Daniel Humiston, D.D.S. for consideration of his tabled petition.)*

**Christopher Kania, D.D.S. – Requesting Modification**

**MOTION:** Leonardo Huck moved, seconded by Timothy McConville, to **grant** the request of **Christopher Kania, D.D.S.** for a reduction in the frequency of drug screened to 14 per year, plus one annual hair test, and for termination of drug and alcohol treatment program. Motion carried unanimously.

**DELIBERATION ON PROPOSED FINAL DECISIONS AND ORDERS**

**Allen W. Knox, D.D.S., Respondent (DHA Case: SPS-14-0061/DSPS Case: 14 DEN 035)**

**MOTION:** Eileen Donohoo moved, seconded by Timothy McConville, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against **Allen W. Knox, D.D.S., Respondent** (DHA Case: SPS-14-0061/DSPS Case: 14 DEN 035). Motion carried unanimously.

**PRESENTATION AND/OR DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**11 DEN 098, 13 DEN 121, 14 DEN 038, 14 DEN 061 – John R. Kregenow, D.D.S.**

**MOTION:** Timothy McConville moved, seconded by Leonardo Huck, to **accept** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **John R. Kregenow, D.D.S.**, DLSC cases: **11 DEN 098, 13 DEN 121, 14 DEN 038, 14 DEN 061**. Motion carried unanimously.

**13 DEN 085 – Patrick J. Crawford, D.D.S.**

**MOTION:** Timothy McConville moved, seconded by Leonardo Huck, to **accept** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **Patrick J. Crawford, D.D.S.**, DLSC case: **13 DEN 085**. Motion carried unanimously.

**14 DEN 069 – James Curran, D.D.S.**

**MOTION:** Timothy McConville moved, seconded by Debra Beres, to **accept** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **James Curran, D.D.S.**, DLSC case: **14 DEN 069**. Motion carried unanimously.

**14 DEN 079 – Christopher Kania, D.D.S.**

**MOTION:** Beth Welter moved, seconded by Leonardo Huck, to **accept** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **Christopher Kania, D.D.S.**, DLSC case: **14 DEN 079**. Motion carried unanimously.

**14 DEN 086 – Farshad Rouhani, D.M.D.**

**MOTION:** Eileen Donohoo moved, seconded by Debra Beres, to **reject** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **Farshad Rouhani, D.M.D.**, DLSC case: **14 DEN 086**. Motion carried.  
Abstained: Mark Braden

**15 DEN 001 – Robert B. Pultz, D.D.S.**

**MOTION:** Debra Beres moved, seconded by Leonardo Huck, to **accept** the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **Robert B. Pultz, D.D.S.**, DLSC case: **15 DEN 001**. Motion carried unanimously.

**DELIBERATION ON ADMINISTRATIVE WARNINGS**

**13 DEN 008**

**MOTION:** Leonardo Huck moved, seconded by Beth Welter, to issue an Administrative Warning in the matter of DLSC case: **13 DEN 008**. Motion carried unanimously.

**DELIBERATION ON CASE CLOSINGS**

**14 DEN 032**

**MOTION:** Lyndsay Knoell moved, seconded by Timothy McConville, to close DLSC case: **14 DEN 032** for **Prosecutorial Discretion (P7)**. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Mark Braden moved, seconded by Debra Beres, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:50 p.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Katie Paff Administrative Rules Coordinator		2) Date When Request Submitted:  6/25/2015  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:  July 8, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Preliminary rule draft of DE 2, 3, 7, 11 relating to nitrous oxide inhalation analgesia	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <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 review the preliminary rule draft of DE 2, 3, 7, and 11 relating to nitrous oxide inhalation analgesia.			
11) Authorization			
<b>Katie Paff</b>		<b>6/25/2015</b>	
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

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

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PROPOSED ORDER

An order of the Dentistry Examining Board to amend DE 3.03 (1) and 11.03 (1) and to create Chapter DE 15 relating to certificate for dental hygienists to administer nitrous oxide inhalation analgesia.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Sections 447.04 (2) (d) 1., 447.06 (2) (e) 4., Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), and 447.02 (2) (j), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. 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

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 447.02 (2) (j), Stats. The examining board shall promulgate rules specifying, “[t]he educational requirements for a dental hygienist licensed under this chapter to administer nitrous oxide inhalation analgesia under s. 447.06 (2) (e) 4.”

**Related statute or rule:**

Section 447.065 (2), Stats.

**Plain language analysis:**

2013 Wisconsin Act 354 required the Dentistry Examining Board to grant a certificate to administer nitrous oxide inhalation analgesia to a dental hygienist who is licensed by the Board and who satisfies certain educational requirements that the Act directs the Board to establish by rule. Under 2013 Wisconsin Act 354, the certificate to administer nitrous oxide inhalation analgesia remains in effect while the dental hygienist holds a valid license to practice dental hygiene in Wisconsin, unless the Dentistry Examining Board suspends or revokes the certificate. The proposed rule implements 2013 Wisconsin Act 354 by establishing the requirements for the certificate.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:** Dental hygienists may administer and monitor nitrous oxide provided they complete a 14 hour course relative to nitrous oxide analgesia and submit certification of completion of the required course to the supervising dentist. An individual who graduated from an approved dental hygiene program after January 1, 1998 that contained nitrous oxide analgesia administration and monitoring shall not be required to complete the 14 hour course upon proof to the dentist of the required curriculum. The dental hygienist must maintain BLS certification or its equivalent in addition to the required courses (Ill. Admin. Code tit. 68 pt. 1220).

**Iowa:** A dental hygienist may administer nitrous oxide inhalation analgesia provided the administration of nitrous oxide inhalation analgesia has been delegated by a dentist and the hygienist has completed a board approved course of training (Iowa Admin. Code r. 650- 29.6 (4)).

**Michigan:** A dentist may delegate administering nitrous oxide analgesia to a registered dental hygienist under direct supervision to a patient 18 years of age or older if the dental hygienist has met all of the following: (1) Successfully completed an approved course in the administration of nitrous oxide analgesia including content in nitrous oxide analgesia medical emergency techniques, pharmacology of nitrous oxide, nitrous oxide techniques, and if such a course is available, selection of pain control modalities. The course must consist of a minimum of 4 hours didactic instruction and 4 hours of clinical experience; (2) Successfully completed a state or regional board administered written examination in local anesthesia within 18 months of completion of the approved course; (3) Successfully completed a state or regional board administered written examination on nitrous oxide analgesia, within 18 months of completion of the approved course; and (4) Maintains and provides evidence of current certification in basic or advanced cardiac life support. A

dental hygienist shall not administer more than 50% nitrous oxide (Mich. Admin. Code r. 338.11410 and MCL 333.16611 (4)).

**Minnesota:**

A dental hygienist may administer nitrous oxide inhalation analgesia in accordance with all of the following: (1) Completion of CPR training and current CPR certification; (2) Usage of only use fail-safe anesthesia equipment capable of positive pressure respiration; (3) Successful completion of a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Dental Accreditation. The course must be a minimum of 12 hours comprised of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration; (4) Under the appropriate level of supervision by a dentist who is current with the requirements to administer nitrous oxide inhalation analgesia (Minn. Admin. Code 3100.3600 subp. 4.).

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

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

The rule will be posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days.

**Fiscal Estimate and Economic Impact Analysis:**

~~The Fiscal Estimate and Economic Impact Analysis document 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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

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

Comments may be submitted to Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. ~~Comments must be received on or before \* to be included in the record of rule-making proceedings.~~

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TEXT OF RULE

SECTION 1. DE 3.03 (1) is amended to read:

**DE 3.03 (1)** Administer or prescribe, either narcotic or analgesics or systemic-affecting nonnarcotic drugs, or anesthetics except as provided under ch. DE 15.

SECTION 2. DE 11.03 (1) is amended to read:

**DE 11.03 (1)** A dentist or a dental hygienist who holds a valid certificate under ch. DE 15 may use nitrous oxide inhalation on an outpatient basis for dental patients provided that he or she has adequate equipment with failsafe features and a 25% minimum oxygen flow.

SECTION 3. Chapter DE 15 is created to read:

CHAPTER DE 15

CERTIFICATION OF DENTAL HYGIENISTS TO ADMINISTER NITROUS OXIDE  
INHALATION ANALGESIA

**DE 15.01 Authority.** The rules in this chapter are adopted pursuant to ss. 15.085 (5) (b), 227.11 (2) (a), and 447.02 (2) (j), Stats.

**DE 15.02 Definitions.** As used in this chapter “accredited” has the meaning under s. 447.01 (1), Stats.

**DE 15.03 Qualifications for certification of licensed dental hygienists to administer nitrous oxide inhalation analgesia.** An applicant for certification to administer nitrous oxide inhalation analgesia shall be granted a certificate by the board if the applicant complies with all of the following:

- (1) Has a current license to practice as a dental hygienist in this state.
- (2) Has completed the educational requirements of s. DE 15.05.
- (3) Has submitted the information required in the application under s. DE 15.04.

**DE 15.04 Application procedure.** An applicant for a certificate to administer nitrous oxide inhalation analgesia shall file a completed application on a form provided by the board. The application shall include all of the following:

(1) The dental hygienist license number in this state and the signature of the applicant.

(2) Evidence of successful completion of a didactic and clinical program sponsored by an accredited dental or dental hygiene program, resulting in the dental hygienist becoming competent to administer nitrous oxide inhalation analgesia under the delegation and supervision of a dentist, the curriculum of which meets or exceeds the basic course requirements set forth in s. DE 15.05.

**DE 15.05 Educational requirements.** The following educational requirements are necessary for the board to approve and grant certification to a licensed dental hygienist in the administration of nitrous oxide inhalation analgesia:

(1) The course in the administration of nitrous oxide inhalation analgesia shall be provided by an accredited dental or dental hygiene school.

(2) The nitrous oxide inhalation analgesia administration course shall provide a minimum of 12 hours of instruction and shall consist of all of the following:

(a) Didactic instruction including all of the following:

1. Legal aspects of nitrous oxide inhalation analgesia administration in Wisconsin.

2. Physiological and psychological aspects of anxiety.

3. Stages of consciousness and the levels of sedation.

4. Respiratory and circulatory physiology and related anatomy.

5. Pharmacology of nitrous oxide.

6. Advantages and disadvantages as well as the indications and contraindications for nitrous oxide inhalation analgesia administration.

7. Patient evaluation, selection, and preparation for nitrous oxide inhalation analgesia administration.

8. The function of the basic components of nitrous oxide inhalation analgesia delivery and scavenging systems including all of the following:

a. Inspecting all components of the nitrous oxide inhalation analgesia delivery equipment.

b. Assembling and disassembling components.

c. Operating nitrous oxide inhalation analgesia equipment.

d. Disinfecting and sterilizing nitrous oxide inhalation analgesia equipment.

9. Safe and effective administration of nitrous oxide inhalation analgesia to patients in a clinical setting including all of the following:

a. Determining the patient's ideal flow rate and tidal volume.

b. Performing titration to effect.

c. Determining the ideal percentage of nitrous oxide flow rate for individual patients.

d. Calculating the percentage of nitrous oxide at peak flow.

10. Monitoring and documenting a patient undergoing nitrous oxide inhalation analgesia.

11. Complications associated with nitrous oxide inhalation analgesia administration and the prevention, recognition, and management of associated medical emergencies.

12. Troubleshooting problems with nitrous oxide inhalation analgesia administration.

13. Potential health hazards associated with nitrous oxide inhalation analgesia administration.

(b) Clinical experience consisting of three inductions of nitrous oxide inhalation analgesia on another person under supervision of the instructor.

(c) A dentist licensed under ch. 447, Stats., shall be present in the facility and available to both the patients and to the students of the class.

**DE 15.06 Dentist responsibility for the administration of nitrous oxide inhalation analgesia.** The dentist is ultimately responsible for all decisions regarding the administration of nitrous oxide inhalation analgesia, particularly in determining the pharmacological and physiological considerations of each individual treatment plan.

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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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Dentistry Examining Board

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Katie Paff Administrative Rules Coordinator		2) Date When Request Submitted:  6/25/2015  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:  July 8, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Updated on DE 2 relating to foreign trained dentists.	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <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 receive an update on the status of DE 2 (CR 15-013) and its progression through the legislative review process.			
11) Authorization			
<b>Katie Paff</b>		<b>6/25/2015</b>	
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**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
: CR 15-013  
DENTISTRY EXAMINING :  
BOARD :**

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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 are 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 current rule requires an applicant who is a graduate of a foreign dental school to provide evidence that they have completed a postgraduate program or a residency program. The proposed rule eliminates this requirement. To bring Wisconsin's requirements in line with other states, the proposed rule requires a foreign trained dentist to provide verification of being awarded a DDS or DMD degree from an accredited dental school or a dental diploma, degree, or certificate from a dental education program lasting at least two years at an accredited dental school which is equivalent to the didactic and clinical education at the level of a DDS or DMD degree.

**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 March 4, 2015. No one testified at the hearing or submitted written comments.

**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 RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD	:	ADOPTING RULES
	:	CLEARINGHOUSE RULE 15-013

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PROPOSED ORDER

An order of the Dentistry Examining Board to repeal DE 2.01(1m) (c) and create DE 2.01(1m) (d) relating to foreign trained dentists.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 447.04, Wis. Stats.

**Statutory authority:** ss. 15.08(5) (b) and 447.04 (1) (b) 1., Wis. Stats.

**Explanation of agency authority:**

The Board shall promulgate rules for the guidance of the profession not inconsistent with the law relating to the profession. The Board shall establish requirements for licensure established by rule for granting a license to an applicant licensed in another state, territory or country.

**Related statute or rule:**

None

**Plain language analysis:**

The current rule requires an applicant who is a graduate of a foreign dental school to provide evidence that they have completed a postgraduate program or a residency program. The proposed rule eliminates this requirement. To bring Wisconsin's requirements in line with other states, the proposed rule requires a foreign trained dentist to provide verification of being awarded a DDS or DMD degree from an accredited dental school or a dental diploma, degree, or certificate from a dental education program lasting at least two years at an accredited dental school which is equivalent to the didactic and clinical education at the level of a DDS or DMD degree.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

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

**Illinois:** Illinois requires graduates of programs outside of the United States or Canada to provide certification of completion of a minimum of 2 years of clinical training from an approved dental college in the United States or Canada in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or certification of completion of no less than 2 academic years of advanced dental education program.

**Iowa:** Iowa requires foreign trained applicants to receive a dental diploma, degree or certificate from a full-time, undergraduate supplemental dental education program of at least 2 academic years at an accredited dental college. The program must provide didactic and clinical education to the level of a DDS or DMD graduate.

**Michigan:** Michigan requires foreign trained applicants to complete a minimum 2 year program in dentistry in an approved school that leads to the awarding of a DDS or DMD or a minimum 2 year master's degree or certificate program in an approved dental school that leads to the awarding of a degree or certificate from a dental specialty program.

**Minnesota:** Minnesota requires foreign trained applicants to have an evaluation of the foreign dental school done by the International Credentialing Associates that the foreign dental school's education is equivalent to a dental school accredited by the Commission on Dental Accreditation.

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

The Board reviewed the requirements of the surrounding states.

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

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days and received no comment.

### **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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

### **Agency contact person:**

Kathleen Paff, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone (608) 261-4472; email at Kathleen.Paff@wisconsin.gov.

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

Comments may be submitted to Kathleen Paff, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. Comments must be received at or before the public hearing to be held on March 4, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. DE 2.01 (1m) (c) is repealed.

SECTION 2. DE 2.01 (1m) (d) is created to read:

**DE 2.01 (1m) (d)** Evidence of one of the following:

1. Verification of having been awarded a DDS or DMD degree from an accredited dental school.
2. Verification of having received a dental diploma, degree or certificate from a full time, undergraduate supplemental dental education program of at least two academic years at an accredited dental school. The program must provide didactic and clinical education to the level of a DDS or DMD graduate.

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.

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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 \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Dentistry Examining Board

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

---

2. Administrative Rule Chapter, Title and Number

DE 2

---

3. Subject

Foreign trained dentists

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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

---

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)

---

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

Yes    No

---

9. Policy Problem Addressed by the Rule

The policy problem addressed is a pathway for foreign trained dentists to become licensed in Wisconsin.

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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 impact comments and none were received.

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

None. It does not affect local governmental units.

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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)

This rule does not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the State's economy as a whole.

---

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

The benefit to implementing the rule is to provide for foreign trained dentists to become licensed in Wisconsin without compromising patient safety. The rule requires a foreign trained dentist to obtain a DDS or DMD from an accredited dental school or obtain a dental diploma, degree or certificate from a dental education program lasting at least two years at an accredited dental school which results in the equivalent education to a DDS or DMD degree.

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14. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule is that foreign trained dentists will have a clear pathway to licensure and the public will be protected.

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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)

Illinois requires foreign trained applicants to complete a minimum of 2 years of clinical training from an approved dental college. Iowa requires foreign trained applicants to receive a dental diploma, degree or certificate of at least 2 years to

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

the level of a DDS or DMD graduate. Michigan requires foreign trained applicants to complete a minimum 2 year program in dentistry that leads to the awarding of a DDS or DMD or a minimum 2 year master's or certificate program from a dental specialty program. Minnesota requires foreign trained applicants to have an evaluation of the foreign dental school done by the International Credentialing Associates that the foreign dental school is equivalent to a dental school accredited by the Commission on Dental Accreditation.

---

17. Contact Name

Katie Paff

18. Contact Phone Number

(608) 261-4472

---

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

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  Katie Paff Administrative Rules Coordinator		2) Date When Request Submitted:  6/25/2015  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:  July 8, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Preliminary rule draft of DE 5 and 14 relating to informed consent	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <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 review the preliminary rule draft of DE 5 and 14 relating to informed consent.			
11) Authorization			
<b>Katie Paff</b>		<b>6/25/2015</b>	
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	:	ADOPTING RULES
BOARD	:	(CLEARINGHOUSE RULE)

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PROPOSED ORDER

An order of the Dentistry Examining Board to create DE Chapter 14 relating to informed consent.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 447.40, Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) (a), and 447.02 (2) (i), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. 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.

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 447.02 (2) (i), Stats. The examining board shall promulgate rules specifying the provisions for implementing s. 447.40.

**Related statute or rule:**

Sections 446.08, 448.697, and 449.25, Stats.

**Plain language analysis:**

The duty of certain health care professionals, other than physicians, to obtain informed consent from their patients before conducting treatment had not been codified as a statutory duty prior to the passage of 2013 Wisconsin Act 345. Act 345 sets forth the dentists' duty to obtain informed consent from their patients and institutes the reasonable dentist standard as the standard for informing patients regarding their treatment options. The reasonable dentist standard requires disclosure only of the information that a reasonable dentist would know and disclose under the circumstances.

**Summary of, and comparison with, existing or proposed federal regulation:**

Although several federal agencies require investigators to obtain informed consent of human subjects participating in investigative trials, there are no specific federal regulations regarding dentists obtaining informed consent from their patients or the reasonable dentist standard.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois Administrative Code is silent with regards to dentists' duty to obtain informed consent (68 Il. Admin. Code pt. 1220).

**Iowa:** Iowa Administrative Code regarding record keeping states that dental records must include, at a minimum, documentation of informed consent that includes a discussion of procedures, treatment options, potential complications, and known risks, and patient's consent to proceed with treatment (Iowa Admin. Code r. 650-27.11).

**Michigan:** Michigan Administrative Code is silent with regards to dentists' duty to obtain informed consent (Mich. Admin. Code r. 338.11101 - 338.11821).

**Minnesota:** Minnesota Administrative Code requires that dental records must include a notation that the dentist, advanced dental therapist, or dental therapist discussed with the patient the treatment options and the prognosis, benefits, and risks of each; and the patient has consented to the treatment chosen (Minn. R. 3100.9600 subp. 9).

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

No factual data or analytical methodologies were used in drafting the proposed rule due to the proposed rule being prompted by the passage of 2013 WI Act 345. Adjacent states' requirements were reviewed.

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

The rule will be posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days.

**Fiscal Estimate and Economic Impact Analysis:**

~~The Fiscal Estimate and Economic Impact Analysis document 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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Kathleen.Paff@wisconsin.gov.

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

Comments may be submitted to Katie Paff, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Kathleen.Paff@wisconsin.gov. ~~Comments must be received on or before \* to be included in the record of rule-making proceedings.~~

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TEXT OF RULE

SECTION 1. Chapter DE 14 is created to read:

CHAPTER DE 14

INFORMED CONSENT

**DE 14.01 Authority and purpose.** (1) **AUTHORITY.** The rules in this chapter adopted pursuant to the authority delegated in ss. 15.085 (5) (b), 227.11 (2) (a), and 447.02 (2) (i), Stats.

(2) **PURPOSE.** The purpose of the rules is to define the obligation of a dentist to communicate alternate modes of treatment to a patient.

**DE 14.02 Informed consent.** Any dentist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable dentist standard is the standard for informing a patient under this section. The reasonable dentist standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances.

**DE 14.03 Exceptions to communication of alternate modes of treatment.** The dentist's duty to inform the patient under this section does not require disclosure of any of the following:

- (1) Detailed technical information that in all probability a patient would not understand.
- (2) Risks apparent or known to the patient.
- (3) Extremely remote possibilities that might falsely or detrimentally alarm the patient.
- (4) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.
- (5) Information in cases where the patient is incapable of consenting.
- (6) Information about alternate modes of treatment for any condition the dentist has not included in his or her diagnosis at the time the dentist informs the patient.

**DE 14.04 Recordkeeping.** A dentist's patient record shall include documentation that alternate modes of treatment have been communicated to the patient and informed consent has been obtained from the patient in keeping with ch. DE 8.

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)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Dentistry Examining Board

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>25 July 2015</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Dentistry Examining Board</b>			
4) Meeting Date:  <b>8 July 2015</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> <b>1. Draft of DE 10 Relating to Mobile Dentistry</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>25 June 2015</i>	
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.			

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TEXT OF RULE

SECTION 1. Chapter DE 10 is created to read:

CHAPTER DE 10  
MOBILE DENTISTRY

**DE 10.01 Definitions.** In this chapter:

(1) “Mobile dentistry program”

(a) Mobile dentistry program means a program delivering dental or dental hygiene care in one of the following:

1. Using portable equipment or supplies that are transported to any location that is not an intact dental or hospital facility.
2. In a self-contained, intact facility that can be moved.

(b) A program providing dental or dental hygienist care is not a mobile dentistry program if it meets all of the following requirements:

1. The care is billed by the main or satellite dental facility.
2. The dentist or dental hygienist provides any necessary follow-up care to the patient.

*{Alternative: (b) A program providing dental or dental hygienist care is not a mobile dentistry program if the care is being provided to only one patient per day at the site the care is being provided and the patient is a prior patient of record of a main or satellite dental facility. }*

(2) “Mobile dentistry program registrant” means a person registered under s. 447.058, Stats.

**DE 10.02 Mobile dentistry program registration. (1) REGISTRATION REQUIRED.** (a) No person may own or operate a mobile dentistry program in this state unless the person is registered under this section. A person that wishes to own or operate more than one mobile dentistry program in this state shall apply for a separate registration under this section for each mobile dentistry program the person owns or operates.

(b) A mobile dentistry program providing dental hygiene as defined by s. 447.01(3), Stats. or dentistry as defined by s. 447.01(8), Stats. constitutes the operation of a mobile dentistry program and requires registration.

**(2) REGISTRATION.** An applicant for registration to own or operate a mobile dentistry program shall submit all of the following:

- (a) An application for registration on a form provided by the department.
- (b) The fee specified in s. 440.05(1).
- (c) A list of all employees or contractors who are providing dental care in Wisconsin. The list shall include the Wisconsin license number for each person providing dental care.

**(3) RENEWAL.** A mobile dentistry program registrant renewing a registration shall submit all of the following:

- (a) A renewal form provided by the department.
- (b) The renewal fee as determined by the department under s. 440.03(9)(a).
- (c) A list of all employees or contractors who are providing dental care in Wisconsin. The list shall include the Wisconsin license number for each person providing dental care.

**DE 10.03 Access to patient records.** The mobile dentistry program registrant shall do all of the following:

- (1) Provide each patient with the name and contact information of the mobile dentistry program providing services.
- (2) At the time of providing services, give each patient a written description of the dental services provided for that patient and the findings and recommendations.
- (3) Maintain patient dental records in accordance with ch. DE 8, Wis. Admin. Code.
- (4) Provide access to dental records in accordance with s. 146.83, Stats.

*{Alternative: Insert the following (and then renumber standards of conduct back to 10.05):*

**DE 10.04 Notification.** *The mobile dentistry program shall provide notification to all dentists or 20 dentists, whichever is less, in a \_\_\_\_ mile radius of the location the services are being provided. The notification shall include:*

- (1) Name, address and phone number of the mobile dentistry program.*
- (2) Dates the mobile dentistry program will be providing dental or dental hygienist services.*
- (3) Location the dental or dental hygienist services will be provided.*
- (4) Type of service being provided.*

**DE 10.04 Standards of conduct.** Unprofessional conduct by a mobile dentistry program registrant includes any of the following:

- (1) Failure to update the Department within 30 days of new employees or contractors providing dental services in Wisconsin.
- (2) Violating any provision under ss. DE 10.03 or 10.04.
- (3) Engaging in unprofessional conduct under s. DE 5.02.

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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Executive Office  
6737 W. Washington Street  
Suite 2360  
West Allis, Wisconsin 53214  
414.276.4520  
414.276.8431 FAX



Legislative Office  
122 W. Washington Avenue  
Suite 600  
Madison, Wisconsin 53703  
608.250.3442  
608.282.7716 FAX

To: Members of the WI Dentistry Examining Board  
From: Dr. Paul Levine, WDA President  
RE: Mobile Dentistry Regulations  
Date: June 29, 2015

This memo is to inform you that the WDA Board of Trustees met at the end of May and reviewed the DEB Subcommittee's tentative proposal on regulations for mobile dentistry and we have two concerns that we'd like to share. Dr. Steve Stoll, chair of the WDA's Legislative Advocacy Committee will be on hand at the July 8 DEB meeting to reiterate these concerns in person and attempt to answer any questions you may have.

The WDA is very concerned about the Subcommittee's recommendation to exclude from the definition of a mobile dental program that it be required to operate within a certain mile radius of their main clinic. Without this requirement, the WDA believes a situation could arise where a program that is a hundred or more miles away from its main clinic would not have to abide by these regulations because it doesn't qualify as being "mobile" simply because it is tied to a main clinic - somewhere. The WDA was originally supportive of the 30-mile radius requirement (which was set based on federal regulations) but we'd be open to supporting other distances rather than having the provision completely removed from the definition.

The WDA is also concerned about how the Subcommittee removed any mandatory outreach by the program to the dentists in the area. We've fielded complaints from dentists who have said that their patients of record often show up and have had care provided by a mobile dental clinic operation at school but the dentists were never informed. This creates issues on coverage for dental benefits as well as communication on what procedures were actually done. We believe that it is in the patients' best interests if the mobile dental operation has some requirement to outreach to the local dental community and at least inform them of their plans to be in the area and to share their schedule and their contact information should the dentists later see patients that the mobile clinic has treated. While we are open to many ideas and concepts on this issue, the following is language that we believe would require some type of outreach and communication by the mobile program to the local dental community.

***"Any mobile dental program must provide written notification to at least 20 dentists whose practices are in the proximity of the location where the mobile program will be providing their services. If there are fewer than 20 dentists in the entire county, then the mobile dental program must only provide notification to the number of dentists that have practices located within that county. The notification must: (a) be mailed at least 7 days in advance of the program's scheduled treatment day(s); (b) list the address where the services will be provided; (c) provide a general description of the types of services that will be provided; (d)***

***list specific dates and hours of operation for each day the program will provide care at that location; and (e) provide a name and contact phone number of the program's director for the dentist to contact should there be any questions either prior to or after the provision of dental services."***

WDA would like to continue to work productively on this important issue but we do have concerns that if the full DEB adopts all the recommendations put forth by the Subcommittee after its May meeting that the regulations would apply to so few entities as to be relatively meaningless. It is with great respect for what you do and the quality of care you work so hard to uphold that I submit to you this written documentation of our concerns. Thank you for your time and attention to this issue.

Paul L. Lurie DDS

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Brittany Lewin Executive Director</b>		<b>2) Date When Request Submitted:</b>  Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  <b>Dentistry Examining Board</b>			
<b>4) Meeting Date:</b>  7/8/15	<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>  <b>Speaking Engagement(s), Travel, or Public Relation Request(s)</b> 1. <b>CRDTS Report</b> 2. <b>CRDTS Workshop and Annual Meeting Travel Request</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b>  <input type="checkbox"/> Yes by _____ (name)  <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Eileen Donohoo's written report for informational purposes from the June CRDTS meeting.  Carrie Stempski has indicated she is available to attend the CRDTS Annual Meeting. If acceptable to the Board, a motion is needed to authorize Carrie's travel to the meeting.			
<b>11) Signature of person making this request</b>	<b>Authorization</b>	<b>Date</b>	
_____ Supervisor (if required)		_____ Date	
Bureau 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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

CRDTS Steering Meeting Report  
June 12, 2015  
Kansas City, MO

- 14 out of the 22 member states were in attendance
- Annual meeting to be held on August 21-22 in Kansas City  
Need approval from this body to send Carrie Stempski to that meeting in my place.
- Proposed budget was approved and will be finalized at the August meeting
- Investment Policy statement was approved  
The organization has decided to place reserves with BOK Financial for better investment return.
- Committee member term limits were changes.  
When CRDTS left ADEX in 2004, all members had the same end date for term limits. These have now been staggered, so no one committee loses too many members at a time.
- Wisconsin will be looking for a person to serve on Hygiene Exam review committee in 2016 to replace Cathy Martin.
- Dental Exam review committee:  
Dr Steve Holcomb reported that there were several changes to the scoring and perio requirements for this year's upcoming exam.
- No changes to the Hygiene exam
- These are just some of the topics discussed and minutes are available upon request.

Submitted by  
Eileen Donohoo, BSDH

*Central Regional Dental Testing Service, Inc.*

*1725 SW Gage Blvd /Topeka, KS 66604*

*(785)273-0380 / [info@crdts.org](mailto:info@crdts.org)*

**You are invited to attend the 2015 CRDTS Workshop and Annual Meeting**

**August 20-22, 2015**

**Hilton Kansas City Airport, 8801 NW 112<sup>th</sup> Street**

**Kansas City, Missouri, 64153**

Meeting Registration Form and Hotel Registration are available on our website, [www.crdts.org](http://www.crdts.org)

Make travel arrangements via Concur or Dave at Travel Leaders, (800) 444-4248 or [dbonnel@travelleaders.com](mailto:dbonnel@travelleaders.com) .

*Please refer to the expenditure and reimbursement policy before making your reservations.*

**Registration is available through July 15<sup>th</sup> 2015**

### **Expenditure & Reimbursement Polity**

Hotel room & tax will be billed directly to CRDTS as specified for participants in the following groups. Please book air travel with Dave at Travel Leaders, 1-800-444-4248 or [dbonnel@travelleaders.com](mailto:dbonnel@travelleaders.com). Air expense will be billed directly to CRDTS.

**State Board Members, State Board Executive Directors, Dental & Hygiene School Representatives (one per school) and All Active CRDTS Examiners & Proctors** will be reimbursed for travel and two night's lodging.

**Dental Chiefs & Dental Team Captains** will be reimbursed for travel, two night's lodging and a ½ day's per diem.

**Steering Committee** will be reimbursed for travel, three night's lodging, and one day's per diem.

**Executive Committee** will be reimbursed for travel, three night's lodging, and two day's per diem.

EVENT SCHEDULE  
(From Registration Page)

**Thursday, August 20**

Time	Event	Audience
<input type="checkbox"/> 2:00 – 8:00 pm	Executive Committee Meeting	Executive Members

**Friday, August 21**

<input type="checkbox"/> 7:30 – 12:00 pm	Steering Committee Meeting	Executive & Steering Members
<input type="checkbox"/> 12:00 – 1:30 pm	Lunch	Executive, Steering, Chiefs & Captains
<input type="checkbox"/> 1:30 – 2:30 pm	Dental Chiefs & Captains Meeting	Dental Chiefs & Captains
<input type="checkbox"/> 2:30 – 3:00 pm	By-Laws Q & A	All Attendees Welcome
<input type="checkbox"/> 3:00 – 4:00 pm	Dental Deans & Faculty Round Table	Dental School Faculty
<input type="checkbox"/> 3:00 – 4:00 pm	Dental Hygiene Program Directors & Faculty Round Table	Dental Hygiene School Faculty
<input type="checkbox"/> 3:00 – 4:30 pm	Dental & Dental Hygiene Examiner Profiles	Dental & Dental Hygiene Examiners
<input type="checkbox"/> 4:00 – 5:00 pm	State Board Executive Directors Meet & Greet	State Board Executive Directors
<input type="checkbox"/> 5:30 – 6:30 pm	Social Hour	Cash Bar
<input type="checkbox"/> 6:30 – 10:00 pm	President’s Dinner	All Attendees

**Saturday, August 22**

<input type="checkbox"/> 7:30 – 9:00 am	1st Timers Breakfast & Orientation	1st Time Attendees
<input type="checkbox"/> 9:30 – 10:30 am	Keynote Speaker	All Attendees
<input type="checkbox"/> 10:30 – 11:00 am	Break	
<input type="checkbox"/> 11:00 – 11:45 am	State of the States	All Attendees
<input type="checkbox"/> 11:45 – 1:00 pm	President’s Luncheon	All Attendees
<input type="checkbox"/> 1:00 – 2:30 pm	CRDTS Annual Business Meeting	All Attendees
<input type="checkbox"/> 2:30 – 3:30 pm	Dental Exam Changes	Dental – All Attendees
<input type="checkbox"/> 2:30 – 3:30 pm	Dental Hygiene Exam Changes	Hygiene – All Attendees
<input type="checkbox"/> 3:30 – 4:15 pm	Dental Deans & Faculty Q & A	Dental School Faculty
<input type="checkbox"/> 3:30 – 4:15 pm	Dental Hygiene Program Directors & Faculty Q & A	Dental Hygiene School Faculty
<input type="checkbox"/> 4:15 – 5:00 pm	New Executive & Steering Committee Meeting	Executive & Steering Members
<input type="checkbox"/> 5:00 – 8:30 pm	CRDTS Reception	Cash Bar