



**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**  
**September 7, 2016**

*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 – July 6, 2016 (4-7)**

**D. Administrative Updates**

- 1) Staff Updates

**E. Legislation and Rule Matters – Discussion and Consideration (8-17)**

- 1) Proposals for Amending DE 2, 3 Relating to Dentist Licensure and Practice of Dental Hygiene
- 2) Update on Pending and Possible Rulemaking Projects

**F. Informational Items**

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

- 1) CRDTS Annual Meeting Reports

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

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Updates
- 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) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 15) Presentation of Proposed Final Decision(s) and Order(s)
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 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)

#### I. 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),).**

#### J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Administrative Warnings**
  - a) 13 DEN 111 – R.S.W. **(18-19)**
- 2) **Proposed Stipulations, Final Decisions and Orders**
  - a) 16 DEN 008 – Jeffrey L. Sorensen, D.D.S. **(20-25)**
- 3) **Case Closures**
  - a) 15 DEN 011 **(26-29)**
  - b) 16 DEN 038 **(30-31)**

#### K. Consulting with Legal Counsel

#### L. 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) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Review of Administrative Warning

- 11) Proposed Final Decisions and Orders
- 12) Matters Relating to Costs/Orders Fixing Costs
- 13) Case Closings
- 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**

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

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

**ADJOURNMENT**

**NEXT MEETING DATE NOVEMBER 2, 2016**

**DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
July 6, 2016**

**PRESENT:** Debra Beres, RDH; Mark Braden, DDS; Leonardo Huck, DDS; Lyndsay Knoell, DDS; Timothy McConville, DDS; Wendy Pietz, DDS (*arrived at 8:40 a.m.*); Carrie Stempski, RDH; Beth Welter, DDS

**EXCUSED:** Eileen Donohoo, RDH

**STAFF:** Brittany Lewin, Executive Director; Amber Cardenas, Legal Counsel; Nifty Lynn Dio, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Lyndsay Knoell, Chair, called the meeting to order at 8:30 a.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to Agenda**

- *Remove Item F.2*

**MOTION:** Mark Braden moved, seconded by Leonardo Huck, to remove item F.2 from the agenda. Motion carried unanimously.

**MOTION:** Mark Braden moved, seconded by Timothy McConville, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Debra Beres moved, seconded by Mark Braden, to approve the minutes of May 4, 2016 as published. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Adoption Order for DE 10 Relating to Mobile Dentistry**

**MOTION:** Mark Braden moved, seconded by Leonardo Huck, to approve the Adoption Order for Clearinghouse Rule DE 10. Motion carried unanimously.

**Proposals for Amending DE 2, 3 Relating to Dentist Licensure and Practice of Dental Hygiene**

**MOTION:** Lyndsay Knoell moved, seconded by Mark Braden, to designate Wendy Pietz as liaison to work with DSPS staff regarding DE 2 revisions relating to licensure. Motion carried unanimously.

**MOTION:** Lyndsay Knoell moved, seconded by Leonardo Huck, to designate Deb Beres as liaison to work with DSPS staff regarding DE 3 relating to practice of dental hygiene. Motion carried unanimously.

## **CRDTS Annual Meeting**

**MOTION:** Leonardo Huck moved, seconded by Debra Beres, to authorize Carrie Stempski and Beth Welter to attend the CRDTS Annual Meeting on August 25-27, 2016 in Kansas City, Missouri. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Debra Beres moved, seconded by Mark Braden, 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; Leonardo Huck – yes; Lyndsay Knoell – yes; Timothy McConville – yes; Wendy Pietz – yes; Carrie Stempski – yes; Beth Welter – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:00 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 12:03 p.m.

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

**MOTION:** Lyndsay Knoell moved, seconded by Debra Beres, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

### **REVIEW OF ADMINISTRATIVE WARNING WARN 0000479, DLSC CASE NUMBER 15 DEN 031**

**MOTION:** Timothy McConville moved, seconded by Leonardo Huck, to affirm the Administrative Warning against Patrick Crawford, DLSC Case No. 15 DEN 031. Motion carried unanimously.

*(Beth Welter recused herself and left the room for deliberation and voting in the matter of the administrative warning review against Patrick Crawford)*

### **CREDENTIALING MATTERS**

#### **Application Review of Scott Ferguson, D.D.S.**

**MOTION:** Carrie Stempski moved, seconded by Beth Welter, to approve the application of Scott Ferguson for a Wisconsin license to practice dentistry. Motion carried unanimously.

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

### **Administrative Warnings**

#### ***15 DEN 009 – D.A.H.***

**MOTION:** Debra Beres moved, seconded by Leonardo Huck, to issue an Administrative Warning in the matter of DLSC Case No. 15 DEN 009 against D.A.H. Motion carried unanimously.

#### ***15 DEN 063 – S.K.S.***

**MOTION:** Debra Beres moved, seconded by Leonardo Huck, to issue an Administrative Warning in the matter of DLSC Case No. 15 DEN 063 against S.K.S. Motion carried unanimously.

### **Proposed Stipulations, Final Decisions and Orders**

#### ***14 DEN 098 – Donald A. Kraut, D.D.S.***

**MOTION:** Debra Beres moved, seconded by Carrie Stempski, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Donald Kraut, DLSC Case No. 14 DEN 098. Motion carried unanimously.

#### ***15 DEN 028 – Douglas L. Cook, D.D.S.***

**MOTION:** Leonardo Huck moved, seconded by Beth Welter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Douglas Cook, DLSC Case No. 15 DEN 028. Motion carried unanimously.

#### ***15 DEN 092 – Kirk D. Almendinger, D.D.S.***

**MOTION:** Mark Braden moved, seconded by Timothy McConville, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kirk Almendinger, DLSC Case No. 15 DEN 092. Motion carried unanimously.

### **Case Closures**

#### ***15 DEN 090***

**MOTION:** Debra Beres moved, seconded by Timothy McConville, to close DLSC Case No. 15 DEN 090, against J.F., for No Violation. Motion carried unanimously.

#### ***16 DEN 031***

**MOTION:** Debra Beres moved, seconded by Leonardo Huck, to close DLSC Case No. 16 DEN 031, against D.H., for Insufficient Evidence. Motion carried unanimously.

**ORDER FIXING COSTS IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST  
DENNIS A. BUTLER, D.D.S.**

**MOTION:** Wendy Pietz moved, seconded by Carrie Stempki, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Dennis A. Butler, DLSC Case No., 13 DEN 027. Motion carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 12:07 p.m.

DRAFT

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>25 August 2016</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:	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. Proposals for Amending DE 2, 3 Relating to Dentist Licensure and Practice of Dental Hygiene</b> <b>2. Update on Pending and Possible Rulemaking Projects</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><b>Sharon Henes</b></i>		<i><b>25 August 2016</b></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.			

## Chapter DE 2

## LICENSURE

DE 2.01	Application for license.	DE 2.05	Examination passing score.
DE 2.015	Faculty license.	DE 2.06	Unauthorized assistance.
DE 2.02	Duration of license.	DE 2.07	Examination review.
DE 2.03	Biennial renewal.	DE 2.08	Claim of examination error.
DE 2.04	Endorsement.	DE 2.09	Failure and reexamination.

**Note:** Chapter DE 2 as it existed on February 28, 1982, was repealed and a new chapter DE 2 was created effective March 1, 1982.

**DE 2.01 Application for license. (1)** An applicant for license as a dentist shall submit all of the following to the board:

- (a) An application on a form approved by the board.
- (c) The fee authorized by s. 440.05 (1), Stats.
- (d) Evidence of successful completion of an examination on provisions in ch. 447, Stats., and chs. DE 1 to 9 the statutes and rules relating to dentistry.

(e) Evidence satisfactory to the board of having graduated from an accredited dental school.

(f) Verification from the commission on national examinations of the American dental association or other board-approved professional testing services of successful completion of an examination.

(g) Verification from the central regional dental testing service or other board-approved testing services of successful completion of an examination in clinical and laboratory demonstrations taken within the 5-year period immediately preceding application. In this paragraph, "successful completion" means an applicant has passed all parts of the examination in no more than 3 attempts on any one part, as required in s. DE 2.09.

(h) Submits evidence satisfactory to the board the applicant has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization or institution of higher education approved by the Wisconsin department of health services.

**Note:** Application forms are available upon request to the board office at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.

**(1m)** An applicant for a license as a dentist who is a graduate of a foreign dental school shall submit all of the following to the board:

(a) Evidence satisfactory to the board of having graduated from a foreign dental school.

- (b) The information required in sub. (1) (a) to (d), (f) and (g).
- (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.

(e) Submits evidence satisfactory to the board the applicant has current proficiency in cardiopulmonary resuscitation,

including the use of an automated external defibrillator achieved through instruction provided by an individual, organization or institution of higher education approved by the Wisconsin department of health services.

**(2)** An applicant for license as a dental hygienist shall meet requirements in sub. (1) (a) through (d) and shall also submit to the board:

(a) Verification from the commission on national examinations of the American dental association or other board-approved professional testing service of successful completion of an examination on the basic principles of the practice of dental hygiene; and

(b) Verification from the central regional dental hygiene testing service or other board-approved testing service of successful completion of an examination in clinical and laboratory demonstrations taken within the 5-year period immediately preceding application.

(c) Evidence satisfactory to the board of having graduated from an accredited dental hygiene school.

(d) Evidence satisfactory to the board the applicant has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization or institution of higher education approved by the Wisconsin department of health services.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; am. (1) (g), Register, May, 1984, No. 341, eff. 6-1-84; am. (1) (e), Register, March, 1988, No. 387, eff. 4-1-88; am. (1) (e) and (2) (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (intro.), (a), (c), (e), (f) and r. (1) (b), Register, April, 1999, No. 520, eff. 5-1-99; am. (1) (g), Register, June, 2001, No. 546, eff. 7-1-01; CR 09-007: am. (1) (e), cr. (1m) Register October 2009 No. 646, eff. 11-1-09; **CR 15-013: r. (1m) (e), cr. (1m) (d) Register October 2015 No. 717, eff. 10-1-15.**

**DE 2.015 Faculty license. (1)** The board shall grant a license to practice dentistry to an applicant who is licensed in good standing to practice dentistry in another jurisdiction approved by the board upon presentation of the license and who does all of the following:

- (a) Submits an application on a form provided by the board.
- (b) Pays the fee specified in s. 440.05 (2), Stats.

(c) Submits a written certification from an accredited post-doctoral dental residency training program or accredited school of dentistry in this state that the applicant has been offered employment as a full-time faculty member in that program or at that school of dentistry.

(d) Submits to an initial interview and any other interview that the board may require that demonstrates, to the board's satisfaction, that the applicant is competent to practice dentistry.

(e) Discloses all discipline which has ever been taken against the applicant in any jurisdiction.

(f) Submits evidence satisfactory to the board the applicant has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization or institution of higher education approved by the Wisconsin department of health services.

(2) A license granted under sub. (1) authorizes the license holder to do all of the following:

(a) Practice dentistry only within the primary educational facility affiliated with an accredited post-doctoral dental residency training program or accredited school of dentistry in this state.

(b) Perform dental procedures that are incident to instruction while at a site affiliated with an accredited post-doctoral dental residency training program or accredited school of dentistry located in this state.

(3) A license granted under sub. (1) shall not be transferable to another accredited school of dentistry in this state or accredited post-doctoral dental residency training program without prior approval by the board.

(4) A license granted under sub. (1) is no longer in effect if the license holder ceases to be employed as a full-time faculty member at an accredited post-doctoral dental residency training program or accredited school of dentistry in this state. The license holder shall notify the board in writing within 30 days of the date on which his or her employment as a licensed faculty member under sub. (1) is terminated.

**Note:** Application forms are available upon request to the Dentistry Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** CR 02-139: cr. Register December 2003 No. 576, eff. 1-1-04; CR 11-034: am. (1) (c), (2) (a), (b), (3), (4) Register July 2012 No. 679, eff. 8-1-12.

**DE 2.02 Duration of license.** (1) Every person granted a license as a dentist shall be deemed licensed for the current biennial license period.

(2) Every person granted a license as a dental hygienist shall be deemed licensed for the current biennial license period.

(3) Licensees shall qualify biennially for renewal of license.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; am. (2), Register, June, 1995, No. 474, eff. 7-1-95; am. Register, April, 1999, No. 520, eff. 5-1-99.

**DE 2.03 Biennial renewal.** (1) REQUIREMENTS FOR RENEWAL; DENTISTS. To renew a license a dentist shall, by October 1 of the odd-numbered year following initial licensure and every 2 years thereafter, file with the board all of the following:

(a) An application for renewal on a form prescribed by the department.

(b) The fee authorized by s. 440.08 (2), Stats.

(c) Evidence satisfactory to the board that the licensee has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator, achieved through instruction provided by an individual, organization, or institution of higher education approved by the Wisconsin department of health services.

(d) Except as provided in sub. (4), evidence satisfactory to the board of successful completion of the continuing education credit hours required under ch. DE 13.

(2) REQUIREMENTS FOR RENEWAL; DENTAL HYGIENISTS. A dental hygienist shall by October 1 of the odd-numbered year following initial licensure and every 2 years thereafter, meet the requirements for renewal specified in sub. (1) (a) to (d).

(3) FAILURE TO MEET REQUIREMENTS. A dentist or dental hygienist who fails to meet the requirements under subs. (1) (a) to (d) and (2) by the renewal date shall cease and desist from dental or dental hygiene practice.

(4) NEW LICENSEES. Dentists and dental hygienists are not required to satisfy the continuing education requirements under sub. (1) (d) for the first renewal period following the issuance of their initial licenses.

(5) REQUIREMENTS FOR LATE RENEWAL; REINSTATEMENT. (a) A dentist or dental hygienist who files an application for renewal of a license within 5 years after the renewal date may renew his or her license by filing with the board all of the following:

1. An application for renewal on a form prescribed by the department.

2. The fee authorized by s. 440.08 (2), Stats., plus the applicable late renewal fee authorized by s. 440.08 (3), Stats.

3. Evidence satisfactory to the board that the licensee has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator, achieved through instruction provided by an individual, organization, or institution of higher education approved by the department of health services.

4. Except as provided under sub. (4), evidence satisfactory to the board of successful completion of the continuing education credit hours required under ch. DE 13.

(b) A dentist or dental hygienist who files an application for renewal more than 5 years after the renewal date may be reinstated by filing with the board an application and fees as specified in subs. (1) and (2) and verification of successful completion of examinations or education, or both, as the board may prescribe.

(6) REINSTATEMENT FOLLOWING DISCIPLINARY ACTION. A dentist or dental hygienist applying for licensure following disciplinary action by the board, pursuant to s. 447.07, Stats., may be reinstated by filing with the board:

(a) An application as specified in s. DE 2.01;

(b) The fee authorized by s. 440.05 (1), Stats.;

(c) Verification of successful completion of examinations as the board may prescribe; and,

(d) Evidence satisfactory to the board, either orally or in writing as the board deems necessary, that reinstatement to practice will not constitute a danger to the public or a patient.

~~(7) DISPLAY OF LICENSE. The license and certificate of registration shall be displayed in a prominent place by every person licensed and currently registered by the board.~~

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; correction in (6) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1986, No. 364; am. (1) (intro.), (b), (2), (5) (a) (intro.), 2., (b), (6) (intro.) and (7), r. (4), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (intro.), (2), Register, June, 1996, No. 486, eff. 7-1-96; am. (1) (b), (5) (a) 2. and (6) (b), Register, April, 1999, No. 520, eff. 5-1-99; CR 11-033: am. (1) (intro.), (a), cr. (1) (d), am. (2), (3), cr. (4), am. (5) (a) (intro.), 1., cr. (5) (a) 4. Register July 2012 No. 679, eff. 8-1-12.; CR 11-035: am. (1) (intro.), (a), cr. (1) (c), am. (5) (a) (intro.), 1., cr. (5) (a) 3. Register July 2012 No. 679, eff. 8-1-12.

**DE 2.04 Endorsement.** (1) The board may grant a license as a dentist to an applicant who holds a valid license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(a) The applicant has graduated from an accredited school of dentistry or the applicant has graduated from a foreign dental

school and has successfully completed an accredited postgraduate program in advanced education in general dentistry or an accredited general dental practice residency.

(b) The applicant submits a certificate from each jurisdiction in which the applicant is or has ever been licensed stating that no disciplinary action is pending against the applicant or the license, and detailing all discipline, if any, which has ever been imposed against the applicant or the license.

(c) The applicant has not failed the central regional dental testing service ~~clinical and laboratory demonstration~~ examination, or any other dental licensing examination, within the previous 3 years.

(d) The applicant has been engaged in the active practice of dentistry, as defined in s. DE 1.02 (2), in one or more jurisdictions in which the applicant has a current license in good standing, for at least 48 of the 60 months preceding the application for licensure in Wisconsin.

(e) The applicant has successfully completed a ~~clinical and laboratory demonstration~~ licensing examination on a human subject which, in the board's judgment, is substantially equivalent to the ~~clinical and laboratory demonstration~~ examination administered by the central regional dental testing service, or, alternatively, has successfully completed a board specialty certification examination in a dental specialty recognized by the American Dental Association.

(f) The applicant has successfully completed a jurisprudence examination on the provisions of Wisconsin statutes and administrative rules relating to dentistry and dental hygiene.

(g) The applicant possesses a current certificate of proficiency in cardiopulmonary resuscitation from a course provider approved by the Wisconsin department of health services.

(h) The applicant has disclosed all discipline which has ever been taken against the applicant in any jurisdiction shown in reports from the national practitioner data bank and the American Association of Dental Boards.

(i) The applicant has presented satisfactory responses during any personal interview with the board which may be required to resolve conflicts between the licensing standards and the applicant's application.

(2) The board may grant a license as a dental hygienist to an applicant who holds a license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(a) The applicant has graduated from a school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association.

(b) The applicant submits a license from each jurisdiction in which the applicant is or has ever been licensed stating that no disciplinary action is pending against the applicant or the license, and detailing all discipline, if any, which has ever been imposed against the applicant or the license.

(c) The applicant has not failed the central regional dental testing service ~~clinical and laboratory demonstration~~ examination, or any other dental hygiene licensing examination, within the previous 3 years.

(d) The applicant has successfully completed a ~~clinical and laboratory demonstration~~ an examination on a human subject which, in the board's judgment, is substantially equivalent to the

~~clinical and laboratory demonstration~~ examination administered by the central regional dental testing service.

(e) The applicant has successfully completed a jurisprudence examination on the provisions of Wisconsin statutes and administrative rules relating to dentistry and dental hygiene.

(f) The applicant has been engaged in the active practice of dental hygiene, as defined in s. DE 1.02 (1), in a jurisdiction in which the applicant has a current license in good standing.

(g) The applicant possesses a current certificate of proficiency in cardiopulmonary resuscitation from a course provider approved by the Wisconsin department of health services.

(h) The applicant has disclosed all discipline which has ever been taken against the applicant in any jurisdiction shown in reports from the national practitioner data bank and the American Association of Dental Boards.

(i) The applicant has presented satisfactory responses during any personal interview with the board which may be required to resolve conflicts between the licensing standards and the applicant's application.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; renum. (1) (c) and (d), (2) (c) and (d) to be (1) (d) and (f), (2) (d) and (e) and am. (1) (f), (2) (d) and (e), am. (1) (e), cr. (1) (c) and (2) (c), Register, August, 1987, No. 380, 9-1-87; am. (1) and (2), cr. (1) (g) to (i) and (2) (f) to (i), Register, August, 1991, No. 428, eff. 9-1-91; emerg. r. and recr. (1) (ed), eff. 3-18-97; am. (1) (intro.), (c) (e), (2) (intro.), (c) and (d), Register, April, 1999, No. 520, eff. 5-1-99; CR 09-007: am. (1) (a) Register October 2009 No. 646, eff. 11-1-09; CR 11-034: am. (1) (e) Register July 2012 No. 679, eff. 8-1-12; CR 11-035: am. (1) (g), (h), (2) (a), (g), (h) Register July 2012 No. 679, eff. 8-1-12.

**DE 2.05 Examination passing score.** The score required to pass an examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. ~~The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point which represents minimum acceptable competence in the profession. The board may adopt the recommended passing score of the examination provider.~~

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

~~**DE 2.06 Unauthorized assistance.** An applicant may not give or receive unauthorized assistance during the examination. The action taken by the board when unauthorized assistance occurs shall be related to the seriousness of the offense. These actions may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination in which the unauthorized assistance occurred.~~

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

~~**DE 2.07 Examination review.** (1) An applicant who fails an examination administered by the board may request a review of that examination by filing a written request to the board within 30 days after the date on which the examination results were mailed to the applicant.~~

~~(2) An examination review shall be conducted under the following conditions:~~

- ~~(a) The time for review shall be limited to one hour.  
(b) The examination shall be reviewed only by the applicant and in the presence of a proctor.~~

~~(c) The proctor may not respond to inquiries by the applicant regarding allegations of examination error.~~

~~(d) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing by the applicant on the form provided for this purpose. The request shall be reviewed by the board in consultation with a subject matter expert. The applicant shall be notified in writing of the board's decision.~~

~~(e) An applicant shall be permitted only one review of the failed examination each time it is taken and failed.~~

~~Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.~~

~~History: Cr. Register, April, 1999, No. 520, eff. 5-1-99.~~

~~DE 2.08 Claim of examination error. (1) An applicant wishing to claim an error on an examination administered by the board must file a written request for board review in the board office within 30 days after the date the examination was reviewed. The request shall include all of the following:~~

~~(a) The applicant's name and address.~~

~~(b) The type of license applied for.~~

~~(c) A description of the perceived error, including reference text citations or other supporting evidence for the applicant's claim.~~

~~(2) The request shall be reviewed by the board in consultation with a subject matter expert. The applicant shall be notified in writing of the board's decision.~~

~~Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.~~

~~History: Cr. Register, April, 1999, No. 520, eff. 5-1-99.~~

**DE 2.09 Failure and reexamination.** An applicant who fails to achieve a passing grade on the board-approved examination ~~in clinical and laboratory demonstrations~~ may apply for reexamination on forms provided by the board and shall pay the appropriate fee for each reexamination as required in s. 440.05, Stats. If the applicant fails to achieve a passing grade on any part of the second reexamination, the applicant may not be admitted to any further examination until the applicant reapplies for licensure and presents evidence satisfactory to the board of further professional training or education as the board may prescribe following its evaluation of the applicant's specific case.

**History:** Cr. Register, June, 2001, No. 546, eff. 7-1-01.

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**(1)** A hygienist may practice dental hygiene or perform remediable procedures only as an employee or as an independent contractor and only as follows:

- (a) In a dental office.
- (b) For a school board, a governing body of a private school, as defined in s. 115.001 (3d), or a governing body of a tribal school, as defined in s. 115.001 (15m).
- (c) For a school for the education of dentists or dental hygienists.
- (d) For a facility, as defined in s. 50.01 (1m), a hospital, as defined in s. 50.33 (2), a state or federal prison, county jail or other federal, state, county or municipal correctional or detention facility, or a facility established to provide care for terminally ill patients.
- (e) For a local health department, as defined in s. 250.01 (4).
- (f) For a charitable institution open to the general public or to members of a religious sect or order.
- (g) For a nonprofit home health care agency.
- (h) For a nonprofit dental care program serving primarily indigent, economically disadvantaged or migrant worker populations.

**(2)** A dental hygienist may practice dental hygiene or perform remediable procedures under sub. (1) (a), (d), (f), (g) and (h) only as authorized by a dentist who is licensed to practice dentistry and who is present in the facility in which those practices or procedures are performed, except as provided in sub. (3).

**(3)** A dental hygienist may practice dental hygiene or perform remediable procedures under sub. (1) (a), (d), (f), (g) and (h) if a dentist who is licensed to practice dentistry under this chapter is not present in the facility in which those practices or procedure are performed only if all of the following conditions are met:

- (a) The dental hygiene practices or remedial procedures are performed under a written or oral prescription.
- (b) The dentist who made the written or oral prescription has examined the patient at least once during the 12 month period immediately preceding all of the following:
  - 1. The date on which the written or oral prescription was made.
  - 2. The date on which the dental hygiene practices or remediable procedures are performed.
- (c) The written or oral prescription specifies the practices and procedures that the dental hygienist may perform with the informed consent of the patient or the patient's parent or legal guardian.

**(4)** A dental hygienist, pursuant to a treatment plan approved by a licensed dentist, may administer any of the following upon delegation by the dentist if the dentist remains on the premises in which the practices are performed and is available to the patient throughout the completion of the appointment:

- (a) Oral systemic premedications {specified by rule}
- (b) If the dental hygienist is certified under s. 447.04 (2) (c) 1., local anesthesia.
- (c) Subgingival sustained release chemotherapeutic agents {specified by rule}.
- (d) If the dental hygienist is certified under s. 447.04 (2) (d) 1., nitrous oxide inhalation analgesia.

**(5)** A dental hygienist may not diagnose a dental disease or ailment, determine any treatment or any regimen of any treatment outside of the scope of dental hygiene, prescribe or order medication or perform any procedure that involves the intentional cutting of soft or hard tissue of the mouth by any means.

## Chapter DE 2

### LICENSURE

DE 2.01	Application for license.
DE 2.015	Faculty license.
DE 2.02	Duration of license.
DE 2.03	Biennial renewal.
DE 2.04	Endorsement.

DE 2.05	Examination passing score.
DE 2.06	Unauthorized assistance.
DE 2.07	Examination review.
DE 2.08	Claim of examination error.
DE 2.09	Failure and reexamination.

**Note:** Chapter DE 2 as it existed on February 28, 1982, was repealed and a new chapter DE 2 was created effective March 1, 1982.

**DE 2.01 Application for license. (1)** An applicant for license as a dentist shall submit all of the following to the board:

- (a) An application on a form approved by the board.
- (c) The fee authorized by s. 440.05 (1), Stats.
- (d) Evidence of successful completion of an examination on provisions in ch. 447, Stats., and chs. DE 1 to 9.
- (e) Evidence satisfactory to the board of having graduated from an accredited dental school.
- (f) Verification from the commission on national examinations of the American dental association or other board-approved professional testing services of successful completion of an examination.

(g) Verification from the central regional dental testing service or other board-approved testing services of successful completion of an examination in clinical and laboratory demonstrations taken within the 5-year period immediately preceding application. In this paragraph, “successful completion” means an applicant has passed all parts of the examination in no more than 3 attempts on any one part, as required in s. DE 2.09.

**Note:** Application forms are available upon request to the board office at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.

**(1m)** An applicant for a license as a dentist who is a graduate of a foreign dental school shall submit all of the following to the board:

- (a) Evidence satisfactory to the board of having graduated from a foreign dental school.
- (b) The information required in sub. (1) (a) to (d), (f) and (g).
- (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.

**(2)** An applicant for license as a dental hygienist shall meet requirements in sub. (1) (a) through (d) and shall also submit to the board:

- (a) Verification from the commission on national examinations of the American dental association or other board-approved professional testing service of successful completion of an examination on the basic principles of the practice of dental hygiene; and
- (b) Verification from the central regional dental hygiene testing service or other board-approved testing service of successful completion of an examination in clinical and laboratory demonstrations taken within the 5-year period immediately preceding application.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; am. (1) (g), Register, May, 1984, No. 341, eff. 6-1-84; am. (1) (e), Register, March, 1988, No. 387, eff. 4-1-88; am. (1) (e) and (2) (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (intro.), (a), (c), (e), (f) and r. (1) (b), Register, April, 1999, No. 520, eff. 5-1-99; am. (1) (g), Register, June, 2001, No. 546, eff. 7-1-01; CR 09-007: am. (1) (e), cr.

(1m) Register October 2009 No. 646, eff. 11-1-09; CR 15-013: r. (1m) (e), cr. (1m) (d) Register October 2015 No. 717, eff. 10-1-15.

**DE 2.015 Faculty license. (1)** The board shall grant a license to practice dentistry to an applicant who is licensed in good standing to practice dentistry in another jurisdiction approved by the board upon presentation of the license and who does all of the following:

- (a) Submits an application on a form provided by the board.
- (b) Pays the fee specified in s. 440.05 (2), Stats.
- (c) Submits a written certification from an accredited post-doctoral dental residency training program or accredited school of dentistry in this state that the applicant has been offered employment as a full-time faculty member in that program or at that school of dentistry.
- (d) Submits to an initial interview and any other interview that the board may require that demonstrates, to the board’s satisfaction, that the applicant is competent to practice dentistry.
- (e) Discloses all discipline which has ever been taken against the applicant in any jurisdiction.

**(2)** A license granted under sub. (1) authorizes the license holder to do all of the following:

(a) Practice dentistry only within the primary educational facility affiliated with an accredited post-doctoral dental residency training program or accredited school of dentistry in this state.

(b) Perform dental procedures that are incident to instruction while at a site affiliated with an accredited post-doctoral dental residency training program or accredited school of dentistry located in this state.

**(3)** A license granted under sub. (1) shall not be transferable to another accredited school of dentistry in this state or accredited post-doctoral dental residency training program without prior approval by the board.

**(4)** A license granted under sub. (1) is no longer in effect if the license holder ceases to be employed as a full-time faculty member at an accredited post-doctoral dental residency training program or accredited school of dentistry in this state. The license holder shall notify the board in writing within 30 days of the date on which his or her employment as a licensed faculty member under sub. (1) is terminated.

**Note:** Application forms are available upon request to the Dentistry Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** CR 02-139: cr. Register December 2003 No. 576, eff. 1-1-04; CR 11-034: am. (1) (c), (2) (a), (b), (3), (4) Register July 2012 No. 679, eff. 8-1-12.

**DE 2.02 Duration of license. (1)** Every person granted a license as a dentist shall be deemed licensed for the current biennial license period.

**(2)** Every person granted a license as a dental hygienist shall be deemed licensed for the current biennial license period.

**(3)** Licensees shall qualify biennially for renewal of license.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; am. (2), Register, June, 1995, No. 474, eff. 7-1-95; am. Register, April, 1999, No. 520, eff. 5-1-99.

**DE 2.03 Biennial renewal. (1)** REQUIREMENTS FOR RENEWAL; DENTISTS. To renew a license a dentist shall, by October

1 of the odd-numbered year following initial licensure and every 2 years thereafter, file with the board all of the following:

(a) An application for renewal on a form prescribed by the department.

(b) The fee authorized by s. 440.08 (2), Stats.

(c) Evidence satisfactory to the board that the licensee has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator, achieved through instruction provided by an individual, organization, or institution of higher education approved by the Wisconsin department of health services.

(d) Except as provided in sub. (4), evidence satisfactory to the board of successful completion of the continuing education credit hours required under ch. DE 13.

**(2) REQUIREMENTS FOR RENEWAL; DENTAL HYGIENISTS.** A dental hygienist shall by October 1 of the odd-numbered year following initial licensure and every 2 years thereafter, meet the requirements for renewal specified in sub. (1) (a) to (d).

**(3) FAILURE TO MEET REQUIREMENTS.** A dentist or dental hygienist who fails to meet the requirements under subs. (1) (a) to (d) and (2) by the renewal date shall cease and desist from dental or dental hygiene practice.

**(4) NEW LICENSEES.** Dentists and dental hygienists are not required to satisfy the continuing education requirements under sub. (1) (d) for the first renewal period following the issuance of their initial licenses.

**(5) REQUIREMENTS FOR LATE RENEWAL; REINSTATEMENT.** (a) A dentist or dental hygienist who files an application for renewal of a license within 5 years after the renewal date may renew his or her license by filing with the board all of the following:

1. An application for renewal on a form prescribed by the department.

2. The fee authorized by s. 440.08 (2), Stats., plus the applicable late renewal fee authorized by s. 440.08 (3), Stats.

3. Evidence satisfactory to the board that the licensee has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator, achieved through instruction provided by an individual, organization, or institution of higher education approved by the department of health services.

4. Except as provided under sub. (4), evidence satisfactory to the board of successful completion of the continuing education credit hours required under ch. DE 13.

(b) A dentist or dental hygienist who files an application for renewal more than 5 years after the renewal date may be reinstated by filing with the board an application and fees as specified in subs. (1) and (2) and verification of successful completion of examinations or education, or both, as the board may prescribe.

**(6) REINSTATEMENT FOLLOWING DISCIPLINARY ACTION.** A dentist or dental hygienist applying for licensure following disciplinary action by the board, pursuant to s. 447.07, Stats., may be reinstated by filing with the board:

(a) An application as specified in s. DE 2.01;

(b) The fee authorized by s. 440.05 (1), Stats.;

(c) Verification of successful completion of examinations as the board may prescribe; and,

(d) Evidence satisfactory to the board, either orally or in writing as the board deems necessary, that reinstatement to practice will not constitute a danger to the public or a patient.

**(7) DISPLAY OF LICENSE.** The license and certificate of registration shall be displayed in a prominent place by every person licensed and currently registered by the board.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; correction in (6) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1986, No. 364; am. (1) (intro.), (b), (2), (5) (a) (intro.), 2., (b), (6) (intro.) and (7), r. (4), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (intro.), (2), Register, June, 1996, No. 486, eff. 7-1-96; am. (1) (b), (5) (a) 2. and (6) (b), Register, April, 1999, No. 520, eff. 5-1-99; CR 11-033; am.

(1) (intro.), (a), cr. (1) (d), am. (2), (3), cr. (4), am. (5) (a) (intro.), 1., cr. (5) (a) 4. Register July 2012 No. 679, eff. 8-1-12.; CR 11-035; am. (1) (intro.), (a), cr. (1) (c), am. (5) (a) (intro.), 1., cr. (5) (a) 3. Register July 2012 No. 679, eff. 8-1-12.

**DE 2.04 Endorsement.** (1) The board may grant a license as a dentist to an applicant who holds a valid license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(a) The applicant has graduated from an accredited school of dentistry or the applicant has graduated from a foreign dental school and has successfully completed an accredited postgraduate program in advanced education in general dentistry or an accredited general dental practice residency.

(b) The applicant submits a certificate from each jurisdiction in which the applicant is or has ever been licensed stating that no disciplinary action is pending against the applicant or the license, and detailing all discipline, if any, which has ever been imposed against the applicant or the license.

(c) The applicant has not failed the central regional dental testing service clinical and laboratory demonstration examination, or any other dental licensing examination, within the previous 3 years.

(d) The applicant has been engaged in the active practice of dentistry, as defined in s. DE 1.02 (2), in one or more jurisdictions in which the applicant has a current license in good standing, for at least 48 of the 60 months preceding the application for licensure in Wisconsin.

(e) The applicant has successfully completed a clinical and laboratory demonstration licensing examination on a human subject which, in the board's judgment, is substantially equivalent to the clinical and laboratory demonstration examination administered by the central regional dental testing service, or, alternatively, has successfully completed a board specialty certification examination in a dental specialty recognized by the American Dental Association.

(f) The applicant has successfully completed a jurisprudence examination on the provisions of Wisconsin statutes and administrative rules relating to dentistry and dental hygiene.

(g) The applicant possesses a current certificate of proficiency in cardiopulmonary resuscitation from a course provider approved by the Wisconsin department of health services.

(h) The applicant has disclosed all discipline which has ever been taken against the applicant in any jurisdiction shown in reports from the national practitioner data bank and the American Association of Dental Boards.

(i) The applicant has presented satisfactory responses during any personal interview with the board which may be required to resolve conflicts between the licensing standards and the applicant's application.

**(2)** The board may grant a license as a dental hygienist to an applicant who holds a license issued by the proper authorities of any other jurisdiction of the United States or Canada upon payment of the fee authorized by s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that all of the following conditions are met:

(a) The applicant has graduated from a school of dental hygiene accredited by the Commission on Dental Accreditation of the American Dental Association.

(b) The applicant submits a license from each jurisdiction in which the applicant is or has ever been licensed stating that no disciplinary action is pending against the applicant or the license, and detailing all discipline, if any, which has ever been imposed against the applicant or the license.

(c) The applicant has not failed the central regional dental testing service clinical and laboratory demonstration examination, or

any other dental hygiene licensing examination, within the previous 3 years.

(d) The applicant has successfully completed a clinical and laboratory demonstration examination on a human subject which, in the board's judgment, is substantially equivalent to the clinical and laboratory demonstration examination administered by the central regional dental testing service.

(e) The applicant has successfully completed a jurisprudence examination on the provisions of Wisconsin statutes and administrative rules relating to dentistry and dental hygiene.

(f) The applicant has been engaged in the active practice of dental hygiene, as defined in s. DE 1.02 (1), in a jurisdiction in which the applicant has a current license in good standing.

(g) The applicant possesses a current certificate of proficiency in cardiopulmonary resuscitation from a course provider approved by the Wisconsin department of health services.

(h) The applicant has disclosed all discipline which has ever been taken against the applicant in any jurisdiction shown in reports from the national practitioner data bank and the American Association of Dental Boards.

(i) The applicant has presented satisfactory responses during any personal interview with the board which may be required to resolve conflicts between the licensing standards and the applicant's application.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; renum. (1) (c) and (d), (2) (c) and (d) to be (1) (d) and (f), (2) (d) and (e) and am. (1) (f), (2) (d) and (e), am. (1) (e), cr. (1) (c) and (2) (c), Register, August, 1987, No. 380, 9-1-87; am. (1) and (2), cr. (1) (g) to (i) and (2) (f) to (i), Register, August, 1991, No. 428, eff. 9-1-91; emerg. r. and recr. (1) (ed), eff. 3-18-97; am. (1) (intro.), (c) (e), (2) (intro.), (c) and (d), Register, April, 1999, No. 520, eff. 5-1-99; CR 09-007: am. (1) (a) Register October 2009 No. 646, eff. 11-1-09; CR 11-034: am. (1) (e) Register July 2012 No. 679, eff. 8-1-12; CR 11-035: am. (1) (g), (h), (2) (a), (g), (h) Register July 2012 No. 679, eff. 8-1-12.

**DE 2.05 Examination passing score.** The score required to pass an examination shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession. The board shall make the determination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point which represents minimum acceptable competence in the profession.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**DE 2.06 Unauthorized assistance.** An applicant may not give or receive unauthorized assistance during the examination. The action taken by the board when unauthorized assistance occurs shall be related to the seriousness of the offense. These actions may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination in which the unauthorized assistance occurred.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**DE 2.07 Examination review. (1)** An applicant who fails an examination administered by the board may request a review of that examination by filing a written request to the board within 30 days after the date on which the examination results were mailed to the applicant.

**(2)** An examination review shall be conducted under the following conditions:

(a) The time for review shall be limited to one hour.

(b) The examination shall be reviewed only by the applicant and in the presence of a proctor.

(c) The proctor may not respond to inquiries by the applicant regarding allegations of examination error.

(d) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing by the applicant on the form provided for this purpose. The request shall be reviewed by the board in consultation with a subject matter expert. The applicant shall be notified in writing of the board's decision.

(e) An applicant shall be permitted only one review of the failed examination each time it is taken and failed.

**Note:** The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**DE 2.08 Claim of examination error. (1)** An applicant wishing to claim an error on an examination administered by the board must file a written request for board review in the board office within 30 days after the date the examination was reviewed. The request shall include all of the following:

(a) The applicant's name and address.

(b) The type of license applied for.

(c) A description of the perceived error, including reference text citations or other supporting evidence for the applicant's claim.

**(2)** The request shall be reviewed by the board in consultation with a subject matter expert. The applicant shall be notified in writing of the board's decision.

**Note:** The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**DE 2.09 Failure and reexamination.** An applicant who fails to achieve a passing grade on the board-approved examination in clinical and laboratory demonstrations may apply for reexamination on forms provided by the board and shall pay the appropriate fee for each reexamination as required in s. 440.05, Stats. If the applicant fails to achieve a passing grade on any part of the second reexamination, the applicant may not be admitted to any further examination until the applicant reapplies for licensure and presents evidence satisfactory to the board of further professional training or education as the board may prescribe following its evaluation of the applicant's specific case.

**History:** Cr. Register, June, 2001, No. 546, eff. 7-1-01.

## Chapter DE 3

### PRACTICE OF DENTAL HYGIENE

DE 3.01 Supervision.  
DE 3.02 Practice of dental hygiene defined.  
DE 3.03 Prohibited practices.

DE 3.04 Oral systemic premedications and subgingival sustained release chemotherapeutic agents.

**Note:** Chapter DE 3 as it existed on February 28, 1982 was repealed and a new chapter DE 3 was created effective March 1, 1982.

**DE 3.01 Supervision.** A dental hygienist shall practice under the supervision of a licensed dentist in a dental facility or a facility specified in s. 447.06 (2), Stats., if applicable.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; correction made under s. 13.93 (2m) (b) 7., Stats., Register August 2006 No. 608.

**DE 3.02 Practice of dental hygiene defined.**

(1) Those practices a dental hygienist may perform while a dentist is present in the dental facility include:

- (a) Performing complete prophylaxis which may include:
  1. Removing calcareous deposits, accretions and stains from the surface of teeth;
  2. Performing deep periodontal scaling, including root planing;
  3. Polishing natural and restored tooth surfaces.
- (b) Placing temporary restorations in teeth in emergency situations.

(c) Placing in an oral cavity:

1. Rubber dams; and
2. Periodontal surgical dressings.

(d) Removing from an oral cavity:

1. Rubber dams;
2. Periodontal surgical dressings; and
3. Sutures.

(e) Removing excess cement from teeth, inlays, crowns, bridges and fixed orthodontic appliances.

(2) Those practices a dental hygienist may perform whether or not a dentist is present in the dental facility include:

- (a) Preparing specimens for dietary or salivary analysis;
- (b) Taking impressions for and fabricating study casts and opposing casts;

(c) Making and processing dental radiograph exposures;

(d) Conducting a preliminary examination of the oral cavity and surrounding structures which may include preparing case histories and recording clinical findings for the dentist to review;

(e) Providing prevention measures, including application of fluorides and other topical agents approved by the American dental association for the prevention of oral disease.

(3) A dental hygienist shall report clinical findings made in the practice of dental hygiene to the supervising dentist.

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82.

**DE 3.03 Prohibited practices.** A dental hygienist may not:

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

(2) Place or adjust dental appliances.

(3) Diagnose any condition of the hard or soft tissues of the oral cavity or prescribe treatment to modify normal or pathological conditions of the tissues.

(4) Place and carve restorations, except as specified in s. DE 3.02 (1) (b).

**History:** Cr. Register, February, 1982, No. 314, eff. 3-1-82; CR 15-056: am. (1) Register February 2016 No. 722, eff. 3-1-16.

**DE 3.04 Oral systemic premedications and subgingival sustained release chemotherapeutic agents.**

(1) "Oral systemic premedications" means antibiotics that are administered orally to patients prior to providing dental or dental hygiene services in order to mitigate against the risk of patients developing a bacterial infection.

(2) "Subgingival sustained release chemotherapeutic agents" means medications that are applied under the gum tissue in periodontal pockets to treat periodontal or gum disease.

(3) A dentist may delegate to a dental hygienist the administration of oral systemic premedications and subgingival sustained release chemotherapeutic agents to patients only if all of the following conditions are met:

(a) The administration is performed pursuant to a treatment plan for the patient approved by a dentist.

(b) A dentist remains on the premises in which the administration is performed and is available to the patient throughout the completion of the appointment.

**History:** Cr. Register, September, 2000, No. 537, eff. 10-1-00.