STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Administrative Rule Chapter, Title and Number
DE 10

3. Subject
Regulation of mobile dentistry programs

4. Fund Sources Affected
☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

5. Chapter 20, Stats. Appropriations Affected
20.165(1)(g)

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 addressed by the rule is to implement 2013 Act 244 by doing the following: create a definition of "mobile dentistry program"; define the activities that constitute the operation of a mobile dentistry program; requirements for obtaining a registration; requirements for patient access to dental records; and standards of conduct for the operation of a mobile dentistry program, the provision of dental services through a mobile dentistry program and the use of portable dental equipment.

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 14 days for economic comment. Matt Crespin of Children's Health Alliance of Wisconsin submitted economic comments citing the requirement for the written protocol for follow-up care to include a written agreement with a least one provider for emergency treatment may create an economic impact and requesting an exemption from the written agreement for programs receiving state funding. Mr. Crespin further requested an exemption from registration for all programs receiving state funding. The Board invited Mr. Crespin to a Board meeting to discuss his economic concerns. It is the Board's opinion that privately funded programs should be on the same playing field as those who are partially funded by the state, therefore, no exemptions should not be created in the rules for programs receiving state funding.

11. Identify the local governmental units that participated in the development of this EIA.
None

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)
The Board did not find an economic or fiscal impact on business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

The Board did determine there may be an economic and fiscal cost to mobile dentistry programs. The Board was unable to determine the compliance costs to be incurred by the requirement of a written agreement for emergency treatment. Throughout the development of the rule, differing opinions were offered by stakeholders as to the cost of obtaining the written agreement for emergency treatment. The Board's position is if a requirement does create an economic impact,

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the economic impact should not affect only private businesses. The mobile dentistry program requirements should be the same regardless of whether the program is privately or partially public funded.

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

The benefit to implementing the rule is to create clarity regarding the mobile dentistry program. In addition, 2013 Act 244 does not go into effect until the 1st day of the 3rd month after the rules have been submitted to the legislative reference bureau for publication. Therefore the alternative to implementing the rule is 2013 Act 244 would not become effective and there would be no registration of mobile dentistry programs.

14. Long Range Implications of Implementing the Rule

The long range implication is the registration of mobile dentistry program resulting in access to patient records and safety of the public.

15. Compare With Approaches Being Used by Federal Government

None

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

Iowa and Minnesota do not require the registration of mobile dentistry programs.

Illinois defines mobile dental vans and portable dental units as any self-contained or portable dental unit in which dentistry is practiced that can be moved, towed, or transported from one location to another in order to establish a location where dental services can be provided. A dentist providing services through a mobile dental van or portable dental unit is to provide to the patient or the patient's parent or guardian, in writing, the dentist's name, license number, address, and information on how the patient or the patient's parent or guardian may obtain the patient's dental records.

Michigan defines mobile dentistry as a self-contained, intact facility in which dentistry or dental hygiene is practiced that may be transported from one location to another or a site used on a temporary basis to provide dental services using portable equipment. An application shall include: a list of each dentist, dental hygienist and dental assistant who will provide care including each individual's name, address, telephone number and license number; a written plan and procedure for providing emergency follow-up care to each patient; a signed memorandum of agreement between the operator and at least one dentist who can arrange for or provide follow-up services at a site within a reasonable distance for the patient; if provides only preventative services, a signed memorandum of agreement for referral for comprehensive dental services between the operator and at least 1 dentist; and proof of general liability insurance covering the mobile dental facility. If an operator has a memorandum of agreement due to its status as a state of Michigan designated or funded oral health prevention program with oversight from the department of community health, the operator is exempt from any requirement concerning a memorandum of agreement. The patient shall be provided a copy of a written treatment plan which shall address comprehensive services to be provided either at the mobile dental facility or through a dentist under a memorandum of agreement with the operator of the mobile dental facility. If the operator is unable to make arrangements for continued treatment, he or she shall place written documentation of the attempts in the patient record and make the documentation available to the department upon request. The operator shall provide access to records upon request.

17. Contact Name	18. Contact Phone Number
Sharon Henes	(608) 261-2377

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ATTACHMENT A

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

The Board was unable to determine whether there would be an economic impact on small businesses by requiring a written referral agreement for emergency care. The standard of care for all dentists and dental hygienists is to make referrals if necessary. Many mobile dentistry programs already have referral protocols in place and written agreements in place. It is difficult to quantify the costs associated with obtaining a written referral agreement for emergency care as there are many factors such as type of mobile dentistry program, geographic location in the state and existing relationships between mobile dentistry programs and local dentists.

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

The Board received input from stakeholders throughout the drafting of the rule. In addition, the rule was posted for economic impact comments.

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

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

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

The Board did not accept the recommendation to have reports submitted to the board, department of safety and professional services or department of health services. The Board considered a notification system to all or a percentage of dentists in the area to ensure follow-up care and it was determined to be a burden and would not protect the public. The Board also considered requiring a written referral agreement for all follow-up care.

The method incorporated into the rule to reduce the impact on mobile dentistry programs and protect the public was to require a written referral agreement for emergency care only. This provides the patient with a referral to obtain necessary emergency care.

5. Describe the Rule's Enforcement Provisions

A complaint submitted to the Board would be investigated and a determination made whether to pursue disciplinary action on the mobile dentistry registration.

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

☐ Yes ☒ No