



Carol Roessler
STATE SENATOR

To: Members of the Senate Committee on Health, Children, Families, Aging
and Long Term Care

From: Senator Carol Roessler, Chair

Date: July 30, 2003

Re: Clearinghouse Rule 02-138, relating to dental specialties.

In this proposed rule-making order the Dentistry Examining Board amends its rules relating to dental specialties. Section 1 amends s. DE 6.02 (4) (c) to indicate that if the American Dental Association recognizes a particular dental specialty, the board would automatically recognize it, too. Therefore, this rule-making order would eliminate the need to approve every new specialty that is recognized by the ADA and from having to amend the Note each time a new specialty occurred.

If you would like the committee to hold a hearing on CR 02-138, please contact Jennifer Halbur in my office at 266-5300. The committee has jurisdiction over this rule until Friday, August 29, 2003.

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 02-138)**

TO: Alan J. Lasee
President of the Senate
Room 219 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the DENTISTRY EXAMINING BOARD submitting in final draft form rules relating to dental specialties.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 02-138
DENTISTRY EXAMINING BOARD : (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The Department of Regulation and Licensing will incur \$500.00 in costs to print and distribute the rule change. The Department will also save an undetermined amount in not having to distribute rule changes for each new specialty.

IV. STATEMENT EXPLAINING NEED:

In this rule-making order the Dentistry Examining Board amends its rules relating to dental specialties. Section DE 6.02 (4) (c) is amended to indicate that if the American Dental Association recognizes a particular dental specialty, the board would automatically recognize it, too. Therefore, this rule-making order would eliminate the need to approve every new specialty that is recognized by the ADA and from having to amend the Note each time a new specialty occurred.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on January 8, 2003. There were no appearances at the public hearing and no written comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD : ADOPTING RULES
:(CLEARINGHOUSE RULE 02-138)

PROPOSED ORDER

An order of the Dentistry Examining Board to repeal the Note following DE 6.02 (4) (c); and to amend DE 6.02 (4) (c) relating to dental specialties.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Wis. Stats.

Statutes interpreted: s. 447.07 (3) (o), Wis. Stats.

In this proposed rule-making order the Dentistry Examining Board amends its rules relating to dental specialties. Section 1 amends s. DE 6.02 (4) (c) to indicate that if the American Dental Association recognizes a particular dental specialty, the board would automatically recognize it, too. Therefore, this rule-making order would eliminate the need to approve every new specialty that is recognized by the ADA and from having to amend the Note each time a new specialty occurred.

Section 2 deletes the Note following s. DE 6.02 (4) (c) which states the board recognizes the following dental specialties: endodontics, oral and maxillofacial surgery, oral pathology, orthodontics, pedodontics, periodontics, prosthodontics and public health.

TEXT OF RULE

SECTION 1. DE 6.02 (4) (c) is amended to read:

DE 6.02 (4) (c) Notice of a practice as a specialist in a dental specialty unless the dentist has successfully completed a post-doctorate course approved by the ~~commission on dental accreditation of the American dental association~~ Commission on Dental Accreditation of the American Dental Association in a specialty recognized by the ~~board~~ American Dental Association. This limitation does not apply to a dentist who announced a limitation of practice prior to 1967.

SECTION 2. The Note following DE 6.02 (4) (c) is repealed.

(END OF TEXT OF RULE)

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.), Wis. Stats.

Dated _____ Agency _____

Chairperson
Dentistry Examining Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500.00 in costs to print and distribute the rule change. The Department will also have an undetermined amount in not having to distribute rule changes for each new specialty.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.

g:\rules\den14.doc
7/29/03



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE 02-138

AN ORDER to repeal DE 6.02 (4) (c) Note; and to amend DE 6.02 (4) (c), relating to dental specialties.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-02-2002 RECEIVED BY LEGISLATIVE COUNCIL.

12-19-2002 REPORT SENT TO AGENCY.

RNS:DD

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 02-138

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. It is not clear why the department's analysis cites s. 447.04 (2) (a) 6., Stats. Section DE 6.02 (4) (c) appears only to apply to dentists. More generally, the relationship of this rule to the licensure provisions of s. 447.04 (1) (a) 6. and (2) (a) 6., Stats., is unclear.

b. It is also not clear why the department's analysis fails to cite pertinent provisions of s. 447.07, Stats., especially s. 447.07 (3) (o), Stats., which appear to be the primary provisions being interpreted by the rule.

c. The board should consider using this proposed rule to correct the reference in current s. DE 6.01. It appears that the reference should be to s. 447.07 (3) (o), Stats. Also, the brackets around "in" should be deleted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

One might infer from the department's analysis that the Examining Board retains authority to approve a dental specialty not approved by the American Dental Association. As drafted, the only specialty that may be advertised is one recognized by the American Dental Association. It is suggested that the first paragraph of the department's narrative analysis be revised for improved clarity and readability.