

## Chapter DE 3

### PRACTICE OF DENTAL HYGIENE

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**Note:** Chapter DE 3 as it existed on February 28, 1982 was repealed and a new chapter DE 3 was created effective March 1, 1982.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. (1)** (a) This subsection applies to a dental hygienist who is practicing dental hygiene or performing remediable procedures as an employee or as an independent contractor in a dental office.

(b) A dental hygienist may practice dental hygiene or perform remediable procedures only as authorized by a licensed dentist who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

(c) A dental hygienist may practice dental hygiene or perform remediable procedures if a licensed dentist is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:

1. The dental hygiene practices or remediable procedures are performed under a written or oral prescription.

2. 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:

a. The date on which the written or oral prescription was made.

b. The date on which the dental hygiene practices or remediable procedures are performed.

3. The written or oral prescription specifies the practices and procedures that the dental hygienist may perform with the informed consent of the patient or, if applicable, the patient's parent or legal guardian.

**(2)** (a) This subsection applies to a dental hygienist who is practicing dental hygiene or performing remediable procedures as an employee or as an independent contractor as follows:

1. For a school board, a governing body of a private school, as defined in s. 115.001 (3d), Stats., or a governing body of a tribal school, as defined in s. 115.001 (15m), Stats.

2. For a school for the education of dentists or dental hygienists.

3. For 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.

4. For a local health department, as defined in s. 250.01(4), Stats.

5. For a charitable institution open to the general public or to members of a religious sect or order.

6. For a nonprofit home health care agency.

7. For a nonprofit dental care program serving primarily indigent, economically disadvantaged or migrant worker populations.

8. At a facility, as defined in s. 50.01 (1m), Stats., an adult family home certified under s. 50.032, Stats. or licensed under s. 50.033, Stats., an adult day care center, as defined in s. 49.45 (47) (a), Stats., a community rehabilitation program, a hospital, as defined in s. 50.33 (2), Stats., or a facility that is primarily operated to provide outpatient medical services.

(b) A dental hygienist may only practice dental hygiene, as defined in s. 447.01 (3), Stats., or perform remediable procedures, as defined in s. 447.01 (12), Stats.

**History:** CR 17-068: r. and recr. Register August 2019 No. 764, eff. 9-1-19; correction in (2) (b) made under s. 35.17, Stats., Register August 2019 No. 764.

**DE 3.03 Prohibited practices.** A dental hygienist may not do any of the following:

**(1)** Diagnose a dental disease or ailment.

**(2)** Determine any treatment or any regimen of any treatment outside of the scope of dental hygiene.

**(3)** Prescribe or order medication or radiographs.

**(4)** Perform any procedure that involves the intentional cutting of soft or hard tissue of the mouth by any means.

**(5)** Administer nitrous oxide inhalation, except as provided in ch. DE 15.

**(6)** Administer injectable local anesthesia, except as provided in ch. DE 7.

**History:** CR 17-068: r. and recr. Register August 2019 No. 764, eff. 9-1-19; correction in (3) made under s. 35.17, Stats., Register August 2019 No. 764; CR 23-066: am. (6) Register July 2024 No. 823, eff. 8-1-24.

**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 antibiotics that are applied in periodontal pockets to treat periodontal 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; CR 17-068: am. (2) Register August 2019 No. 764, eff. 9-1-19.

**DE 3.05 Topical anesthetics. (1)** In this section:

(a) "Subgingival anesthetics" means non-injectable topical anesthetics applied below the gum tissue as a remediable procedure.

(b) "Topical anesthetics" means anesthetics applied to a body

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surface such as the skin or mucous membrane as a remediable procedure.

(2) Pursuant to s. 447.06 (2) (c), Stats., a dental hygienist may apply subgingival anesthetics and topical anesthetics to a patient without the presence of a dentist, if all of the following conditions are met:

(a) The remediable procedure is performed under a written or oral prescription.

(b) The dentist who made the written or oral prescription has seen the patient at least once during the 12-month period which immediately precedes all of the following:

1. The date on which the written or oral prescription was made.

2. The date on which the dental hygiene practice or remediable procedure is 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, if applicable, the patient's parent or legal guardian.

**History:** CR 23-066: cr. Register July 2024 No. 823, eff. 8-1-24.