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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-016

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 September 1998.]

1. Statutory Authority

Section DE 7.04 (4) appears to be in conflict with s. 447.06 (2) (e) 2. That statutory provision provides that a licensed dental hygienist may administer local anesthesia “if the dental hygienist *is certified* under s. 447.04 (2) (c) 1.” (Emphasis added.) It appears that s. DE 7.04 (4), may conflict with this requirement by permitting a dental hygienist who has not yet obtained certification under s. 447.04 (2) (c) 1., Stats., to administer local anesthesia to a patient at the dental hygienist’s place of employment. Further, that subsection of the rule appears to *require* an applicant for certification to administer local anesthesia to a patient.

2. Form, Style and Placement in Administrative Code

a. The definition of “board” in s. DE 7.02 (2) is unneeded. The term is defined in current s. DE 1.02 (3).

b. Should the rule contain a more specific description of the type of “qualification” in cardiopulmonary resuscitation that an applicant for certification must have? See, for example, s. DE 7.03 (2).

c. Section DE 7.04 (4) does not follow from s. DE 7.04 (intro.). Also, reference is made to “this course.” The rule should indicate what “this course” is. Finally, “currently” should not be used in a rule. [See s. 1.01 (9) (b), Manual.]

d. Abbreviations and parentheses should be avoided in a rule. See s. DE 7.05 (3) (b). [See s. 1.01 (6) and (8), Manual.]

e. Throughout the rule, “must” should be changed to “shall.”

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

The analysis to the rule should include, as a statutory provision interpreted, s. 447.06 (2) (e) 2., Stats.

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

The analysis to the rule should state that in order to obtain certification, an applicant who is currently employed must provide a statement from the employing dentist that the applicant has administered an inferior alveolar injection on a patient.