



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 15-056

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. The Board should add a provision to the rule that establishes a procedure for Board approval of certification programs referred to in s. DE 15.05. This will enable dental hygienists to know whether a certification program that is offered provides adequate instruction to entitle them to receive a certificate to administer nitrous oxide inhalation analgesia. It is unclear how the Board would know whether a certification program attended by a dental hygienist meets the requirements set forth in s. DE 15.05 (2) if a provision of this type is not added to the rule. [For examples of rule provisions providing for approval of training programs, see ss. ATCP 136.08 (2), FD 6.06, and DHS 129.27.]

b. Section DE 15.03 should be rewritten so that the introductory material is in the active voice and is grammatically consistent with the material in the subunits. [ss. 1.01 (1) and 1.03 (3), Manual.] For example, the section could be rephrased to state: “The board shall grant certification to administer nitrous oxide inhalation analgesia to an applicant who satisfies all of the following conditions:

- (1) The applicant holds a valid license....
- (2) The applicant has completed the educational requirements....
- (3) The applicant has submitted....”.

c. In s. DE 15.05 (2), par. (c) should be rewritten to form a complete sentence with sub. (2) (intro.). Alternatively, the provision could be numbered as sub. (3), instead of sub. (2) (c), if appropriate.

d. Section DE 15.06 should be rewritten to provide that a dental hygienist may administer nitrous oxide inhalation analgesia only if all of the following requirements are met: (1) the nitrous oxide inhalation analgesia is administered pursuant to a treatment plan approved by the dentist; (2) the dentist remains on the premises; and (3) the dentist is available to the patient throughout the completion of the appointment. These elements are all required under s. 447.06 (2) (e) 4., Stats.

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

a. In s. DE 11.03 (1), the word “has” should be changed to “utilizes”.

b. In s. DE 15.04 (2), what constitutes “successful completion”? How is successful completion to be documented?

c. Section DE 15.05 (intro.) should be rewritten in the active voice, in a more concise, simple sentence. [See s. 1.01 (1), Manual.]