

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DENTISTRY EXAMINING BOARD : CR 13-061
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I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

A form, Application for Dental Permit to Administer Conscious Sedation, is available for use on the department's webpage; see dentist, application forms at <http://dsps.wi.gov/default.aspx?page=17b4ba98-7913-40e8-84e7-8ac2330a0aca>

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The purpose of the proposed rule is to provide the Dentistry Examining Board with discretion in reviewing and approving applications for sedation permits. As the rule is currently written, ch. DE 11, approval is not discretionary. The Board through this proposed rule may take into consideration any investigations, pending investigations, or other discipline of the permit applicant.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Dentistry Examining Board held a public hearing on November 6, 2013. The following people either testified at the hearing, or submitted written comments:

No testimony was given at the hearing.

The Dentistry Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

No written testimony was received.

The Dentistry Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

No modification to the proposed rules were made relating to verbal or written comment.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

COMMENT: 2.c.

RESPONSE: In responding to the recommendation in comment 2.c., the Dentistry Examining Board is proposing to create a new section, s. DE 11.025. This section is intended to provide the Board with actions that may be taken during their consideration of a sedation permit application.

COMMENT: 5.a.

RESPONSE: In responding to the recommendation in comment 5.a., the section creating DE 11.02 (9m) was reorganized as suggested and renumbered as DE 11.02 (1s), (1t) and (1u). In these newly-created and reworded subsections, the term “administer” now replaces “does” as recommended.

With the exception of the responses noted above, all of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules were not submitted to the Small Business Regulatory review Board.

These rules will not have a significant economic impact on a substantial number of small businesses.