

**STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD**

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**IN THE MATTER OF RULE-MAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
DENTISTRY EXAMINING BOARD : CR 13-074  
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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

Under current code language, s. DE 12.02 training, a dentist who delegates any dental procedure or function to an unlicensed person must maintain verifiable records on forms approved by the board of the successful completion of the training by the unlicensed person. The proposed rule would delete the requirement for a form, which was never created or in use.

**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 repeal the requirements for the submittal of a form to verify a dentist's training and delegation of any remediable dental procedure to an unlicensed person. Licensed dentists will continue to be responsible for training unlicensed persons in practices and functions, but so communicating to the board will not be in practice.

**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:** 5.e.

**Response:** The recommendation was to revise a phrase regarding the delegation by a dentist of a procedure or function. A motion was made and unanimously passed to not accept this recommendation in that dentists acknowledge their responsibility for both the proper training and the delegation of a procedure or function.

**Comment:** 5.f.

**Response:** The recommendation was to change the terms “aiding and abetting” in s. DE 12.03 (2) to ‘aids and abets’. The Board noted that the existing terms are used in s. DE 5.02 (2), of which this section cites. A motion was made and unanimously passed to not make the change to these two terms for this very reason.

All of the remaining 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.