

Report From Agency

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DENTISTRY EXAMINING BOARD : CR 19-132**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS: n/a

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 rule was to do a comprehensive review and update of chapters DE 9 and 11 to ensure the chapters are statutorily compliant, remove obsolete or unnecessary provisions and current with professional standards and practices.

The proposed revisions to DE 9 remove prescribed format for dental laboratory work authorization and simplifies the requirements to the basic elements necessary. The proposed revisions to DE 11 update sedation and anesthesia to be in line with the American Dental Association Guidelines for the Use of Sedation and General Anesthesia by Dentists and several other states.

The proposed rule advances the goal of maintaining minimum standards necessary for the safety of the public and removing obsolete requirements.

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, 2019. The following people either testified at the hearing, or submitted written comments:

Kaveh Ghaboussi, DDS

David Ducommun, DDS representing No Fear Dentistry

Robert Heil, DDS representing Concerned Dentists of Wisconsin
Michael Silverman DMD and Kathleen Marcus representing DOCS Education
Pete Haley, DDS
Robert Hall, DDS

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

Dr. Ghaboussi, Dr. Ducommun, Dr. Haley and Dr. Hall expressed concerns relating to access for patients who require moderate sedation by enteral route. The main concern was the proposed rule has a Class 2 permit for moderate sedation regardless of the route the sedation was provided to the patient. Many dentists only perform enteral sedation. Dentists may not want to perform parenteral sedation and therefore not obtain the Class 2 permit which is required for moderate sedation (regardless of whether the route of sedation is an IV or oral drug). In addition, the additional education in order to obtain a moderate sedation (covering both parenteral and enteral routes) will create a burden for dentists. There is a patient need for more dentists to do sedation dentistry.

Dr. Silverman and Atty Marcus provided information to the Board related to DOCS Education. They encouraged the Board to keep the education requirements for enteral and parenteral separate.

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

There are two Class 2 permits: Class 2 – enteral and Class 2 – parenteral. The Class 2 – enteral requires 18 hours of education in administration and management of moderate sedation. The Class 2 – parenteral requires 60 hours of education in administration and management of moderate sedation.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

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

There is no economic impact on small business.