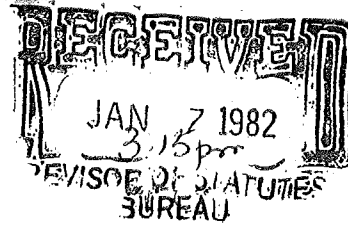


DE 1 to 9

CERTIFICATE



STATE OF WISCONSIN)
) SS
DENTISTRY EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Calvin Gander, secretary of the Dentistry Examining Board, and custodian of the official records of said board do hereby certify that the annexed rules relating to authority and definitions; educational programs meeting licensing and certification requirements; practice of dental hygiene; licensure; standards of conduct; unprofessional advertising; rules of procedure; access to public records; and, laboratories and work authorizations, were duly approved and adopted by this board on January 6, 1982.

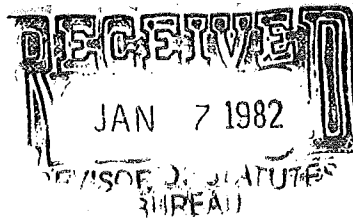
I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 6th day of January, A.D. 1982.

Calvin Gander
Calvin Gander, Secretary
Dentistry Examining Board

pc6469

3-1-82



STATE OF WISCONSIN
BEFORE THE
DENTISTRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE DENTISTRY
PROCEEDINGS BEFORE THE : EXAMINING BOARD REPEALING,
DENTISTRY EXAMINING BOARD : AMENDING OR ADOPTING RULES

Relating to rules concerning authority and definitions; educational programs meeting licensing and certification requirements; practice of dental hygiene; licensure; standards of conduct; unprofessional advertising; rules of procedures; access to public records; and, laboratories and work authorizations.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

The rules in this proposed order represent a comprehensive revision of the code of the Dentistry Examining Board. The purpose of the revision in general is to repeal and recreate current rules to reorganize and rewrite the rules in a clear, concise manner so they may be easily understood; to create new provisions on access to public records and standards of conduct and unprofessional advertising, to delete obsolete provisions; and, to eliminate unnecessary repetition of statutory language. Specifically,

Chapter DE 1. Authority and Definitions.

This chapter cites authority for rules adopted in Chapters DE 1-9. Terms used throughout the draft are defined in s. DE 1.02.

Chapter DE 2. Licensure.

This chapter, interpreting ss. 447.05 and 447.08, Stats., describes the methods by which applicants may become licensed or certified and licensees and certificants may renew or reinstate licenses or receive licenses by endorsement. Proposed s. DE 4.04(1)(c) requires that an out-of-state practitioner must have been in the active practice of dentistry for the period specified before eligible for licensure in Wisconsin.

Chapter DE 3. Practice of Dental Hygiene.

Chapter DE 3, interpreting s. 447.08, Stats., enumerates tasks that may be performed by dental hygienists. Proposed s. DE 3.03 lists practices that a dental hygienist specifically may not perform.

Chapter DE 4. Educational Programs Meeting Licensing and Certification Requirements.

Chapter DE 4, interpreting ss. 447.03(1) and 447.08(2), Stats., specifies that prelicensure educational programs for dentists and dental hygienists

must be approved by the board. Proposed s. DE 2.02 indicates that evaluation programs for applicants who are graduates of dental education programs in other countries must also be board-approved.

Chapter DE 5. Standards of Conduct.

The proposed standards of conduct in Chapter DE 5, interpreting s. 447.07(3), Stats., enumerate in detail violations which constitute unprofessional conduct. All grounds represent violations of professional practice which endanger public health, safety or welfare.

Chapter DE 6. Unprofessional Advertising.

Provisions contained in Chapter DE 6, interpreting s. 447.07(6), Stats., list practices that represent violations of professional advertising standards.

Chapter DE 7. Rules of Procedures.

This chapter states that the board's procedures for disciplinary proceedings are established in Chapter RL 2, Wis. Adm. Code.

Chapter DE 8. Access to Public Records.

In response to a request by the Center for Public Representation, proposed rules in this chapter interpret s. 19.21, Stats., relating to access to records.

Chapter DE 9. Laboratories and Work Authorizations.

Current Chapter DE 6 is renumbered to Chapter DE 9. Minor amendments are made to indicate in s. DE 9.01 that the provision is a definition of "dental laboratory"; to indicate in s. DE 9.02 that the work authorization forms may be similar to the form shown in the rule; and, in s. DE 9.02(3), to revise advertising prohibitions directed to dental laboratories to state that advertising by laboratories may not indicate that services are provided directly to the public. The rules in this chapter interpret s. 447.06(5), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED That pursuant to authority vested in the Dentistry Examining Board in ss. 15.08(5), 227.014 and Chapter 447, Stats., the Dentistry Examining Board hereby repeals, recreates and adopts rules, interpreting ss. 447.02, 447.03, 447.04, 447.05, 447.06, 447.07 and 447.08, Stats., as follows:

Section 1. Chapter DE 1 of the Wisconsin administrative code is repealed and recreated to read:

CHAPTER DE 1

AUTHORITY AND DEFINITIONS

DE 1.01 AUTHORITY. The rules in chapters DE 1 through 9 are adopted pursuant to authority in ss. 15.08(5), 227.014 and Chapter 447, Stats.

DE 1.02 DEFINITIONS. As used in rules of the dentistry examining board, (1) "Active practice of dentistry" means having engaged in at least 1,000 hours of the practice of dentistry within the 12-month period preceding application for registration in Wisconsin.

(2) "Board" means the dentistry examining board.

(3) "Clinical and laboratory demonstration" means a comprehensive examination approved by the board consisting of a written part and a demonstration of skills, operative and restorative techniques and practical application of the basic principles of the practice of dentistry or a comprehensive examination approved by the board consisting of a written part and a demonstration of skills, techniques and practical application of the basic principles of the practice of dental hygiene.

(4) "Department" means the department of regulation and licensing.

(5) "Examination" means a comprehensive, written examination approved by the board on the basic principles of the practices of dentistry or dental hygiene.

(6) "Practice of dental hygiene" means the application of skills to render educational, preventive and therapeutic services not in conflict with the practice of dentistry as defined in s. 447.02, Stats.

(7) "Supervision" means the direction of the practice of dental hygiene, as specified in s. DE 3.02, by a licensed dentist.

Section 2. Chapter DE 2 of the Wisconsin administrative code is repealed and recreated to read:

CHAPTER DE 2

LICENSURE

DE 2.01 APPLICATION FOR LICENSE. (1) An applicant for license as a dentist shall submit to the board:

(a) An application on a form approved by the board;

(b) A current, passport-type photograph of the applicant;

(c) The fee specified in s. 440.05(1), Stats.;

(d) Evidence of successful completion of an examination on provisions in ch. 447, Stats., and chs. DE 1-9, Wis. Adm. Code;

(e) Evidence satisfactory to the board of having completed educational requirements in s. 447.03(2), Stats. In the case of a graduate of a foreign dental school, verification shall be provided from a foreign graduate evaluation program conducted in California, Maryland, Minnesota, New York or other board-approved evaluation programs of successful completion of the evaluation course;

(f) Verification from the commission on national examinations of the American dental association or other board-approved professional testing services of successful completion of an examination; and

(g) Verification from the central regional dental testing service or other board-approved testing services of successful completion of an examination in clinical and laboratory demonstrations taken within the 5-year period immediately preceding application.

NOTE: Application forms are available upon request to the board office at 1400 East Washington Avenue, Madison, Wisconsin 53702.

(2) An applicant for certificate as a dental hygienist shall meet requirements in pars. (a) through (d) of sub 1 and shall also submit to the board:

(a) Verification from the commission on national examinations of the American dental association or other board-approved professional testing service of successful completion of an examination on the basic principles of the practice of dental hygiene; and

(b) Verification from the central regional dental hygiene testing service or other board-approved testing service of successful completion of an examination in clinical and laboratory demonstrations taken within the 5-year period immediately preceding application.

DE 2.02 REGISTRATION OF LICENSE. (1) Every person granted a license as a dentist shall be deemed registered for the current registration period.

(2) Every person granted a certificate as a dental hygienist shall be deemed registered for the current registration period.

(3) Registrants shall qualify biennially for certificates of registration.

DE 2.03 BIENNIAL REGISTRATION. (1) REQUIREMENTS FOR RENEWAL; DENTISTS. To renew and obtain a new certificate of registration a dentist shall, by September 30 of the odd-numbered year following initial registration and every 2 years thereafter, file with the board:

(a) An application for renewal on a form prescribed by the department; and

(b) The fee specified in section 440.05(3), Stats.

(2) REQUIREMENTS FOR RENEWAL; DENTAL HYGIENISTS. A dental hygienist shall by September 1 of the odd-numbered year following initial registration and every 2 years thereafter, meet requirements for renewal specified in subs. (a) and (b) of the preceding section.

(3) FAILURE TO MEET REQUIREMENTS. A dentist or dental hygienist who fails to meet requirements in subs. (1) and (2) of this section by the renewal date shall cease and desist from dental or dental hygiene practice.

(4) REVOCATION OF LICENSE FOR FAILURE TO RENEW. The board may suspend or revoke the license of a dentist or the certificate of a dental hygienist who fails to renew a certificate of registration within 60 days of the renewal date.

(5) REQUIREMENTS FOR LATE RENEWAL; REINSTATEMENT. (a) A dentist or dental hygienist who renews the certificate of registration within one year after the date of license expiration or the date of revocation due to failure to renew the license may be reinstated by filing with the board:

1. An application for renewal on a form prescribed by the department;
2. The fee specified in section 440.05(3) plus a late renewal fee as specified in sections 440.05(4) and (5), Stats.

(b) A dentist or dental hygienist who files an application for renewal more than one year after the renewal period or the date of license revocation may be reinstated by filing with the board an application and fees as specified in subs. (1) and (2) and verification of successful completion of examinations as the board may prescribe.

(6) REINSTATEMENT FOLLOWING DISCIPLINARY ACTION. A dentist or dental hygienist applying for licensure or certification following disciplinary action by the board, pursuant to section 447.07, Stats., may be reinstated by filing with the board:

- (a) An application as specified in section DE 2.01;
- (b) The fee specified in section 440.05(a), Stats.;
- (c) Verification of successful completion of examinations as the board may prescribe; and,
- (d) Evidence satisfactory to the board, either orally or in writing as the board deems necessary, that reinstatement to practice will not constitute a danger to the public or a patient.

(7) DISPLAY OF LICENSE; CERTIFICATE; CERTIFICATE OF REGISTRATION. The license or certificate and certificate of registration shall be displayed in a prominent place by every person licensed or certified and currently registered by the board.

DE 2.04 ENDORSEMENT. (1) The board may grant a license as a dentist to an applicant who holds a license issued by the proper authorities of any other state, upon payment of the fee specified in section 440.05(1), Stats., and submission of evidence satisfactory to the board that:

- (a) The applicant has qualifications substantially equivalent to standards specified in s. 447.03(2), Stats.;

(b) The applicant holds a valid license as a dentist which has not been revoked or suspended in another state;

(c) The applicant has been engaged in the active practice of dentistry, as defined in s. DE 1.02(1), Wis. Adm. Code;

(e) The applicant has successfully completed a clinical and laboratory examination as the board may prescribe.

(d) The applicant has successfully completed an examination on provisions on dentistry specified in Ch. 447, Stats. and Chs. DE 1-9, Wis. Adm. Code; and

(2) The board may grant a certificate as a dental hygienist to an applicant who holds a certificate issued by the proper authorities of any other state, upon payment of the fee specified in s. 440.05(2), Stats., and submission of evidence satisfactory to the board that:

(a) The applicant has qualifications substantially equivalent to standards specified in s. 447.08(2), Stats.;

(b) The applicant holds a valid certificate as a dental hygienist which has not been revoked or suspended in another state;

(c) The applicant has successfully completed a clinical and laboratory examination as the board may prescribe; and,

(d) The applicant has successfully completed an examination on provisions on dentistry and dental hygiene specified in ch. 447, Stats., and chs. DE 1-9, Wis. Adm. Code.

Section 3. Chapter DE 3 of the Wisconsin administrative code is repealed and recreated to read:

CHAPTER DE 3

PRACTICE OF DENTAL HYGIENE

DE 3.01 SUPERVISION. A dental hygienist shall practice under the supervision of a licensed dentist in a dental facility or a facility specified in s. 447.08(4), Stats., if applicable.

DE 3.02 PRACTICE OF DENTAL HYGIENE DEFINED. (1) Those practices a dental hygienist may perform while a dentist is present in the dental facility include:

(a) Performing complete prophylaxis which may include:

1. Removing calcareous deposits, accretions and stains from the surface of teeth;
2. Performing deep periodontal scaling, including root planing;
3. Polishing natural and restored tooth surfaces.

(b) Placing temporary restorations in teeth in emergency situations;

(c) Placing in an oral cavity:

1. Rubber dams; and
2. Periodontal surgical dressings.

(d) Removing from an oral cavity:

1. Rubber dams;
2. Periodontal surgical dressings; and
3. Sutures.

(e) Removing excess cement from teeth, inlays, crowns, bridges and fixed orthodontic appliances.

(2) Those practices a dental hygienist may perform whether or not a dentist is present in the dental facility include:

- (a) Preparing specimens for dietary or salivary analysis;
- (b) Taking impressions for and fabricating study casts and opposing casts;
- (c) Making and processing dental radiograph exposures;
- (d) Conducting a preliminary examination of the oral cavity and surrounding structures which may include preparing case histories and recording clinical findings for the dentist to review;
- (e) Providing prevention measures, including application of fluorides and other topical agents approved by the American dental association for the prevention of oral disease.

(3) A dental hygienist shall report clinical findings made in the practice of dental hygiene to the supervising dentist.

DE 3.03 PROHIBITED PRACTICES. A dental hygienist may not (1) Administer or prescribe, either narcotic or analgesics or systemic-affecting nonnarcotic drugs, or anesthetics.

(2) Place or adjust dental appliances;

(3) Diagnose any condition of the hard or soft tissues of the oral cavity or prescribe treatment to modify normal or pathological conditions of the tissues.

(4) Place and carve restorations, except as specified in s. DE 3.02(1)(b).

Section 4. Chapter DE 4 of the Wisconsin administrative code is repealed and recreated to read:

CHAPTER DE 4

EDUCATIONAL PROGRAMS MEETING LICENSING AND CERTIFICATION REQUIREMENTS

DE 4.01 BOARD APPROVAL. Educational programs in the subject areas of dentistry and dental hygiene shall be approved by the board. The board

approves educational programs accredited by the commission on dental accreditation of the American dental association and may approve other educational programs if the program requires:

- (1) A high school diploma or equivalent;
- (2) A comprehensive course of study satisfactory to the board in:
 - (a) Dentistry, including subjects specified in section 447.03(1), Stats.; or
 - (b) Dental hygiene, including criteria specified in section 447.08(2), Stats.

DE 4.02 EVALUATION PROGRAMS FOR FOREIGN GRADUATES. Evaluation programs for applicants who are graduates of dental education programs in other countries shall be approved by the board.

NOTE: Lists of approved schools and colleges in dentistry and dental hygiene and approved foreign graduate evaluation programs are available upon request to the board office at 1400 East Washington Avenue, Madison, Wisconsin 53702.

Section 5. Chapter DE 5 of the Wisconsin administrative code is repealed and recreated to read:

CHAPTER DE 5

STANDARDS OF CONDUCT

DE 5.01 AUTHORITY. The rules in this chapter are adopted pursuant to ss. 15.08(5), 227.014 and 447.07(3), Stats.

DE 5.02 UNPROFESSIONAL CONDUCT. Unprofessional conduct by a dentist or dental hygienist includes:

- (1) Engaging in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public.
- (2) Practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.
- (3) Practicing or attempting to practice beyond the scope of any license or certificate.
- (4) Practicing or attempting to practice while the ability to perform services is impaired by physical, mental or emotional disorder, drugs or alcohol.
- (5) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist or dental hygienist which harms or could have harmed a patient.
- (6) Administering, dispensing, prescribing, supplying or obtaining controlled substances as defined in s. 161.01(4), Stats., other than in the course of legitimate practice, or as otherwise prohibited by law.

- (7) Intentionally falsifying patient records.
- (8) Obtaining or attempting to obtain any compensation by fraud.
- (9) Impersonating another dentist or dental hygienist.
- (10) Exercising undue influence on or taking unfair advantage of a patient.
- (11) Participating in rebate or fee-splitting arrangements with health care practitioners, unless the arrangements are disclosed to the patient.
- (12) Advertising in a manner which is false, deceptive, or misleading.
- (13) Refusing to render services to a person because of race, color, sex or religion.
- (14) Having a license, certificate, permit, or registration granted by another state to practice as a dentist or dental hygienist limited, suspended or revoked, or subject to any other disciplinary action.
- (15) Violating any law or being convicted of a crime the circumstances of which substantially relate to the practice of a dentist or dental hygienist.
- (16) Violating any provision of ch. 447, Stats., or any valid rule of the board.
- (17) Violating any provision of any order of the board.
- (18) Failing to maintain records and inventories as required by the United States department of justice drug enforcement administration, and under ch. 161, Stats., and s. Phar 6.02, Wis. Adm. Code.
- (19) Failing to supervise the practice of a dental hygienist as specified in ss. 447.08(1) or (4), Stats. and s. DE 3.01, Wis. Adm. Code.
- (20) Violating, or aiding or abetting the violation of any law substantially related to the practice of dentistry or dental hygiene.
- (21) Aiding or abetting or permitting unlicensed persons in the practice of dentistry, as defined in s. 447.02(1)(a)-(j), Stats.
- (22) Aiding or abetting or permitting unlicensed persons in the practice of dental hygiene, as defined in s. DE 3.02, Wis. Adm. Code.

DE 5.03 PROHIBITED PRACTICE. It is a prohibited practice and shall be considered a violation of s. 447.02(2), Stats., if a dentist practices under the authority or control of any person or persons not licensed to practice dentistry in Wisconsin.

Section 6. Chapter DE 6 of the Wisconsin administrative code is renumbered to Chapter DE 9 and amended to read:

CHAPTER DE 9

LABORATORIES AND WORK AUTHORIZATIONS

DE 9.01 LABORATORIES; DEFINITION. The term "dental laboratory" means any dental workroom, whether operated as a part of a dental office or otherwise, by any person, association, corporation or other entity, other than a licensed dentist, engaged in or holding out to any person as being engaged in, either directly or indirectly, constructing, repairing or altering prosthetic dentures, bridges, orthodontic or other engaged in the construction, repair or alteration of appliances to be used as substitutes for or as a part of natural teeth or jaws or associated structures, or for the correction of malocclusions or deformities.

DE 9.02 WORK AUTHORIZATIONS. Written work authorizations shall be on the a form approved by the board which is substantially similar to the official board form set forth below:

DENTAL LABORATORY WORK AUTHORIZATION
OFFICIAL WISCONSIN FORM

INSTRUCTIONS:

TO: _____ DATE _____
FROM: Dr. _____ Tel. No. _____
Address _____
License No. and State _____

FOR: _____
Patient Name or Identification Number _____

(Give name of manufacturer for materials and teeth)

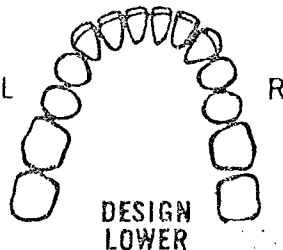
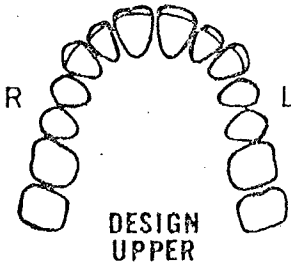
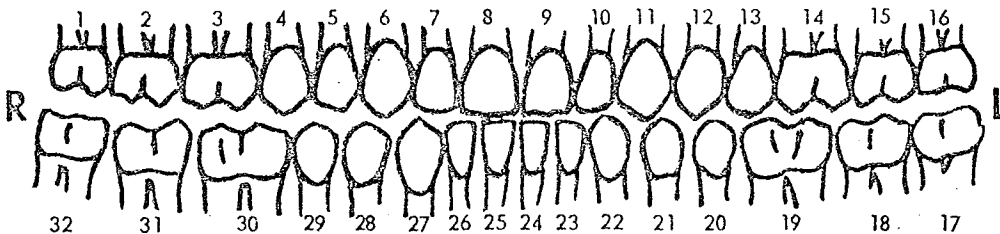
TEETH: Anterior: Porcelain _____ Plastic _____
Shade and Molds _____

Posterior: Porcelain _____ Plastic _____
Shade and Molds _____

METAL: Gold _____ Chrome Alloy _____ Others _____

BASE MATERIAL: _____

OTHER MATERIALS: _____



Signature _____

DATE TO BE RETURNED _____

Use reverse side for additional instructions

(1) FILING. Each work authorization or a carbon copy thereof shall be retained and filed by the issuing dentist and by the dental laboratory for a period of at least 3 years from the date of issuance. The filed work authorization or carbon copy thereof shall be available for inspection by the board or its representatives during such period.

(2) No dental laboratory shall have in its possession any prosthetic dentures, bridges, orthodontic or other appliances or structures to be used as substitutes for or as a part of natural teeth or jaws or associated structures, or for the correction of malocclusions or deformities, either completed or being fabricated, without having in its possession a written, signed work authorization therefore.

(3) No dental laboratory shall advertise, ~~solicit, represent or hold itself out in any manner to the general public that it will sell, supply, furnish, construct, repair or alter prosthetic dentures, bridges, orthodontic or other appliances or structures to be used as substitutes for or as a part of natural teeth or jaws or associated structures, or for the correction of malocclusions or deformities.~~ provides any service directly to the public.

(4) The board, its agents or employes may inspect dental laboratories records of work authorization. Any dental laboratory which violates any provisions of this act, or refuses to allow the board, its agents or employes to inspect the work authorization records is subject to such penalties as provided by law.

Section 7. Chapter DE 6 of the Wisconsin administrative code is created to read:

CHAPTER DE 6

UNPROFESSIONAL ADVERTISING

DE 6.01 AUTHORITY. The rules in this chapter are adopted pursuant to authority s. 447.07(6), Stats.

DE 6.02 UNPROFESSIONAL ADVERTISING. The following, without limitation because of enumeration, constitute unprofessional advertising:

(1) Publishing or communicating statements or claims in any media which are false, fraudulent or deceptive.

(2) Compensating or giving anything of value to media representatives in anticipation of or in return for professional publicity, unless the payment or receipt of an object of value is disclosed to the public.

(3) Including fee schedules in an advertisement for other than a routine service which is a service that is performed frequently in dental practice at a set fee; requires little or no variation in performance, application or technique, and when performed includes only recognized standards of generally accepted dental practice.

(4) Including a range of fees in an advertisement for a specified dental service.

(5) Refusing to honor payment in the amount of an advertised price for a routine service during the period of time stated in the advertisement.

(6) Failing to include the dentist's corporation, partnership or individual dentist's name and address in the advertisement.

(7) Including in an advertisement:

(a) descriptive words or phrases which are qualitative or comparative in their common meaning,

(b) testimonials and endorsements,

(c) dramatizations,

(d) graphic illustrations which imply patient satisfaction.

(e) a patient's identity or any identifiable fact, datum or information,

(f) a name of a dentist who has not been associated with the advertising dentist for one year or longer,

(g) an implied affiliation with any organization other than the dental practice indicated.

(h) Notice of a practice as a specialist in a dental specialty unless the dentist has successfully completed a post-doctorate course approved by the council on accreditation of the American dental association in a specialty recognized by the board or who announced a limitation of practice prior to 1967. This paragraph does not prohibit a general dentist who does not meet the above educational criteria from restricting his or her practice to one or more specific areas of dentistry, if the general dentist does not use the terms, "specialist", "specialty", or "limited to" in a public advertisement. Any advertisement shall state that the services are being performed by a general dentist.

NOTE: The board recognizes the following dental specialties: endodontics, oral and maxillofacial surgery, oral pathology, orthodontics, pedodontics, periodontics, prosthodontics and public health.

Section 8. Chapter DE 7 of the Wisconsin administrative code is repealed and recreated to read:

CHAPTER DE 7

RULES OF PROCEDURE

NOTE: Rules of procedure for disciplinary proceedings are set forth in Wis. Adm. Code Chapter RL 2.

Section 9. Chapter DE 8 of the Wisconsin administrative code is created to read:

CHAPTER DE 8

ACCESS TO PUBLIC RECORDS

DE 8.01 AUTHORITY AND PURPOSE. Rules in this chapter are adopted pursuant to authority granted by ss. 15.08(5) and 227.014, Stats. Rules in this chapter implement s. 19.21, Stats.

DE 8.02 DEFINITIONS. In this chapter

- (1) "Board" means the dentistry examining board.
- (2) "Public record" has the meaning described in s. 16.61(2)(b), Stats., and includes property and other things referred to in s. 19.21(1), Stats.
- (3) "Legal custodian" means the board chair, or the board chair's designee.
- (4) "Office" means the facilities located at 1400 East Washington Avenue, Madison, Wisconsin.

DE 8.03 ACCESS TO BOARD PUBLIC RECORDS. (1) REQUESTS TO INSPECT OR COPY BOARD PUBLIC RECORDS MADE IN PERSON.

- (a) Requests made in person to inspect or copy board public records shall be made to the legal custodian during regular business hours.
- (b) A request must identify with reasonable particularity the public record sought.

(2) REQUESTS TO INSPECT OR COPY BOARD PUBLIC RECORDS MADE BY MAIL OR TELEPHONE.

- (a) Requests for copies of board public records made by mail or telephone must identify with reasonable particularity the public record sought.
- (b) The legal custodian may withhold forwarding copies of any public record requested until payment for copies at the rate of \$.10 per page has been remitted.
- (3) The legal custodian shall attempt to respond immediately to reasonable requests made in person at the office. The custodian shall respond to requests made by mail or telephone within 10 days from receipt of the requests.

DE 8.04 RECORDS AVAILABLE; RECORDS NOT AVAILABLE. (1) All public records of the board are available for inspection and copying by the public unless exempt under sub. (2) of this section.

(2) The legal custodian shall deny inspection or copying of any of the following:

- (a) Transcripts of high school or college courses received as part of an application for a permit, certificate of registration or other license; examinations; and, grades for examinations, unless records of an individual are requested by the individual to be made public;
- (b) Materials used in preparing examinations;
- (c) Records obtained as the result of a clear pledge of confidentiality if the pledge was necessary to obtain the record;
- (d) Records of an active investigation;
- (e) Records which if disclosed would unduly damage reputation;
- (f) Records which concern advice from legal counsel concerning strategy, opinions, conclusions or legal theories with respect to litigation in which the board is or is likely to become involved;
- (g) Minutes of closed meetings; and
- (h) Records of board deliberations on quasi-judicial proceedings.
- (i) A record which, if released for public inspection, would cause harm to the public interest which outweighs any benefit that would result from granting inspection.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 6 day of January, 1982.

By Robert C. Weber, Chairman
Robert C. Weber, Chairman
Dentistry Examining Board

374-302