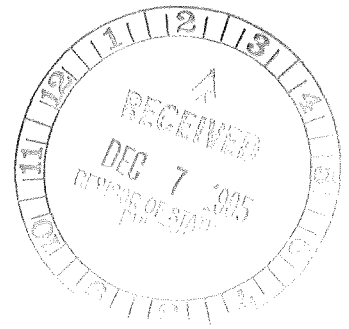


CR 95-54



**CERTIFICATE**

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Dentistry Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Dentistry Examining Board on the 7th day of December, 1995.*

*I further certify that said copy has been compared by me with the original on file in this office 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 7th day of December, 1995.**

A handwritten signature in cursive script, appearing to read "Patrick D. Braatz".

**Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing**

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DENTISTRY EXAMINING BOARD
DENTISTRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 95-054)

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ORDER

An order of the Dentistry Examining Board to amend DE 12.01 (3) relating to the ability for a dentist to delegate remediable portions of an oral prophylaxis to an unlicensed person.

Analysis prepared by the Department of Regulation

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 447.02 (2) (c), Stats.

Statutes interpreted: ss. 447.01 (12), 447.02 (2) (c), 447.03 (3) (g) and 447.065, Stats.

This proposed rule-making order of the Dentistry Examining Board relates to the authority of a dentist under s. 447.065, Stats., to delegate the performance of remediable patient procedures to an individual who is not licensed as a dentist or dental hygienist.

This proposed order would permit unlicensed individuals to perform the coronal polishing of teeth as a part of a teeth cleaning procedure (i.e., a "prophylaxis"), and stems from a petition for rule-making made pursuant to s. 227.015, Stats., filed on behalf of the Wisconsin Dental Association by its president, Dr. Steven R. Lindstrom. The petition requested that the board modify s. DE 12.01 (3) to permit a dentist to delegate the polishing portion of a prophylaxis to unlicensed individuals. No portion of a prophylaxis may be performed by an unlicensed person under the current rule.

The board requested input on the petition of the Wisconsin Dental Association from various organizations and educational programs. At its meeting on January 4, 1995, the board reviewed the written submissions received and, after discussing the proposal, voted to accept the petition and proceed to the rule-making process.

As additional contextual background to this proposed rule-making order, s. 447.065, Stats., authorizes a dentist to delegate remediable procedures to unlicensed persons. "Remediable procedures" are defined in s. 447.01 (12), Stats., as:

"patient procedures that create changes within the oral cavity or surrounding structures that are reversible and do not involve any increased health risks to the patient."

Limitations upon the delegation of dental procedures are set forth in s. DE 12.01, which currently provides in its entirety, as follows:

DE 12.01 Nondelegated functions. A dentist may not delegate any dental procedure of any description to an unlicensed person if the procedure to be delegated:

(1) Is of a character which may cause damage to the patient's teeth or oral cavity which cannot be remedied without professional intervention.

(2) Is of a character which may cause adverse or unintended general systemic reaction.

(3) Is intended, interpreted, or represented to be preliminary assessments, dental hygiene treatment planning, oral screenings, oral prophylaxes or any portion of an oral prophylaxis, scaling or root planing, or dental sealants.

Sections (1) and (2) of DE 12.01, provide a general definition of those dental procedures or functions which are considered not to be "remediable" in nature.

Section (3), however, differs in nature from the prior sections, in that it sets forth a condensed listing of those practices which are considered to be the practice of dental hygiene under s. 447.01 (3) (a) to (f), Stats. A license to perform dental hygiene services is necessary under s. 447.03 (2) (a), Stats., unless an exception is listed in s. 447.03 (3), Stats. One exception provided in par. (g) of that provision is for "any individual who provides remediable services that are delegated" by a dentist.

Accordingly, the majority of the board is of the opinion that a dentist should not be prohibited from delegating the "remediable" portion of an oral prophylaxis, the coronal polishing aspect, to an unlicensed individual. This proposed rule-making order would remove that current prohibition.

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TEXT OF RULE

SECTION 1. DE 12.01 (3) is amended to read:

DE 12.01 (3) Is intended, interpreted, or represented to be preliminary assessments, dental hygiene treatment planning, oral screenings, oral prophylaxes or any portion of an oral prophylaxis other than supragingival rubber cup and air polishing after calculus is removed if necessary, scaling or root planing, or dental sealants.

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(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated DECEMBER 7, 1955

Agency Thomas G. Bennett, DDS  
Chairperson DDS  
Dentistry Examining Board