

STATE OF WISCONSIN  
Dentistry Examining Board

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE  
DENTISTRY EXAMINING BOARD

ORDER OF THE DENTISTRY EXAMINING BOARD  
ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 019-17, was approved by the Governor on February 2, 2017, published in Register 734A2 on February 13, 2017, and approved by the Dentistry Examining Board on February 28, 2017. This emergency rule was approved by the Governor on June 30, 2017.

ORDER

An order of the Dentistry Examining Board to create DE 13.03 (1m) relating to designating continuing education on the topic of prescribing controlled substances.

Analysis prepared by the Department of Safety and Professional Services.

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FINDING OF EMERGENCY

The Dentistry Examining Board finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

Establishing continuing education requirements relating to the prescribing of controlled substances is another component to the current statewide initiatives addressing prescription drug abuse. The dentists renew their license on October 1, 2017 and it would be advantageous to have the requirement in place for the beginning of the biennium. Expeditious promulgation of this rule is necessary to ensure public health, safety and welfare.

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ANALYSIS

**Statutes interpreted:** s. 447.056, Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 447.02 (1) (f), Stats.

**Explanation of agency authority:**

15.08 (5) (b) Each Examining Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

447.02 (1) (f) The examining board may promulgate rules governing compliance with continuing education requirements under s. 447.056.

**Related statute or rule:** ch. DE 13, Wis. Admin. Code

**Plain language analysis:**

Dentists are required to complete 30 credit hours of continuing education every biennium. This rule will require 2 credit hours, of the 30 credit hours, to be in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain. This requirement will be in place for the next two bienniums.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

**Iowa:** Iowa does not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

**Michigan:** Michigan requires 3 continuing education credits, in each 3 year renewal period, in pain and symptom management, which may include courses in behavior management, psychology of pain, pharmacology, behavior medication, stress management, clinical applications and drug interactions.

**Minnesota:** Minnesota does not require continuing education in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain or in a topic which is substantially equivalent.

**Summary of factual data and analytical methodologies:**

The Dentistry Examining Board is responding to the current opioid epidemic. The Dentistry Examining Board considered the approaches of the Medical Examining Board and the Board of Nursing relating to specific required continuing education addressing the prescribing of controlled substances. In addition, the Dentistry Examining Board evaluated how to best achieve the goal of continuing education on this topic without creating a burden on the dentist.

**Fiscal Estimate:**

This rule will not have a fiscal impact.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before July 5, 2017 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. DE 13.03 (1m) is created to read:

DE 13.03 (1m) RESPONSIBLE PRESCRIBING CONTROLLED SUBSTANCES CONTINUING EDUCATION The 30 credit hours of continuing education shall include 2 hours in the topic of responsible prescribing of controlled substances for the treatment of acute dental pain. This subsection applies to the bienniums ending in 2019 and 2021.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on October 1, 2017.

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(END OF TEXT OF RULE)  
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Dated: June 30, 2017

Agency:

Mark Braden

Chairman  
Dentistry Examining Board