

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 1 to 17

Relating to: Licensure of Dental Therapists

Rule Type: Both Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

Per 2023 Wisconsin Act 87 Section 65 (2) (a): "Notwithstanding s. 227.24 (1) (a) and (3), the dentistry examining board is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph."

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to implement the statutory changes from 2023 Wisconsin Act 87.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Board intends to update the Administrative Code Chapters DE 1 to 16 as well as create DE 17, in order to bring them into alignment with 2023 Wisconsin Act 87. An alternative would be to not revise the code to reflect these new requirements, this is contrary to the demands of the Act and would create confusion for stakeholders as to what is required of dental therapists and the board as it relates to the new statutory requirements. Additionally, pursuant to 2023 Wisconsin Act 87 Section 65 (2), the Board is directed to promulgate both emergency and permanent rules for dental therapists.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides that an examining board "[s]hall 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."

Section 447.02 (1) (a), Stats. as amended by 2023 Wisconsin Act 87 states that the examining board may promulgate rules "[g]overning the reexamination of an applicant who fails an examination specified in s. 447.04 (1) (a) 5., (1m) (e), or (2) (a) 5. The rules may specify additional education requirements for those applicants and may specify the number of times an applicant may be examined."

Section 447.02 (1) (b), Stats. as amended by 2023 Wisconsin Act 87 states that the examining board may promulgate rules "[g]overning the standards and conditions for the use of radiation and ionizing equipment in the practice of dentistry or dental therapy."

Section 447.02 (1) (g), Stats. as created by 2023 Wisconsin Act 87 states that the examining board may promulgate rules "[s]pecifying services, treatments, or procedures, in addition to those specified under s. 447.06 (3) (b) 1. to 27., that are included within the practice of dental therapy."

2023 Wisconsin Act 87, Section 65 (2) (a) provides that “The dentistry examining board shall promulgate emergency rules under s. 227.24 (1) (c) and (2), emergency rules promulgated under this paragraph remain in effect for 2 years, or until the date on which permanent rules take effect, whichever is sooner.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 200 hours

6. List with description of all entities that may be affected by the proposed rule:

Licensed dentists and dental hygienists, certified expanded function dental auxiliaries, and anyone looking to become licensed as a dental therapist in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Jake Pelegrin, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-0989.