

## Chapter DE 12

### DELEGATION OF FUNCTIONS TO UNLICENSED PERSONS

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

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

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

(3) Intended, interpreted, or represented to be preliminary assessments, dental hygiene treatment planning, oral screenings, supragingival, or subgingival calculus removal.

**History:** Cr. Register, August, 1991, No. 428, eff. 9-1-91; am. (3), Register, January, 1996, No. 481, eff. 2-1-96; am. (3), Register, August, 1996, No. 488, eff. 9-1-96; CR 13-074: am. Register June 2014 No. 702, eff. 7-1-14; CR 18-063: am. (3) Register August 2019 No. 764, eff. 9-1-19; republished to correct transcription error in (3) Register September 2019 No. 765; **EmR2410: emerg. am. (intro.), eff. 7-26-24; CR 24-094: am. (intro.) Register July 2025 No. 835, eff. 8-1-25.**

**DE 12.02 Training.** A dentist or dental therapist who delegates any remediable dental procedure or function to an unlicensed person shall first provide training to or verify competency of the person in the performance of the procedure or function.

**History:** Cr. Register, August, 1991, No. 428, eff. 9-1-91; CR 13-074: am. Register June 2014 No. 702, eff. 7-1-14; CR 18-063: am. Register August 2019 No. 764, eff. 9-1-19; **EmR2410: emerg. am., eff. 7-26-24; CR 24-094: am. Register July 2025 No. 835, eff. 8-1-25.**

**DE 12.03 Reporting violations.** (1) A licensee shall report to the board any dentist or dental therapist who is improperly delegating the performance of any dental or dental therapy procedure or function to an unlicensed person, or is delegating to a person performing any dental or dental therapy procedure or function in a manner which is less than minimally competent.

(2) A licensee who fails to report the circumstances as specified in sub. (1) constitutes aiding and abetting the violation of a law substantially related to the practice of dentistry, dental therapy, or dental hygiene, and shall be in violation of s. DE 5.02 (20), (21), (21m), or (22).

**History:** Cr. Register, August, 1991, No. 428, eff. 9-1-91; CR 13-074: renum. s. DE 12.03 to (1) and (2) and am. Register June 2014 No. 702, eff. 7-1-14; **EmR2410: emerg. am., eff. 7-26-24; CR 24-094: am. Register July 2025 No. 835, eff. 8-1-25.**

**DE 12.04 Dental therapist delegation to unlicensed persons.** (1) In this section:

(a) "Direct supervision" has the meaning given in s. DE 17.01 (2).

(b) "Supervising dentist" has the meaning given in s. DE 17.01 (6).

(2) A dental therapist may delegate to an unlicensed person only the performance of remediable procedures, and only if all of the following conditions are met:

(a) The unlicensed individual performs the remediable procedures in accordance with a treatment plan approved by the dentist or dental therapist.

(b) The unlicensed individual remains under the direct supervision of the dental therapist for the duration of the procedure.

(c) The unlicensed individual's performance of the remediable procedures is subject to inspection by the dentist or dental therapist.

(d) The dental therapist has the authority to perform the activity personally, pursuant to the requirements under s. 447.06 (3) (bm) 1. and 2., Stats.

(e) The supervising dentist has allowed the dental therapist to perform the specific remediable procedure within the dental therapist's collaborative management agreement, pursuant to the requirements under s. 447.06 (3) (d) 1., Stats.

(f) The supervising dentist has expressly allowed the dental therapist to delegate the specific remediable procedure within the dental therapist's collaborative management agreement, pursuant to the requirements under s. 447.06 (3) (d) 1., Stats.

(3) In sub. (2), the dentist who approves the treatment plan and may inspect the performance of the remediable procedures may be a different dentist than the supervising dentist for the dental therapist.

(4) The dental therapist, the dental therapist's supervising dentist, and the dentist who approves the treatment plan shall be responsible for any services, treatments, or procedures delegated and performed under sub. (2).

**History:** **EmR2410: emerg. cr., eff. 7-26-24; CR 24-094: cr. Register July 2025 No. 835, eff. 8-1-25.**