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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 23-051

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 2. Form, Style and Placement in Administrative Code

a. Section 447.035 (3) (c), Stats., as enacted by 2021 Wisconsin Act 254, provides that these rules may not permit an auxiliary to perform cutting of hard or soft tissue, diagnosis, or treatment planning. Though the rules do not explicitly permit these activities, they do not mention them either. Consider including language clarifying that these activities may not be performed by an auxiliary.

b. Section DE 13.045 (6) directs a certified individual to sign a statement attesting to compliance with the continuing education requirements. Does the agency intend that a certified individual will submit this statement to the agency? Will the agency produce a form on which the statement may be made?

c. Section DE 13.045 (10) prescribes a hardship waiver from continuing education requirements. Can the agency elaborate on how a certified individual may apply for such waiver?

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section DE 16.04 (1) and (2) should be revised for clarity and verb tense agreement, so that each subdivision more properly follows the introductory material. For example, would deletion of the phrase “has completed” from subs. (1) and (2) improve the readability of each provision? The agency should review the use of the phrase “and holds” in sub. (1) for the same concern.

b. Section 447.035 (3) (b) 3., Stats., as enacted by 2021 Wisconsin Act 254, requires the board to promulgate a rule that requires a dentist who delegates a procedure to an auxiliary “to remain on the premises where the auxiliary is performing the procedure until the procedure is complete and the dentist has verified that the procedure has been performed successfully”.

Section DE 16.05 (2), however, provides that the supervising licensed dentist who has delegated a procedure to an auxiliary “shall remain on site for the duration of the delegated procedure and verify that the procedure has been performed correctly”. The difference in the meanings of the

words “site/premises” and “successfully/correctly” could cause confusion. Consider modifying the rule to align with the statutory language.