

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 5 and 14

Relating to: Informed consent

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to implement 2013 Act 345 by creating a chapter on informed consent and updating standards of conduct chapter.

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:

Currently the rules do not address informed consent. 2013 Act 345 created a reasonable dentist standard for informing patients of reasonable alternate modes of treatment and about the benefits and risks of those treatments. This standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances. The proposed rule will implement the newly created statutory provisions into the current rules governing the practice of dentistry and make any additional changes in the standards of conduct chapter that would make the rules consistent with the statute.

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

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 (2) (i) The examining board shall promulgate rules specifying the provisions for implementing s. 447.40.

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

50 hours

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

Dentists and patients

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):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377