

Report From Agency

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DENTISTRY EXAMINING BOARD : CR 17-045**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The rule updates the unprofessional conduct provisions. The rule updates language, clarifies it is unprofessional conduct if a person surrenders a credential issued by another state while under investigation and moves the provision relating to irregularities in billing to the listing of unprofessional conduct rather than its own section.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Dentistry Examining Board held a public hearing on July 5, 2017. No one testified at the hearing, or submitted written comments:

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: In Section 4 of the proposed rule, the Board should consider clarifying what is meant by “irregularities in billing” in s. DE 5.02 (27). The provision that the Board proposes removing, s. DE 5.03, explains in detail a particular type of billing conduct that is prohibited. The Board could consider adding language from s. DE 5.03 to s. DE 5.02(27) or otherwise clarifying the practices it intends to prohibit as “irregularities”.

Response: Section 447.07 (3) (k), Stats. states several practices that are included in “irregularities in billing”. The Board decided it is not necessary to delineate practices in the rule when there is already clarification in the statutes.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule does not a fiscal impact on small businesses.