

**Report From Agency**

**STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
DENTISTRY EXAMINING BOARD : CR 23-051**

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**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 objective of the proposed rule is to implement the statutory changes from 2021 Wisconsin Act 254. This was achieved through updates made several sections in DE 1 and 5, as well as the creation of new requirements in DE 5, 13, and the new chapter DE 16.

**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 November 1, 2023. No public comments were received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment:** 2a. Section 447.035 (30 (c), Stats., as enacted by 2021 Wisconsin Act 254, provides that these rules may not permit an auxiliary to perform the 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.

**Response:** The Board rejects this comment because they feel that the statute is sufficiently clear on what is prohibited for an auxiliary, therefore further clarification in the administrative code is not necessary.

**Comment:** 2c. 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 a waiver?

**Response:** The Board rejects this comment and would like to note that the process to obtain a waiver is not explicitly stated for dental hygienists or dentists in the administrative code and therefore does not feel that is necessary for the auxiliaries.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A**