

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 11

Relating to: Pre-Certification Sedation Education

Rule Type: Both Permanent and Emergency

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

Clearinghouse rule 19-132 went into effect on September 1, 2020. Among the provisions created, DE 11.035 was established to outline the board approved education criteria for Class II Enteral and Parenteral sedation permits. Upon further review, the Board has determined that changes to DE 11.035 are needed in order to properly implement these criteria. As currently written, the requirements are not specific enough for the Board to issue Class II sedation permits to their licensees in a timely manner. Therefore, emergency rules are needed to ensure that these permits can be issued safely and in line with the Board's expectations for sedation training until permanent rules can be promulgated.

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

The objective of the proposed rule is to update and add details to the requirements listed in DE 11.035. The Board will also review and update DE 11.025 (3) to align it with the expectations of the Board for courses certified by the American Heart Association.

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:

Wisconsin Administrative Code Chapter DE 11 currently includes the education criteria for Class II sedation permits. Without further clarification by the Board on the requirements, delays in permitting may continue to occur due to the ambiguity of the current rules.

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

Section 15.08 (5) (b), Stats., provides that an examining board "[s]hall 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."

Section 447.02 (2) (b), Stats, provides that the examining board shall promulgate rules specifying "the standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry."

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

60 hours

Rev. 3/6/2012

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

Dentists, Conscious Sedation Education Providers

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):

This rule is not likely to have a significant impact on small businesses.

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