

# STATEMENT OF SCOPE

## DENTISTRY EXAMINING BOARD

Rule No.: DE 3 and 7

Relating to: Topical Application of Anesthetics by a Dental Hygienist

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 review and potentially revise the requirements in DE 3 to allow for licensed dental hygienists to be able to apply topical anesthetics to patients without the presence of a licensed dentist. Chapter DE 7 will also be reviewed and possibly revised to determine if the requirements for certification of dental hygienist to administer local anesthesia will need to be adjusted based on the revisions to DE 3.

**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 3 currently allows licensed dental hygienists to administer oral systemic pre-medications and subgingival sustained release chemotherapeutic agents if performed pursuant to a treatment plan approved by a dentist and if that dentist remains on the premises and available to the patient for the duration of the administration. The rules do not specify whether topical application of anesthetic can also be delegated to a licensed dental hygienist by a licensed dentist and under what circumstances. The alternative to making changes to the rule is that the Administrative Code will remain unclear on the topic of application of topical anesthetic by licensed dental hygienists.

**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) (e) The examining board shall promulgate rules specifying the educational requirements for administration of local anesthesia by a dental hygienist licensed under this chapter under s. 447.06 (2) (e) 2.

**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

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

Dentists, Dental Hygienists

**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 impact on small businesses.

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