

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 1 to 17

Relating to: Dentist and Dental Hygienist Compact

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 the statutory changes from 2023 Wisconsin Act 88, which may include revisions to DE 1 to 17.

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:

The Board intends to update the Administrative Code Chapters DE 1 to 17 to bring them into alignment with 2023 Wisconsin Act 88. The Act ratifies and enters Wisconsin into the Dentist and Dental Hygienist Compact, providing individuals with the ability to become eligible to practice in Wisconsin and other compact states. The Board will consider updating the code to include compact privileges for dentists and dental hygienists. The Board may also update obsolete references and inconsistent provisions in DE 1 to 17.

An alternative would be not to revise the code to reflect these new requirements, which would create confusion for stakeholders as to what is required of dentists and dental hygienists and the Board as it relates to the compact.

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 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Sections 447.04 (1) (bm) and 447.04 (1) (bm) 1. to 4.: “The examining board shall grant a compact privilege to practice dentistry to an individual who does all of the following:

1. Submits an application for the compact privilege to the department on a form provided by the department.
2. Pays the applicable fee specified in s. 447.51 (2).
3. Passes an examination administered by the examining board on the statutes and rules relating to dentistry.
4. Satisfies all other applicable requirements under s. 447.50 (4).”

Sections 447.04 (2) (bm) and 447.04 (2) (bm) 1. to 4.: “The examining board shall grant a compact privilege to practice dental hygiene to an individual who does all of the following:

1. Submits an application for the compact privilege to the department on a form provided by the department.
2. Pays the applicable fee specified in s. 447.51 (2).
3. Passes an examination administered by the examining board on the statutes and rules relating to dental hygiene.
4. Satisfies all other applicable requirements under s. 447.50 (4).”

Section 447.51 (2), Stats: “The department may impose a fee for an individual to receive a compact privilege as provided in s. 447.50 (4) (a) 4.”

Section 447.51 (3) (b) (b), Stats.: “Subject to s. 447.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is exercising the compact privilege in this state in the same manner that they apply to holders of licenses issued under subch. I.”

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

Approximately 100 hours

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

Licensed dentists and dental hygienists and anyone looking to become licensed as such in Wisconsin or to have compact privilege to practice in the state.

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):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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