

Chapter DE 5

STANDARDS OF CONDUCT

DE 5.01 Authority
DE 5.02 Unprofessional conduct

DE 5.03 Prohibited practice

Note: Chapter DE 5 as it existed on February 28, 1982, was repealed and a new chapter DE 5 was created effective March 1, 1982.

DE 5.01 Authority. The rules in this chapter are adopted pursuant to ss. 15.08 (5), 227.11 and 447.07 (3), Stats.

History: Cr. Register, February, 1982, No. 314, eff. 3-1-82; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1988, No. 387.

DE 5.02 Unprofessional conduct. Unprofessional conduct by a dentist or dental hygienist includes:

- (1) Engaging in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public.
- (2) Practicing or attempting to practice when unable to do so with reasonable skill and safety to patients.
- (3) Practicing or attempting to practice beyond the scope of any license or certificate.
- (4) Practicing or attempting to practice while the ability to perform services is impaired by physical, mental or emotional disorder, drugs or alcohol.
- (5) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a dentist or dental hygienist which harms or could have harmed a patient.
- (6) Administering, dispensing, prescribing, supplying or obtaining controlled substances as defined in s. 161.01 (4), Stats., other than in the course of legitimate practice, or as otherwise prohibited by law.
- (7) Intentionally falsifying patient records.
- (8) Obtaining or attempting to obtain any compensation by fraud.
- (9) Impersonating another dentist or dental hygienist.
- (10) Exercising undue influence on or taking unfair advantage of a patient.
- (11) Participating in rebate or fee-splitting arrangements with health care practitioners, unless the arrangements are disclosed to the patient.
- (12) Advertising in a manner which is false, deceptive, or misleading.
- (13) Refusing to render services to a person because of race, color, sex or religion.
- (14) Having a license, certificate, permit, or registration granted by another state to practice as a dentist or dental hygienist limited, suspended or revoked, or subject to any other disciplinary action.
- (15) Violating any law or being convicted of a crime the circumstances of which substantially relate to the practice of a dentist or dental hygienist.
- (16) Violating any provision of ch. 447, Stats., or any valid rule of the board.
- (17) Violating any provision of any order of the board.
- (18) Failing to maintain records and inventories as required by the United States department of justice drug enforcement administration, and under ch. 161, Stats., and s. Phar 6.02, Wis. Adm. Code.
- (19) Failing to supervise the practice of a dental hygienist as specified in s. 447.08 (1) or (4), Stats. and s. DE 3.01.
- (20) Violating, or aiding or abetting the violation of any law substantially related to the practice of dentistry or dental hygiene.
- (21) Aiding or abetting or permitting unlicensed persons in the practice of dentistry, as defined in s. 447.02 (1) (a) to (j), Stats.
- (22) Aiding or abetting or permitting unlicensed persons in the practice of dental hygiene, as defined in s. DE 3.02.
- (23) Obtaining, prescribing, dispensing, administering or supplying a controlled substance designated as a schedule II, III or IV stimulant in s. 161.16 (5), 161.18 (2m) or 161.20 (2m), Stats., unless the dentist has submitted, and the board has approved, a written protocol for use of a schedule II, III or IV stimulant for the purpose of clinical research, prior to the time the research is conducted.
- (24) Failing to hold a current certificate in cardiopulmonary resuscitation unless the licensee has obtained a waiver from the board based on a medical evaluation documenting physical inability to comply. A waiver shall be issued by the board only if it is satisfied that another person with current certification in CPR is immediately available to the licensee when patients are present.
- (25) After a request by the board, failing to cooperate in a timely manner with the board's investigation of complaints filed against the applicant or licensee. There is a rebuttable presumption that a licensee or applicant who takes longer than 30 days to respond to a request of the board has not acted in a timely manner under this subsection.
- (26) Practicing under an expired certificate of registration.

History: Cr. Register, February, 1982, No. 314, eff. 3-1-82; cr. (23), Register, August, 1984, No. 344, eff. 9-1-84; cr. (24) and (25), Register, March, 1988, No. 387, eff. 4-1-88; cr. (26), Register, December, 1989, No. 408, eff. 1-1-90.

DE 5.03

DE 5.03 Prohibited practice. It is a prohibited practice and shall be considered a violation of s. 447.07 (3) (k), Stats., if a dentist abrogates the copayment provisions of a contract by agreeing to forgive any or all of the patient's obligation for payment under the contract. In this paragraph, "copayment provisions" mean any terms within a

contract with a third party whereby the patient remains financially obligated to the dentist for payment.

History: Cr. Register, February, 1982, No. 314, eff. 3-1-82; cr. (2), Register, May, 1984, No. 341, eff. 6-1-84; r. (1), renum. (2), Register, April, 1986, No. 364, eff. 5-1-86.