

Chapter DE 3

PRACTICE OF DENTAL HYGIENE

DE 3.01 Supervision.

DE 3.02 Practice of dental hygiene.

DE 3.03 Prohibited practices.

DE 3.04 Oral systemic premedications and subgingival sustained release chemotherapeutic agents.

DE 3.05 Topical anesthetics.

Note: Chapter DE 3 as it existed on February 28, 1982 was repealed and a new chapter DE 3 was created effective March 1, 1982.

DE 3.01 Supervision. A dental hygienist shall practice under the supervision of a licensed dentist or dental therapist in a dental facility or a facility specified in s. 447.06 (2), Stats., if applicable.

History: Cr. Register, February, 1982, No. 314, eff. 3-1-82; correction made under s. 13.93 (2m) (b) 7., Stats., Register August 2006 No. 608; **EmR2410: emerg. am., eff. 7-26-24; CR 24-094: am. Register July 2025 No. 835, eff. 8-1-25.**

DE 3.02 Practice of dental hygiene. (1) (a) This subsection applies to a dental hygienist who is practicing dental hygiene or performing remediable procedures as an employee or as an independent contractor in a dental office.

(am) In this subsection:

1. "Direct supervision" has the meaning given in s. DE 17.01 (2).

2. "Supervising dentist" has the meaning given in s. DE 17.01 (6).

(b) A dental hygienist may practice dental hygiene or perform remediable procedures only as authorized by a licensed dentist or dental therapist who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

(c) A dental hygienist may practice dental hygiene or perform remediable procedures if a licensed dentist or dental therapist is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:

1. The dental hygiene practices or remediable procedures are performed under a written or oral prescription.

2. The dentist or dental therapist who made the written or oral prescription has examined the patient at least once during the 12-month period immediately preceding all of the following:

a. The date on which the written or oral prescription was made.

b. The date on which the dental hygiene practices or remediable procedures are performed.

3. The written or oral prescription specifies the practices and procedures that the dental hygienist may perform with the informed consent of the patient or, if applicable, the patient's parent or legal guardian.

(d) Pursuant to the requirements under s. 447.065 (2), Stats., and subject to the requirements under this subsection, a dental therapist may delegate to a dental hygienist the performance of remediable procedures only if all of the following conditions are met:

1. The supervising dentist has allowed the dental therapist to perform the specific remediable procedure within the dental therapist's collaborative management agreement, pursuant to the requirements under s. 447.06 (3) (d) 1., Stats.

2. The supervising dentist has expressly allowed the dental therapist to delegate the specific remediable procedure within the dental therapist's collaborative management agreement, pursuant to the requirements under s. 447.06 (3) (d) 1., Stats.

3. The dental therapist has the authority to perform the specific remediable procedure personally, pursuant to the requirements under s. 447.06 (3) (bm) 1. and 2., Stats.

4. The dental hygienist remains under the direct supervision of the dental therapist for the duration of the procedure.

(e) The dental therapist and the dental therapist's supervising dentist shall be responsible for any services, treatments, or procedures delegated and performed under par. (d).

(2) (a) This subsection applies to a dental hygienist who is practicing dental hygiene or performing remediable procedures as an employee or as an independent contractor as follows:

1. For a school board, a governing body of a private school, as defined in s. 115.001 (3d), Stats., or a governing body of a tribal school, as defined in s. 115.001 (15m), Stats.

2. For a school for the education of dentists, dental therapists, or dental hygienists.

3. For a state or federal prison, county jail or other federal, state, county or municipal correctional or detention facility, or a facility established to provide care for terminally ill patients.

4. For a local health department, as defined in s. 250.01(4), Stats.

5. For a charitable institution open to the general public or to members of a religious sect or order.

6. For a nonprofit home health care agency.

7. For a nonprofit dental care program serving primarily indigent, economically disadvantaged or migrant worker populations.

8. At a facility, as defined in s. 50.01 (1m), Stats., an adult family home certified under s. 50.032, Stats. or licensed under s. 50.033, Stats., an adult day care center, as defined in s. 49.45 (47) (a), Stats., a community rehabilitation program, a hospital, as defined in s. 50.33 (2), Stats., or a facility that is primarily operated to provide outpatient medical services.

(b) A dental hygienist may only practice dental hygiene, as defined in s. 447.01 (3), Stats., or perform remediable procedures, as defined in s. 447.01 (12), Stats.

History: CR 17-068: r. and recr. Register August 2019 No. 764, eff. 9-1-19; correction in (2) (b) made under s. 35.17, Stats., Register August 2019 No. 764; **EmR2410: emerg. cr. (1) (am), am. (1) (b), (c) (intro.), 2. (intro.), cr. (1) (d), (e), am. (2) (a) 2., eff. 7-26-24; CR 24-094: cr. (1) (am), am., (1) (b), (c) (intro.), 2. (intro.), cr. (1) (d), (e), am. (2) (a) 2. Register July 2025 No. 835, eff. 8-1-25.**

DE 3.03 Prohibited practices. A dental hygienist may not do any of the following:

(1) Diagnose a dental disease or ailment.

(2) Determine any treatment or any regimen of any treatment outside of the scope of dental hygiene.

(3) Prescribe or order medication or radiographs.

(4) Perform any procedure that involves the intentional cutting of soft or hard tissue of the mouth by any means.

(5) Administer nitrous oxide inhalation, except as provided in ch. DE 15.

(6) Administer injectable local anesthesia, except as provided in ch. DE 7.

History: CR 17-068: r. and recr. Register August 2019 No. 764, eff. 9-1-19; correction in (3) made under s. 35.17, Stats., Register August 2019 No. 764; CR 23-066: am. (6) Register July 2024 No. 823, eff. 8-1-24.

DE 3.04 Oral systemic premedications and subgingival sustained release chemotherapeutic agents. (1)

“Oral systemic premedications” means antibiotics that are administered orally to patients prior to providing dental or dental hygiene services in order to mitigate against the risk of patients developing a bacterial infection.

(2) “Subgingival sustained release chemotherapeutic agents” means antibiotics that are applied in periodontal pockets to treat periodontal disease.

(2m) In this section, “supervising dentist” has the meaning given in s. DE 17.01 (6).

(3) A dentist may delegate to a dental hygienist the administration of oral systemic premedications and subgingival sustained release chemotherapeutic agents to patients only if all of the following conditions are met:

(a) The administration is performed pursuant to a treatment plan for the patient approved by a dentist.

(b) A dentist remains on the premises in which the administration is performed and is available to the patient throughout the completion of the appointment.

(4) Pursuant to the requirements under ss. 447.06 (2) (e) and 447.065 (2), Stats., a dental therapist may delegate to a dental hygienist the administration of oral systemic premedications and subgingival sustained release chemotherapeutic agents to patients only if all of the following conditions are met:

(a) The administration is performed pursuant to a treatment plan for the patient approved by a dentist.

(b) A dentist remains on the premises in which the administration is performed and is available to the patient throughout the completion of the appointment.

(c) The dental therapist has the authority to perform the activity personally, pursuant to the requirements under s. 447.06 (3) (bm) 1. and 2., Stats.

(d) The dental therapist remains under the supervision of the supervising dentist for the duration of the procedure. The dental therapist’s level of supervision shall be the level agreed upon for the procedure, as specified in the dental therapist’s collaborative management agreement described in s. DE 17.03 (5).

(e) The supervising dentist has allowed the dental therapist to perform the administration personally within the dental therapist’s collaborative management agreement, pursuant to the requirements under s. 447.06 (3) (d) 1., Stats.

(f) The supervising dentist has expressly allowed the dental therapist to delegate the administration within the dental therapist’s collaborative management agreement, pursuant to the requirements under s. 447.06 (3) (d) 1., Stats.

(5) In sub. (4), the dentist who approves the treatment plan and remains available to the patient may be a different dentist than the supervising dentist for the dental therapist.

(6) The dental therapist, the dental therapist’s supervising dentist, and the dentist who approves the treatment plan shall be responsible for any services, treatments, or procedures delegated and performed under sub. (4).

History: Cr. Register, September, 2000, No. 537, eff. 10-1-00; CR 17-068: am. (2) Register August 2019 No. 764, eff. 9-1-19; **EmR2410: emerg. cr. (2m), (4) to (6), eff. 7-26-24; CR 24-094: cr. (2m), (4) to (6) Register July 2025 No. 835, eff. 8-1-25.**

DE 3.05 Topical anesthetics. (1) In this section:

(a) “Subgingival anesthetics” means non-injectable topical anesthetics applied below the gum tissue as a remediable procedure.

(b) “Topical anesthetics” means anesthetics applied to a body surface such as the skin or mucous membrane as a remediable procedure.

(2) Pursuant to s. 447.06 (2) (c), Stats., a dental hygienist may apply subgingival anesthetics and topical anesthetics to a patient without the presence of a dentist, if all of the following conditions are met:

(a) The remediable procedure is performed under a written or oral prescription.

(b) The dentist who made the written or oral prescription has seen the patient at least once during the 12-month period which immediately precedes all of the following:

1. The date on which the written or oral prescription was made.

2. The date on which the dental hygiene practice or remediable procedure is performed.

(c) The written or oral prescription specifies the practices and procedures that the dental hygienist may perform with the informed consent of the patient, or, if applicable, the patient’s parent or legal guardian.

History: CR 23-066: cr. Register July 2024 No. 823, eff. 8-1-24.