

## Chapter DE 5

### STANDARDS OF CONDUCT

DE 5.01 Authority.

DE 5.02 Unprofessional conduct.

**Note:** Chapter DE 5 as it existed on February 28, 1982, was repealed and a new chapter DE 5 was created effective March 1, 1982.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, dental hygienist, or expanded function dental auxiliary 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, dental hygienist, or expanded function dental auxiliary which harms or could have harmed a patient.

(6) Administering, dispensing, prescribing, supplying or obtaining controlled substances as defined in s. 961.01 (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, dental hygienist, or expanded function dental auxiliary.

(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) Refusing to render services to a person because of race, gender, or religion.

(13) 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.

(14m) Surrendering, while under investigation, a license, certificate, permit, or registration granted by another state to practice as a dentist, dental hygienist, or expanded function dental auxiliary.

(15) Violating any law or being convicted of a crime the cir-

cumstances 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. 961, Stats., and s. Phar 8.05, Wis. Adm. Code.

(20) Violating, or aiding or abetting the violation of any law substantially related to the practice of dentistry, dental hygiene, or the practice of an expanded function dental auxiliary.

(21) Aiding or abetting or permitting unlicensed persons in the practice of dentistry, as defined in s. 447.01 (8), Stats.

(22) Aiding or abetting or permitting unlicensed persons in the practice of dental hygiene, as defined in s. 447.01 (3), Stats.

(22m) Aiding or abetting or permitting persons who are not certified in the practice of an expanded function dental auxiliary under s. 447.035, Stats.

(23) Obtaining, prescribing, dispensing, administering or supplying a controlled substance designated as a schedule II, III or IV stimulant in s. 961.16 (5), 961.18 (2m) or 961.20 (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 or certified individual 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, certified individual, or licensee. There is a rebuttable presumption that a licensee, certified individual, 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.

(27) Engaging in irregularities in billing a third party for services rendered to a patient.

**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; am. (18), Register, June, 1996, No. 486, eff. 7-1-96; am. (6), (18), (21), (22), (23) and r. (19), Register, April, 1999, No. 520, eff. 5-1-99; CR 17-045: r. (12), am. (13), cr. (14m), (27), Register February 2018 No. 746 eff. 3-1-18; correction in (27) made under s. 35.17, Stats., Register February 2018 No. 746; EmR2304: emerg. am. (intro.), (5), (9), (14m), (18), (20), cr. (22m), am. (24), (25), eff. 3-1-23; CR 23-051: am. (intro.), (5), (9), (14m), (18), (20), cr. (22m), am. (24), (25) Register June 2024 No. 822, eff. 7-1-24.