

STATE OF WISCONSIN  
DENTISTRY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DENTISTRY EXAMINING BOARD  
DENTISTRY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 23-041)  
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PROPOSED ORDER

An order of the Dentistry Examining Board to amend DE 2.01 (1) (h) (Note), 2.015 (4) (Note), and 11.025 (3) (e), and to create DE 2.03 (1) (e), (5) (a) 5., and (5) (b) 4, relating to certification in advanced cardiovascular life support or pediatric advanced life support.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 447.02 (2) (b), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 447.02 (2) (b), Stats.

**Explanation of agency authority:**

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) (b) The Examining Board shall promulgate rules specifying the standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry.

**Related statute or rule:** None.

**Plain language analysis:**

The objective of the proposed rule is to revise the requirements in DE 11 relating to Advanced Cardiovascular Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certification to reflect that it should be an ongoing or maintained certification for each dentist who performs anesthesia services. This update includes amendments to DE 2.03 (1) and (5), as well as DE 11.025 (3) (e). This rule also includes updates to DE 2.01 (1) (h) (Note) and 2.015 (4) (Note) to reflect current application submission requirements to the Department.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:** N/A

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires Dentists who practice moderate or deep sedation to have a permit. These permits require that the Dentists complete and maintain current certification in ACLS or PALS. All persons assisting the Dentist shall complete and maintain basic life support certification [225 Illinois Compiled Statutes 25/8.1].

**Iowa:** Iowa requires Dentists who practice moderate sedation, deep sedation, or general anesthesia to have a permit. Current certification in ACLS or current certification in PALS for those administering sedation to pediatric patients, is required for all sedation permits [650 Iowa Administrative Code Chapter 29 Section 5].

**Michigan:** Michigan requires Dentists who practice general anesthesia and intravenous conscious sedation to maintain current certification in both basic and advanced cardiovascular life support [Michigan Administrative Rules R 338.11601 and 338.11602].

**Minnesota:** Minnesota requires Dentists who practice moderate sedation, deep sedation, or general anesthesia to maintain current certification in ACLS or PALS, as well as in cardiopulmonary resuscitation [Minnesota Administrative Rules Section 3100.3600].

**Summary of factual data and analytical methodologies:**

The Board reviewed Wisconsin Administrative Code Chapters DE 2 and 11 to determine what changes were needed to make ACLS or PALS certification a current and ongoing requirement for licensees who perform sedation.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

**Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@ wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@ wisconsin.gov. Comments must be received on or before the public hearing, held on September 6, 2023, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. DE 2.01 (1) (h) (Note) and 2.015 (4) (Note) are amended to read:

**DE 2.01 (1) (h) (Note)** ~~Application forms~~ Instructions for applications are available ~~upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 5308~~ on the department of safety and professional services' website at <http://dsps.wi.gov> or by calling (608) 266-2112.

**2.015 (4) (Note)** ~~Application forms~~ Instructions for applications are available ~~upon request to the Dentistry Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 5308~~ on the department of safety and professional services' website at <http://dsps.wi.gov> or by calling (608) 266-2112.

SECTION 2. DE 2.03 (1) (e), (5) (a) 5., and (5) (b) 4. are created to read:

**DE 2.03 (1) (e)** For licensees who hold any sedation permit under ch. DE 11, evidence satisfactory to the board of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

**2.03 (5) (a) 5.** For licensees who hold any sedation permit under ch. DE 11, evidence satisfactory to the board of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

**2.03 (5) (b) 4.** For licensees who hold any sedation permit under ch. DE 11, evidence satisfactory to the board of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

SECTION 3. DE 11.025 (3) (e), as affected by Clearinghouse Rule 22-086, is amended to read:

DE 11.025 (3) (e) Evidence of current certification in Advanced Cardiovascular Life Support or Pediatric Advanced Life Support through a course that is certified by the American Heart Association. Pediatric Advanced Life Support is required if treating pediatric patients and is a sufficient certification by itself if the licensee is treating both pediatric and adult patients.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Dentistry Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Secretary  
Dentistry Examining Board