

CR 85-138

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Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
) SS
DENTISTRY EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Barbara Livingston, director of the Bureau of Health Professions in the Department of Regulation and Licensing, and custodian of the official records of the Dentistry Examining Board, do hereby certify that the annexed rules, relating to dental practice prohibitions and unprofessional advertising, were duly approved and adopted by the board on ~~March~~ March 5, 1986.

I further certify that the attached copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 7 day of March, A.D. 1986.

Barbara Livingston, Director
Bureau of Health Professions
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE
DENTISTRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE DENTISTRY
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD REPEALING,
DENTISTRY EXAMINING BOARD	:	AMENDING OR ADOPTING RULES

AN ORDER to repeal DE 5.03(1), 6.02(3), (4), (6) and (7)(a) to (d) and (7)(g); to renumber DE 5.03(2) and 6.02(7)(intro.); and, to renumber and amend DE 6.02(5) and (7)(e), (f) and (h), relating to dental practice prohibitions and unprofessional advertising.

ANALYSIS

Section DE 5.03(1) prohibits a dentist from practicing under the authority or control of an unlicensed person. As affected by 1985 Wisconsin Act 29, s. 447.02(2), the authority under which the rule was adopted, was repealed and recreated, eliminating authority for the provision in s. DE 5.03(1). Therefore, in this proposal, s. DE 5.03(1) is repealed and sub. (2) is renumbered accordingly.

Also in 1985 Wisconsin Act 29, s. 447.07(6), relating to unprofessional advertising, was repealed and s. 447.07(3)(h) was repealed and recreated to prohibit only deceptive or misleading advertising. Provisions in ch. DE 6, relating to unprofessional advertising, that may be construed to prohibit advertisements other than those that deceive or mislead the public, are repealed and other provisions amended to conform the provisions with authority granted in s. 447.07(3)(h), as affected by 1985 Wisconsin Act 29. Provisions in ch. DE 6 which are unaffected by this proposal are renumbered in correct sequence.

ORDER

Pursuant to authority vested in the dentistry examining board in ss. 15.08(5)(b) and 227.014(2)(a), Stats., and ss. 447.02(2) and 447.07(3), as affected by 1985 Wisconsin Act 29, the dentistry examining board hereby repeals, renumbers, amends and adopts rules, interpreting ss. 447.02(2) and 447.07(3)(h), as affected by 1985 Wisconsin Act 29, as follows:

SECTION 1. DE 5.03(1) is repealed.

SECTION 2. DE 5.03(2) is renumbered 5.03.

SECTION 3. DE 6.02(3) and (4) are repealed.

SECTION 4. DE 6.02(5) is renumbered (3) and amended to read:

DE 6.02(3) Refusing to honor payment in the amount of an advertised practice for a ~~routine~~ service during the period of time stated in the advertisement.

SECTION 5. DE 6.02(6) and (7)(a) to (d) are repealed.

SECTION 6. DE 6.02(7)(intro.) is renumbered 6.02(4)(intro.)

SECTION 7. DE 6.02(7)(e) and (f) are renumbered 6.02(4)(a) and (b) and amended to read:

DE 6.02(4)(a) a patient's identity or any identifiable fact, datum or information, without the patient's permission,

DE 6.02(4)(b) a name of a dentist who has not been associated with the advertising dentist for the past one year or longer,

SECTION 8. DE 6.02(7)(g) is repealed.


SECTION 9. DE 6.02(7)(h) is renumbered 6.02(4)(c) and amended to read:

DE 6.02(4)(c) Notice of a practice as a specialist in a dental specialty unless the dentist has successfully completed a post-doctorate course approved by the ~~council~~ commission on dental accreditation of the American dental association in a specialty recognized by the board. ~~or~~ This limitation does not apply to a dentist who announced a limitation of practice prior to 1967. This paragraph does not prohibit a general dentist who does not meet the above educational criteria from restricting his or her practice to one or more specific areas of dentistry, if the general dentist does not use the terms, "specialist", "specialty", or "limited to" in a public advertisement. Any advertisement shall state that the services are being performed by a general dentist.

The rules repealed, renumbered, amended and adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026(1)(intro), Stats.

Dated this 7th day of March, 1986.

By:


Gerard Schmidtke, D.D.S., Chair
Dentistry Examining Board

FISCAL ESTIMATE

There is no statewide or local fiscal effect.

REGULATION AND FLEXIBILITY ANALYSIS

The rules proposed will have no significant economic impact on small businesses as defined in s. 227.016(1)(a), Stats.

Questions on the proposed rules may be directed to Wilma Morris, (603) 266-3423.

WM:ma
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