

## Chapter DE 5

## STANDARDS OF CONDUCT

DE 5.01 Authority

DE 5.03 Prohibited practice

DE 5.02 Unprofessional conduct

Note: Chapter DE 5 as it existed on February 23, 1982, was repealed and a new chapter DE 5 was created effective March 1, 1982.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), 227.014 and 447.07(3), Stats.

History: Cr. Register, February, 1982, No. 314, eff. 3-1-82.

**DE 5.02 Unprofessional conduct.** Unprofessional conduct by a dentist or dentist 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.

Register, August, 1984, No. 344

(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)-(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 ss. 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.

History: Cr. Register, February, 1982, No. 314, eff. 3-1-82; cr. (23), Register, August, 1984, No. 344, eff. 9-1-84.

**DE 5.03 Prohibited practice.** (1) It is a prohibited practice and shall be considered a violation of s. 447.02(2), Stats., if a dentist practices under the authority or control of any person or persons not licensed to practice dentistry in Wisconsin.

(2) 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.