



**TO: Members, Assembly Committee on Health**  
**FROM: James Nicholson, MD, President**  
**Wisconsin Society of Anesthesiologists**  
**DATE: July 10, 2019**  
**RE: Clearinghouse Rule 18-050 – APNP Collaboration with Dentists**

The Wisconsin Society of Anesthesiologists represents over 600 anesthesiologists throughout Wisconsin, and on behalf of our members thank you for the opportunity to provide testimony in regard to Clearinghouse Rule 18-050 (“the proposed rule”).

In order to practice in Wisconsin, all Advanced Practice Nurse Prescribers (APNPs) are required to collaborate with physicians. Certified Registered Nurse Anesthetists (CRNAs) are APNPs who specialize in anesthesia. The proposed rule would authorize APNPs to collaborate with dentists as well as physicians. We do not oppose the rule in concept, but we believe two changes are in order to ensure the safety of dental anesthesia patients.

Nationally, more than twenty states allow CRNAs to work with dentists in addition to physicians. Most of those states require that a CRNA work “under the supervision of” or “at the direction of” a dentist. Both of those standards limit what a CRNA may do to the supervising or directing dentist’s scope of practice; both of those standards are more rigorous than “collaboration.” Of the states authorizing collaboration, most specifically limit the CRNA’s practice to the level of the collaborating dentist’s specific anesthesia training.

The changes we seek simply mirror the standards other states have already found to be safe and appropriate. Conceptually, we believe the addition of qualified anesthesia providers, like CRNAs, to dental practices will enhance patient safety - especially for children. However, to ensure that safety enhancement, *we ask that the Committee request the Board of Nursing amend the proposed rule in two respects* (see attachment):

- 1) To clarify that the existing malpractice insurance requirement for APNPs who practice in collaboration with a physician also apply to APNPs who practice in collaboration with dentists;
- 2) To specify that a CRNA providing anesthesia in collaboration with a dentist limit their practice to the match the collaborating dentist’s own level of anesthesia certification (found in DE 11).

While a modern medical miracle, anesthesia remains an inexact science. Patients can and do suffer unpredictable adverse reactions to all types of anesthesia medications, whether local anesthetics or sedation medications or general anesthetics. Adverse reactions to anesthesia may be minor, but they can also be very severe leading to coma, brain damage and even death. Children are more susceptible to adverse reactions than adults, and because of limited exposure to anesthesia it is far less likely a parent, dentist or CRNA will be aware of a particular child’s susceptibility beforehand, further enhancing the risks associated with anesthesia.

To administer sedation or general anesthesia, dentists in Wisconsin must obtain a Class I, II or III permit from the Dentistry Examining Board (DE 11). Each permit level requires training with the specific anesthesia to be used, as well as specific training in life support. As in other states authorizing CRNA practice in dental offices, we strongly recommend a CRNA’s practice when collaborating with a dentist be limited to the dentist’s own level of anesthesia permit.



Attached to this testimony is a copy of the proposed rule (black print) with the specific changes we recommend shown in **green** print. These will ensure malpractice coverage for a CRNA practicing in a dental office, but more importantly will enhance the safety of patients receiving anesthesia in dental offices, just as more than twenty other states have found appropriate.

STATE OF WISCONSIN  
BOARD OF NURSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : BOARD OF NURSING  
BOARD OF NURSING : ADOPTING RULES  
: (CLEARINGHOUSE RULE 18-050)

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PROPOSED ORDER

An order of the Board of Nursing to amend N 8.10 (2), (5) and (7) relating to advance practice nurse prescribers' collaboration with dentists.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 441.16, Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 441.16 (3) (b), Stats.

**Explanation of agency authority:**

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. [s. 15.08 (5) (b), Stats.]

The board shall promulgate rules necessary to administer this section, including rules for defining the scope of practice within which an advanced practice nurse may issue prescription orders. [s. 441.16 (3) (b), Stats.]

**Related statute or rule:** s. 441.16, Stats. and ch. N 8, Wis. Admin. Code

**Plain language analysis:**

Advanced practice nurse prescribers are required to work in collaboration with other health care professionals with at least one being a physician. As health care practice evolves, there are advanced practice nurse prescribers who work in dental practice settings. These dental practice settings may not have a physician as part of the practice. This proposed rule amends the rule to require advanced practice nurse prescribers to work in a collaborative relationship with a physician or dentist.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires an advanced practical nurse to additionally hold a separate license for the prescribing of controlled substances. In order to obtain a mid-level practitioner controlled substances license, the advanced practice nurse is required to provide the license number and controlled substances license number of the delegating or collaborating physician or podiatrist and the written notice of delegation of prescriptive authority signed by the physician or podiatrist including the schedule of controlled substances that the mid-level practitioner may dispense or prescribe.

**Iowa:** Iowa licenses nurses at three levels: licensed practical nurse, registered nurse and advanced registered nurse practitioner. The advanced registered nurse prescriber has a scope of practice which includes prescriptive authority. There is no equivalent certification in Iowa to the Wisconsin advanced practice nurse prescriber certificate.

**Michigan:** Michigan licenses nurses at two levels: licensed practical nurse and registered nurse. Michigan has specialty certifications for a nurse anesthetist, nurse midwife and nurse practitioner. There is no equivalent certification in Michigan to the Wisconsin advanced practice nurse prescriber certificate.

**Minnesota:** Minnesota licenses nurses at three levels: licensed practical nurse, registered nurse and advanced practice registered nurse. The advanced practice registered nurse has a scope of practice which includes prescriptive authority. There is no equivalent certification in Minnesota to the Wisconsin advanced practice nurse prescriber certificate.

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

Advanced practice nurse prescribers, particularly nurse anesthetists, are working in dental offices that do not employ physicians. This proposed rule recognizes this evolving practice and allows for a collaborative relationship with a dentist.

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

This rule was posted for economic comments and none were received. This rule creates an additional option for collaboration.

**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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. N 8.08 (1) is amended to read:

**N 8.08 (1)** Advanced practice nurse prescribers who prescribe independently, or who practice in collaboration with a dentist, shall maintain in effect malpractice insurance evidenced by one of the following:

(a) Personal liability coverage in the amounts specified in s. 655.23 (4), Stats.

(b) Coverage under a group liability policy providing individual coverage for the nurse in the amounts set forth in s. 655.23 (4), Stats. An advanced practice nurse prescriber covered under one or more such group policies shall certify on forms provided by the board that the nurse will independently prescribe only within the limits of the policy's coverage, or shall obtain personal liability coverage for independent prescribing outside the scope of the group liability policy or policies.

SECTION ~~4~~ 2. N 8.10 (2), (5), and (7) are amended to read:

**N 8.10 (2)** Advanced practice nurse prescribers shall facilitate collaboration with other health care professionals, at least 1 of whom shall be a physician, or dentist, through the use of modern communication techniques.

**(5)** The board shall promote communication and collaboration among advanced practice nurse prescribers, physicians, dentists and other health care professionals.

**(7)** Advanced practice nurse prescribers shall work in a collaborative relationship with a physician or dentist. The collaborative relationship is a process in which an advanced practice nurse prescriber is working with a physician or dentist in each other's presence when necessary, to deliver health care services within the scope of the practitioner's training, education, and experience. An advanced practice nurse prescriber who is a CRNA working in collaboration with a dentist for the purpose of administering anesthesia shall limit the scope of their practice to that set forth in DE ss. 11.05-11.07 consistent with the class of permit held by their collaborating dentist. The advanced practice nurse prescriber shall document this relationship.

SECTION 2. 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 Board of Nursing is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Board Chair  
Board of Nursing