



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 273**

October 28, 1997 - Offered by COMMITTEE ON HEALTH.

1 **AN ACT** *to renumber and amend* 15.405 (6); *to amend* 15.405 (6) (a) and (b),
2 440.05 (intro.), 440.08 (2) (a) (intro.), 447.03 (3) (intro.), 447.065 (2), 447.07 (1),
3 447.07 (3) (intro.), 447.07 (3) (b), 447.07 (3) (j), 447.07 (5) and 447.07 (7); and *to*
4 **create** 447.02 (2) (d) and (e), 447.04 (2) (c) and 447.06 (2) (e) of the statutes;
5 **relating to:** the regulation of dental hygienists, increasing the membership of
6 the dentistry examining board and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 15.405 (6) of the statutes is renumbered 15.405 (6) (intro.) and
8 amended to read:

9 15.405 (6) DENTISTRY EXAMINING BOARD. (intro.) There is created a dentistry
10 examining board in the department of regulation and licensing. ~~The dentistry~~
11 ~~examining board shall consist of 8 members appointed for staggered~~ consisting of the
12 following members appointed for 4-year terms:

1 ~~(a) Five of the members shall be licensed~~ Six dentists in this state who are
2 licensed under ch. 447.

3 ~~(b) One member shall be a~~ Three dental hygienist hygienists who are licensed
4 ~~to practice in this state~~ under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental
5 hygienist ~~member~~ members may participate in the preparation and grading of
6 licensing examinations for dental hygienists.

7 ~~(c) Two members shall be public members.~~

8 **SECTION 2.** 15.405 (6) (a) and (b) of the statutes, as affected by 1997 Wisconsin
9 Act (this act), are amended to read:

10 15.405 **(6)** (a) ~~Six~~ Five dentists who are licensed under ch. 447.

11 (b) ~~Three~~ One dental hygienists hygienist who are is licensed under ch. 447.
12 Notwithstanding s. 15.08 (1m) (a), the dental hygienist ~~members~~ member may
13 participate in the preparation and grading of licensing examinations for dental
14 hygienists.

15 **SECTION 3.** 440.05 (intro.) of the statutes is amended to read:

16 **440.05 Standard fees.** (intro.) The following standard fees apply to all
17 initial credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06,
18 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46:

19 **SECTION 4.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

20 440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
21 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46,
22 the renewal dates and renewal fees for credentials are as follows:

23 **SECTION 5.** 447.02 (2) (d) and (e) of the statutes are created to read:

1 447.02 (2) (d) The oral systemic premedications and subgingival sustained
2 release chemotherapeutic agents that may be administered by a dental hygienist
3 licensed under this chapter under s. 447.06 (2) (e) 1. and 3.

4 (e) The educational requirements for administration of local anesthesia by a
5 dental hygienist licensed under this chapter under s. 447.06 (2) (e) 2.

6 **SECTION 6.** 447.03 (3) (intro.) of the statutes is amended to read:

7 447.03 (3) EXCEPTIONS. (intro.) No license or certificate under this chapter is
8 required for any of the following:

9 **SECTION 7.** 447.04 (2) (c) of the statutes is created to read:

10 447.04 (2) (c) 1. The examining board shall grant a certificate to administer
11 local anesthesia to a dental hygienist who is licensed under par. (a) or (b), and who
12 submits evidence satisfactory to the examining board that he or she satisfies the
13 educational requirements established in rules promulgated under s. 447.02 (2) (e).

14 2. No fee may be charged for a certificate granted under subd. 1. A certificate
15 granted under subd. 1. remains in effect while the dental hygienist's license granted
16 under par. (a) or (b) remains in effect unless the certificate is suspended or revoked
17 by the examining board.

18 **SECTION 8.** 447.06 (2) (e) of the statutes is created to read:

19 447.06 (2) (e) Pursuant to a treatment plan approved by a dentist who is
20 licensed under this chapter, a dental hygienist licensed under this chapter may
21 administer the following upon delegation by the dentist if the dentist remains on the
22 premises in which the practices are performed and is available to the patient
23 throughout the completion of the appointment:

24 1. Oral systemic premedications specified by the examining board by rule.

25 2. If the dental hygienist is certified under s. 447.04 (2) (c) 1., local anesthesia.

1 3. Subgingival sustained release chemotherapeutic agents specified by the
2 examining board by rule.

3 **SECTION 9.** 447.065 (2) of the statutes is amended to read:

4 447.065 (2) Subject to the requirements under s. 447.06 (2), a dentist who is
5 licensed to practice dentistry under this chapter may delegate to a dental hygienist
6 who is licensed to practice dental hygiene under this chapter the performance of
7 remediable procedures and the administration of oral systemic premedications, local
8 anesthesia and subgingival sustained release chemotherapeutic agents.

9 **SECTION 10.** 447.07 (1) of the statutes is amended to read:

10 447.07 (1) The examining board may, without further notice or process, limit,
11 suspend or revoke the license or certificate of any dentist or dental hygienist who
12 fails, within 60 days after the mailing of written notice to the licensee's dentist's or
13 dental hygienist's last-known address, to renew his or her license or certificate.

14 **SECTION 11.** 447.07 (3) (intro.) of the statutes is amended to read:

15 447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
16 examining board may make investigations and conduct hearings in regard to any
17 alleged action of any dentist or dental hygienist, or of any other person it has reason
18 to believe is engaged in or has engaged in the practice of dentistry or dental hygiene
19 in this state, and may, on its own motion, or upon complaint in writing, reprimand
20 any dentist or dental hygienist who is licensed or certified under this chapter or deny,
21 limit, suspend or revoke his or her license or certificate if it finds that the dentist or
22 dental hygienist has done any of the following:

23 **SECTION 12.** 447.07 (3) (b) of the statutes is amended to read:

24 447.07 (3) (b) Made any false statement or given any false information in
25 connection with an application for a license or certificate or for renewal or

1 reinstatement of a license or certificate or received ~~the a~~ a license or certificate through
2 error.

3 **SECTION 13.** 447.07 (3) (j) of the statutes is amended to read:

4 447.07 (3) (j) Employed, directly or indirectly, any unlicensed or uncertified
5 person to perform any act requiring licensure or certification under this chapter.

6 **SECTION 14.** 447.07 (5) of the statutes is amended to read:

7 447.07 (5) The examining board may reinstate a license or certificate that has
8 been voluntarily surrendered or revoked on terms and conditions that it considers
9 appropriate.

10 **SECTION 15.** 447.07 (7) of the statutes is amended to read:

11 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,
12 suspension or revocation of a license or certificate under sub. (3), the examining
13 board may assess against an applicant ~~or~~ licensee or certificate holder a forfeiture
14 of not more than \$5,000 for each violation enumerated under sub. (3).

15 **SECTION 16. Nonstatutory provisions; appointment of members to the**
16 **dentistry examining board.**

17 (1) TERMS. Notwithstanding section 15.405 (6) (intro.) of the statutes, as
18 affected by this act, and section 15.08 (1) of the statutes, the additional dentist and
19 dental hygienist members of the dentistry examining board created under section
20 15.405 (6) (a) and (b) of the statutes, as affected by this act, shall expire on December
21 31, 2002.

22 (2) PROVISIONAL APPOINTMENTS.

23 (a) Notwithstanding section 15.08 (1) of the statutes, the governor shall
24 provisionally appoint the additional dentist and dental hygienist members of the
25 dentistry examining board created under section 15.405 (6) (a) and (b) of the statutes,

1 as affected by this act. Such provisional appointment shall be in full force until
2 withdrawn by the governor or acted upon by the senate. A provisional appointee may
3 exercise all of the powers and duties of examining board membership during the time
4 in which the appointee qualifies.

5 (b) A provisional appointment made under paragraph (a) that is withdrawn by
6 the governor or rejected by the senate shall, upon withdrawal or rejection, lapse and
7 create a vacancy for provisional appointment of another dentistry examining board
8 member.

9 **SECTION 17. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1) The treatment of section 15.405 (6) (a) and (b) (by SECTION 2) of the statutes
12 takes effect on December 31, 2002.

13 (END)