



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 368**

January 11, 2016 - Offered by Representative STEFFEN.

1     **AN ACT to amend** 15.405 (6) (c), 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (b),  
2             447.07 (3) (e), 447.07 (3) (f), 447.07 (3) (m), 447.07 (5) and 447.07 (7); **to repeal**  
3     **and recreate** 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (e), 447.07 (3) (f), 447.07  
4             (3) (m) and 447.07 (7); and **to create** 15.405 (6) (bm), 440.03 (13) (b) 20m.,  
5             440.08 (2) (a) 25m., 447.01 (5m), 447.02 (2m) and 447.059 of the statutes;  
6     **relating to:** regulation of dental practices and persons that own or operate  
7             dental practices and membership of the Dentistry Examining Board.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment prohibits a person from owning or operating a dental practice in Wisconsin unless the dental practice is registered by the Dentistry Examining Board. Under the substitute amendment, a person is considered to own or operate a dental practice if 1) the person has an ownership interest in or controls a business that offers dentistry or dental hygiene services and the person receives direct or indirect consideration from the operation of the business or 2) the person manages or controls a business that offers dentistry or dental hygiene services. The bill adds one non-dentist member to the board who is an owner or operator of a dental practice in Wisconsin and eliminates one public member of the board.

No registration is required under the substitute amendment for, among others, a dental practice that is solely owned and operated by a licensed dentist or a mobile dentistry program subject to separate regulation by the board. The substitute amendment authorizes the board to take regulatory action with respect to owners or operators of dental practices in addition to the registered dental practices themselves.

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

1           **SECTION 1.** 15.405 (6) (bm) of the statutes is created to read:

2           15.405 **(6)** (bm) One individual who is an owner or operator of a dental practice  
3 in this state, within the meaning of s. 447.059 (1) (b), and who is not a dentist, as  
4 defined in s. 447.01 (7).

5           **SECTION 2.** 15.405 (6) (c) of the statutes is amended to read:

6           15.405 **(6)** (c) ~~Two~~ One public ~~members~~ member.

7           **SECTION 3.** 440.03 (13) (b) 20m. of the statutes is created to read:

8           440.03 **(13)** (b) 20m. Dental practice registrant.

9           **SECTION 4.** 440.08 (2) (a) 25m. of the statutes is created to read:

10          440.08 **(2)** (a) 25m. Dental practice registration: October 1 of each  
11 odd-numbered year.

12          **SECTION 5.** 447.01 (5m) of the statutes is created to read:

13          447.01 **(5m)** "Dental practice registrant" means a person registered under s.  
14 447.059.

15          **SECTION 6.** 447.02 (2m) of the statutes is created to read:

16          447.02 **(2m)** Any rule the examining board promulgates that regulates or  
17 directly impacts the business practices of a dental practice registrant shall apply  
18 uniformly to all dental practice registrants and dental practices exempt from  
19 registration under s. 447.059 (3) (a).

1           **SECTION 7.** 447.059 of the statutes is created to read:

2           **447.059 Dental practice registration. (1) REGISTRATION REQUIRED.** (a) No  
3 person may own or operate a dental practice in this state unless the dental practice  
4 is registered under this section.

5           (b) A person is considered to own or operate a dental practice or be an owner  
6 or operator of a dental practice for purposes of this chapter if any of the following  
7 apply:

8           1. The person has an ownership interest in or controls a business that offers  
9 dentistry or dental hygiene services, and the person receives direct or indirect  
10 consideration from the operation of the business.

11           2. The person manages or controls a business that offers dentistry or dental  
12 hygiene services, including management or control of a business through which the  
13 person allows another person to offer dentistry or dental hygiene services.

14           **(2) REGISTRATION.** (a) The examining board may grant a registration under this  
15 section to a person who does all of the following:

16           1. Submits an application for registration to the department on a form provided  
17 by the department. The application shall include the person's name and tax  
18 identification number, the person's business address and telephone number, and any  
19 other information the department or the examining board requires.

20           2. Pays the fee specified in s. 440.05 (1).

21           (b) A dental practice registrant shall submit an application for renewal, and  
22 the applicable renewal fee determined by the department under s. 440.03 (9) (a), to  
23 the department on a form provided by the department on or before the applicable  
24 renewal date specified under s. 440.08 (2) (a).

1 (c) The examining board may not promulgate a rule that prohibits a person who  
2 is not a dentist from owning or operating a dental practice in this state consistent  
3 with this section.

4 **(3) EXCEPTIONS TO REGISTRATION REQUIREMENT.** No registration is required under  
5 this section for any of the following:

6 (a) A dental practice that is solely owned and operated by a dentist who is  
7 licensed under this chapter.

8 (b) A mobile dentistry program.

9 (c) A dental practice that is solely owned and operated by a hospital, a federally  
10 qualified health center, or an affiliate of a hospital or health care system.

11 (d) A dental practice that is solely owned and operated by an accredited  
12 institution of higher education.

13 **SECTION 8.** 447.07 (1) of the statutes is amended to read:

14 447.07 (1) The examining board may, without further notice or process, limit,  
15 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
16 registration of a dental practice registrant, who fails, within 60 days after the  
17 mailing of written notice to the dentist's ~~or,~~ dental hygienist's, or registrant's  
18 last-known address, to renew ~~his or her~~ the license ~~or,~~ certificate, or registration.

19 **SECTION 9.** 447.07 (1) of the statutes, as affected by 2013 Wisconsin Act 244 and  
20 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

21 447.07 (1) The examining board may, without further notice or process, limit,  
22 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
23 registration of a mobile dentistry program registrant or a dental practice registrant,  
24 who fails, within 60 days after the mailing of written notice to the dentist's, dental

1     hygienist's, or registrant's last-known address, to renew the license, certificate, or  
2     registration.

3           **SECTION 10.** 447.07 (3) (intro.) of the statutes is amended to read:

4           447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
5     examining board may make investigations and conduct hearings in regard to any  
6     alleged action of any dentist or dental hygienist, of a dental practice registrant or  
7     owner or operator of the dental practice registrant, or of any other person it has  
8     reason to believe is engaged in or has engaged in the practice of dentistry or dental  
9     hygiene, or the ownership or operation of a dental practice, in this state, and may,  
10    on its own motion, or upon complaint in writing, reprimand any dentist or dental  
11    hygienist who is licensed or certified under this chapter, or any dental practice  
12    registrant or owner or operator of the dental practice registrant, or deny, limit,  
13    suspend, or revoke his or her license or certificate, or the registration of the dental  
14    practice registrant, if it finds that the dentist ~~or~~ dental hygienist, or dental practice  
15    registrant or owner or operator of the dental practice registrant has done any of the  
16    following:

17           **SECTION 11.** 447.07 (3) (intro.) of the statutes, as affected by 2013 Wisconsin  
18    Act 244 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

19           447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
20    examining board may make investigations and conduct hearings in regard to any  
21    alleged action of any dentist or dental hygienist, of a mobile dentistry program  
22    registrant or a dental practice registrant or owner or operator of the dental practice  
23    registrant, or of any other person it has reason to believe is engaged in or has engaged  
24    in the practice of dentistry or dental hygiene, or the ownership or operation of a  
25    mobile dentistry program or a dental practice, in this state, and may, on its own

1 motion, or upon complaint in writing, reprimand any dentist or dental hygienist who  
2 is licensed or certified under this chapter, or any mobile dentistry program registrant  
3 or dental practice registrant or owner or operator of the dental practice registrant,  
4 or deny, limit, suspend, or revoke his or her license or certificate, or the registration  
5 of the mobile dentistry program registrant or dental practice registrant, if it finds  
6 that the dentist, dental hygienist, mobile dentistry program registrant, or dental  
7 practice registrant or owner or operator of the dental practice registrant has done  
8 any of the following:

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

10 447.07 (3) (b) Made any false statement or given any false information in  
11 connection with an application for a license ~~or~~, certificate, or registration or for  
12 renewal or reinstatement of a license ~~or~~, certificate, or registration, or received a  
13 license ~~or~~, certificate, or registration through error.

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

15 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
16 crime, the circumstances of which substantially relate to the practice of dentistry or  
17 dental hygiene or the ownership or operation of a dental practice.

18 **SECTION 14.** 447.07 (3) (e) of the statutes, as affected by 2013 Wisconsin Act 244  
19 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

20 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
21 crime, the circumstances of which substantially relate to the practice of dentistry or  
22 dental hygiene, the operation of a mobile dentistry program, or the ownership or  
23 operation of a dental practice.

24 **SECTION 15.** 447.07 (3) (f) of the statutes is amended to read:

1           447.07 (3) (f) Violated this chapter or any federal or state statute or rule ~~which~~  
2           that relates to the practice of dentistry or dental hygiene, or the ownership or  
3           operation of a dental practice.

4           **SECTION 16.** 447.07 (3) (f) of the statutes, as affected by 2013 Wisconsin Act 244  
5           and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

6           447.07 (3) (f) Violated this chapter or any federal or state statute or rule that  
7           relates to the practice of dentistry or dental hygiene, the operation of a mobile  
8           dentistry program, or the ownership or operation of a dental practice.

9           **SECTION 17.** 447.07 (3) (m) of the statutes is amended to read:

10          447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
11          or in the ownership or operation of a dental practice, that was relied upon by a client.

12          **SECTION 18.** 447.07 (3) (m) of the statutes, as affected by 2013 Wisconsin Act  
13          244 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

14          447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
15          in the operation of a mobile dentistry program, or in the ownership or operation of  
16          a dental practice, that was relied upon by a client.

17          **SECTION 19.** 447.07 (5) of the statutes is amended to read:

18          447.07 (5) The examining board may reinstate a license ~~or~~, certificate, or  
19          registration that has been voluntarily surrendered or revoked on terms and  
20          conditions that it considers appropriate. This subsection does not apply to a license  
21          or registration that is revoked under s. 440.12.

22          **SECTION 20.** 447.07 (7) of the statutes is amended to read:

23          447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
24          suspension, ~~or~~ revocation of a license ~~or~~, certificate, or registration under sub. (3), the  
25          examining board may assess against an applicant, licensee ~~or~~, certificate holder, or

1 dental practice registrant or owner or operator of the dental practice registrant a  
2 forfeiture of not more than \$5,000 for each violation enumerated under sub. (3).

3 **SECTION 21.** 447.07 (7) of the statutes, as affected by 2013 Wisconsin Act 244  
4 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

5 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
6 suspension, or revocation of a license, certificate, or registration under sub. (3), the  
7 examining board may assess against an applicant, licensee, certificate holder, mobile  
8 dentistry program registrant, or dental practice registrant or owner or operator of  
9 the dental practice registrant a forfeiture of not more than \$5,000 for each violation  
10 enumerated under sub. (3).

11 **SECTION 22. Nonstatutory provisions.**

12 (1) MOBILE DENTISTRY PROGRAMS. If this act takes effect before 2013 Wisconsin  
13 Act 244, other than as specified in section 16 (1) of that act, a person who owns or  
14 operates a mobile dentistry program, as determined by the dentistry examining  
15 board, is not required to obtain a registration under section 447.059 (1) of the  
16 statutes, as created by this act, for that mobile dentistry program.

17 **SECTION 23. Effective dates.** This act takes effect on the day after publication,  
18 except as follows:

19 (1) REGISTRATION REQUIREMENT. The treatment of section 447.059 (1), as created  
20 by this act, takes effect on the first day of the 7th month beginning after publication.

21 (2) DELAYED MOBILE DENTISTRY PROVISIONS. The repeal and recreation of section  
22 447.07 (1), (3) (intro.), (e), (f), and (m), and (7) takes effect on the first day of the 3rd  
23 month beginning after the legislative reference bureau receives the notice under



1 SECTION 15 (1) of 2013 Wisconsin Act 244, or on the day after publication, whichever  
2 is later.

3 (END)