



1997 ASSEMBLY BILL 273

April 11, 1997 - Introduced by Representatives POWERS, ROBSON, ZUKOWSKI, HANSON, KREIBICH, TURNER, HAHN, MUSSER, BOCK, VANDER LOOP, NOTESTEIN, OLSEN, JOHNSRUD, KAUFERT and J. LEHMAN, cosponsored by Senators CLAUSING, ZIEN, PLACHE and RISSER. Referred to Committee on Health.

1 **AN ACT** *to repeal* 447.03 (1) (title), 447.03 (2) (title), 447.03 (3) (title), 447.04 (1)
2 (title) and 447.04 (2) (title); *to renumber* 447.03 (3) (b) and 447.04 (1); *to*
3 *renumber and amend* 15.405 (6), 447.02 (1) (d), 447.03 (2), 447.04 (2), 447.06
4 (1) and 447.06 (2); *to amend* 50.39 (3), 447.01 (3) (g), 447.01 (13), 447.02 (1) (a),
5 447.02 (1) (c), 447.02 (1) (e), 447.02 (2) (a), 447.02 (2) (b), 447.03 (1) (intro.),
6 447.03 (3) (intro.), 447.03 (3) (c), 447.065 (1) (intro.), 447.065 (2), 447.07 (1),
7 447.07 (3) (intro.), 447.07 (3) (e), 447.07 (3) (f), 447.07 (3) (g), 447.07 (3) (h),
8 447.09, 447.10 and 447.12 (1); *to repeal and recreate* chapter 447 (title); and
9 *to create* 15.085 (1m) (c), 15.406 (3), subchapter I (title) of chapter 447
10 [precedes 447.01], 447.01 (1m), subchapter II (title) of chapter 447 [precedes
11 447.02], subchapter III (title) of chapter 447 [precedes 447.11] and subchapter
12 IV of chapter 447 [precedes 447.51] of the statutes; **relating to:** the regulation

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- 1 of dental hygienists, creating a dental hygienists affiliated credentialing board,
2 granting rule-making authority and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person must be licensed as a dental hygienist by the dentistry examining board (DEB) in the department of regulation and licensing (DORL) in order to practice dental hygiene or perform remediable procedures or to represent himself or herself to the public as a dental hygienist. DEB is authorized to promulgate rules that specify practices that are included within the practice of dental hygiene. In addition, DEB may take disciplinary action against a dental hygienist, or an applicant for a dental hygienist license, who engages in unprofessional conduct, violates statutes or rules related to the practice of dental hygiene or engages in certain other prohibited conduct.

This bill creates a dental hygienists affiliated credentialing board (DHACB) in DORL that has 3 dental hygienist members and one public member. The bill transfers to DHACB all authority that DEB has under current law relating to the regulation of dental hygienists, including the authority to promulgate rules specifying practices that are included within the practice of dental hygiene and the authority to take disciplinary action. In addition, the bill allows DHACB to promulgate rules that impose continuing education requirements on all dental hygienists or on an individual dental hygienist in conjunction with, or instead of, taking disciplinary action.

Under current law, a dental hygienist's practice of dental hygiene or performance of remediable procedures must be authorized by a dentist who is present in the same facility as the dental hygienist. If a dentist is not present, a dental hygienist may practice dental hygiene or perform remediable procedures only under a prescription made by a dentist that specifies the practice or procedures to be performed and only if the following 2 requirements are satisfied: 1) the dentist examined the patient at least once within the 12-month period preceding the date of the prescription or the practice of dental hygiene or performance of procedures; and 2) if the practice or procedures are performed in a dental office, the patient has been a patient of the dentist for at least 6 months. Under this bill, these 2 requirements do not have to be satisfied if the dentist who made the prescription waives them.

Finally, under current law, the membership of DEB includes one licensed dental hygienist. This bill removes the dental hygienist member from DEB.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **SECTION 1.** 15.085 (1m) (c) of the statutes is created to read:

2 15.085 **(1m)** (c) The public member of the dental hygienists affiliated
3 credentialing board shall not be engaged in any profession or occupation concerned
4 with the delivery of dental or oral health care.

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

7 15.405 **(6)** DENTISTRY EXAMINING BOARD. (intro.) There is created a dentistry
8 examining board in the department of regulation and licensing. ~~The dentistry~~
9 ~~examining board shall consist of 8 members appointed for staggered~~ consisting of the
10 following members appointed for 4-year terms:

11 ~~(a) Five of the members shall be licensed dentists in this state. One member~~
12 ~~shall be a dental hygienist licensed to practice in this state. Notwithstanding s. 15.08~~
13 ~~(1m) (a), the dental hygienist member may participate in the preparation and~~
14 ~~grading of licensing examinations for dental hygienists~~ dentists who are licensed
15 under subch. II of ch. 447.

16 ~~(b) Two public members shall be public members.~~

17 **SECTION 3.** 15.406 (3) of the statutes is created to read:

18 15.406 **(3)** DENTAL HYGIENISTS AFFILIATED CREDENTIALING BOARD. There is created
19 in the department of regulation and licensing, attached to the dentistry examining
20 board, a dental hygienists affiliated credentialing board consisting of the following
21 members appointed for 4-year terms:

22 (a) Three dental hygienists who are licensed under subch. IV of ch. 447.

23 (b) One public member.

24 **SECTION 4.** 50.39 (3) of the statutes is amended to read:

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1 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
2 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.
3 938.02 (15m), correctional institutions governed by the department of corrections
4 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
5 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
6 not abridge the rights of the medical examining board, physical therapists affiliated
7 credentialing board, dentistry examining board, dental hygienists affiliated
8 credentialing board, pharmacy examining board, chiropractic examining board and
9 board of nursing in carrying out their statutory duties and responsibilities.

10 **SECTION 5.** Chapter 447 (title) of the statutes is repealed and recreated to read:

CHAPTER 447**DENTAL PRACTICES**

13 **SECTION 6.** Subchapter I (title) of chapter 447 [precedes 447.01] of the statutes
14 is created to read:

CHAPTER 447**SUBCHAPTER I****GENERAL PROVISIONS**

18 **SECTION 7.** 447.01 (1m) of the statutes is created to read:

19 447.01 (1m) “Affiliated credentialing board” means the dental hygienists
20 affiliated credentialing board.

21 **SECTION 8.** 447.01 (3) (g) of the statutes is amended to read:

22 447.01 (3) (g) Any other practice specified in the rules promulgated under s.
23 447.02 (1) (d) 447.51 (1) (b).

24 **SECTION 9.** 447.01 (13) of the statutes is amended to read:

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1 447.01 (13) “Written or oral prescription” means specific written or oral
2 authorization by a dentist who is licensed to practice dentistry under ~~this chapter~~
3 subch. II to perform patient procedures according to a clearly defined treatment plan
4 developed by the dentist.

5 **SECTION 10.** Subchapter II (title) of chapter 447 [precedes 447.02] of the
6 statutes is created to read:

7 **CHAPTER 447**

8 SUBCHAPTER II

9 DENTISTRY EXAMINING BOARD

10 **SECTION 11.** 447.02 (1) (a) of the statutes is amended to read:

11 447.02 (1) (a) Governing the reexamination of an applicant who fails an
12 examination specified in s. 447.04 (1) ~~(a) 5. or (2) (a) 5 (e)~~. The rules may specify
13 additional educational requirements for those applicants and may specify the
14 number of times an applicant may be examined.

15 **SECTION 12.** 447.02 (1) (c) of the statutes is amended to read:

16 447.02 (1) (c) Subject to ch. 553 and s. 447.06 ~~(1)~~, governing dental franchising.

17 **SECTION 13.** 447.02 (1) (d) of the statutes is renumbered 447.51 (1) (b) and
18 amended to read:

19 447.51 (1) (b) ~~Specifying~~ Specify practices, in addition to the practices specified
20 under s. 447.01 (3) (a) to (f), that are included within the practice of dental hygiene.

21 **SECTION 14.** 447.02 (1) (e) of the statutes is amended to read:

22 447.02 (1) (e) Providing for the granting of temporary licenses under this
23 ~~chapter~~ subchapter.

24 **SECTION 15.** 447.02 (2) (a) of the statutes is amended to read:

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1 447.02 (2) (a) The conditions for supervision and the degree of supervision
2 required under ss. 447.03 (3) (a), ~~(b)~~ and (d) 2. and 447.065.

3 **SECTION 16.** 447.02 (2) (b) of the statutes is amended to read:

4 447.02 (2) (b) The standards, conditions and any educational requirements
5 that are in addition to the requirements specified in s. 447.04 ~~(1)~~ that must be met
6 by a dentist to be permitted to induce general anesthesia or conscious sedation in
7 connection with the practice of dentistry.

8 **SECTION 17.** 447.03 (1) (title) of the statutes is repealed.

9 **SECTION 18.** 447.03 (1) (intro.) of the statutes is amended to read:

10 447.03 (1) (intro.) Except as provided under sub. (3), no person may do any of
11 the following unless he or she is licensed to practice dentistry under this ~~chapter~~
12 subchapter:

13 **SECTION 19.** 447.03 (2) (title) of the statutes is repealed.

14 **SECTION 20.** 447.03 (2) of the statutes is renumbered 447.52 (1), and 447.52 (1)
15 (intro.), as renumbered, is amended to read:

16 447.52 (1) (intro.) Except as provided under sub. ~~(3)~~ (2), no person may do any
17 of the following unless he or she is licensed to practice dental hygiene under this
18 ~~chapter~~ subchapter:

19 **SECTION 21.** 447.03 (3) (title) of the statutes is repealed.

20 **SECTION 22.** 447.03 (3) (intro.) of the statutes is amended to read:

21 447.03 (3) (intro.) No license under this ~~chapter~~ subchapter is required for any
22 of the following:

23 **SECTION 23.** 447.03 (3) (b) of the statutes is renumbered 447.52 (2) (a).

24 **SECTION 24.** 447.03 (3) (c) of the statutes is amended to read:

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1 447.03 (3) (c) An individual licensed to practice dentistry ~~or dental hygiene~~ in
2 another state or country who practices dentistry ~~or dental hygiene~~ in a program of
3 dental education or research at the invitation of a group of dentists or practices
4 dentistry ~~or dental hygiene~~ under the jurisdiction of the army, navy, air force, U.S.
5 public health service or veterans bureau U.S. department of veterans affairs.

6 **SECTION 25.** 447.04 (1) (title) of the statutes is repealed.

7 **SECTION 26.** 447.04 (1) of the statutes is renumbered 447.04.

8 **SECTION 27.** 447.04 (2) (title) of the statutes is repealed.

9 **SECTION 28.** 447.04 (2) of the statutes is renumbered 447.53, and 447.53 (1)
10 (intro.) and (c) to (f) and (2), as renumbered, are amended to read:

11 447.53 (1) (intro.) The ~~examining~~ affiliated credentialing board shall grant a
12 license to practice dental hygiene to an individual who does all of the following:

13 (c) Submits evidence satisfactory to the ~~examining~~ affiliated credentialing
14 board that he or she has graduated from an accredited dental hygiene school.

15 (d) Submits evidence satisfactory to the ~~examining~~ affiliated credentialing
16 board that he or she has passed the national dental hygiene examination and the
17 examination of a dental hygiene testing service approved by the ~~examining~~ affiliated
18 credentialing board.

19 (e) Passes an examination administered by the ~~examining~~ affiliated
20 credentialing board on the statutes and rules relating to dental hygiene.

21 (f) Completes any other requirements established by the ~~examining~~ affiliated
22 credentialing board by rule.

23 **(2)** The ~~examining~~ affiliated credentialing board may grant a license to practice
24 dental hygiene to an individual who is licensed in good standing to practice dental
25 hygiene in another state or territory of the United States or in another country if the

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1 applicant meets the requirements for licensure established by the ~~examining~~
2 affiliated credentialing board by rule and upon presentation of the license and
3 payment of the fee specified under s. 440.05 (2).

4 **SECTION 29.** 447.06 (1) of the statutes is renumbered 447.06 and amended to
5 read:

6 **447.06 Practice limitations.** No contract of employment entered into
7 between a dentist and any other party under which the dentist renders dental
8 services may require the dentist to act in a manner which violates the professional
9 standards for dentistry set forth in this ~~chapter~~ subchapter. Nothing in this
10 ~~subsection~~ section limits the ability of the other party to control the operation of the
11 dental practice in a manner in accordance with the professional standards for
12 dentistry set forth in this ~~chapter~~ subchapter.

13 **SECTION 30.** 447.06 (2) of the statutes is renumbered 447.55, and 447.55 (2) and
14 (3) (intro.), as renumbered, are amended to read:

15 447.55 (2) A dental hygienist may practice dental hygiene or perform
16 remediable procedures under ~~par. (a) 1., 4., 6., 7. or 8.~~ sub. (1) (a), (d), (f), (g) or (h)
17 only as authorized by a dentist who is licensed to practice dentistry under ~~this~~
18 ~~chapter~~ subch. II and who is present in the facility in which those practices or
19 procedures are performed, except as provided in ~~par. (e)~~ sub. (3).

20 (3) (intro.) A dental hygienist may practice dental hygiene or perform
21 remediable procedures under ~~par. (a) 1., 4., 6., 7. or 8.~~ sub. (1) (a), (d), (f), (g) or (h)
22 if a dentist who is licensed to practice dentistry under ~~this chapter~~ subch. II is not
23 present in the facility in which those practices or procedures are performed only if
24 all of the following conditions are met:

25 **SECTION 31.** 447.065 (1) (intro.) of the statutes is amended to read:

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1 447.065 (1) (intro.) A dentist who is licensed to practice dentistry under this
2 chapter ~~chapter~~ subchapter may delegate to an individual who is not licensed under this
3 chapter only the performance of remediable procedures, and only if all of the
4 following conditions are met:

5 **SECTION 32.** 447.065 (2) of the statutes is amended to read:

6 447.065 (2) Subject to the requirements under s. ~~447.06 (2)~~ 447.55, a dentist
7 who is licensed to practice dentistry under this ~~chapter~~ subchapter may delegate to
8 a dental hygienist who is licensed to practice dental hygiene under ~~this chapter~~
9 subch. IV the performance of remediable procedures.

10 **SECTION 33.** 447.07 (1) of the statutes is amended to read:

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

15 **SECTION 34.** 447.07 (3) (intro.) of the statutes is amended to read:

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

24 **SECTION 35.** 447.07 (3) (e) of the statutes is amended to read:

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1 447.07 (3) (e) Subject to ss. 111.321, 111.322 and 111.335, been convicted of a
2 crime, the circumstances of which substantially relate to the practice of dentistry ~~or~~
3 dental hygiene.

4 **SECTION 36.** 447.07 (3) (f) of the statutes is amended to read:

5 447.07 (3) (f) Violated this ~~chapter~~ subchapter or any federal or state statute
6 or rule which relates to the practice of dentistry ~~or dental hygiene~~.

7 **SECTION 37.** 447.07 (3) (g) of the statutes is amended to read:

8 447.07 (3) (g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry ~~or~~
9 dental hygiene while his or her ability was impaired by alcohol or other drugs.

10 **SECTION 38.** 447.07 (3) (h) of the statutes is amended to read:

11 447.07 (3) (h) Engaged in conduct that indicates a lack of knowledge of, an
12 inability to apply or the negligent application of, principles or skills of dentistry ~~or~~
13 dental hygiene.

14 **SECTION 39.** 447.09 of the statutes is amended to read:

15 **447.09 Penalties.** Any person who violates this ~~chapter~~ subchapter or subch.
16 III may be fined not more than \$1,000 or imprisoned for not more than one year in
17 the county jail or both for the first offense and may be fined not more than \$2,500 or
18 imprisoned for not more than 2 years or both for the 2nd or subsequent conviction
19 within 5 years.

20 **SECTION 40.** 447.10 of the statutes is amended to read:

21 **447.10 Injunction.** If it appears upon the complaint of any person to the
22 examining board, or it is believed by the examining board that any person is violating
23 this ~~chapter~~ subchapter or subch. III, the examining board, or the district attorney
24 of the proper county, may investigate such alleged violation, and may, in addition to
25 or in lieu of any other remedies provided by law, bring action in the name and on

SUBCHAPTER IV

DENTAL HYGIENISTS

AFFILIATED CREDENTIALING BOARD

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4 **447.51 Dental hygienists affiliated credentialing board.** (1) The
5 affiliated credentialing board may promulgate rules that do any of the following:

6 (a) Govern the reexamination of an applicant who fails an examination
7 specified in s. 447.53 (1) (e). Rules promulgated under this paragraph may specify
8 additional educational requirements for those applicants and may specify the
9 number of times an applicant may be examined.

10 (c) Provide for the granting of temporary licenses under this subchapter.

11 **(2)** The affiliated credentialing board shall promulgate rules that specify the
12 conditions for supervision and the degree of supervision required under s. 447.52 (2)

13 (a).

14 **447.52 License required.**

15 **(2)** No license is required under this subchapter for any of the following:

16 (b) An individual licensed to practice dental hygiene in another state or country
17 who practices dental hygiene in a program of dental education or research at the
18 invitation of a group of dentists or dental hygienists or practices dental hygiene
19 under the jurisdiction of the army, navy, air force, U.S. public health service or U.S.
20 department of veterans affairs.

21 (c) Any examiner representing a testing service approved by the affiliated
22 credentialing board.

23 (d) Any individual who provides remediable procedures that are delegated
24 under s. 447.065 (1).

25 **447.53 Licensure.**

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1 **447.54 Renewal of licenses.** Renewal applications shall be submitted to the
2 department on a form provided by the department on or before the applicable
3 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
4 renewal fee specified under s. 440.08 (2) (a) and, if required by rule promulgated by
5 the affiliated credentialing board, proof of completion of continuing education
6 requirements as specified in the rule.

7 **447.55 Practice limitations.**

8 **(3m)** Notwithstanding sub. (3) (b) and (d), a dental hygienist may practice
9 dental hygiene or perform remediable procedures under sub. (3) if the dentist who
10 makes the written or oral prescription specified in sub. (3) (a) waives the
11 requirements under sub. (3) (b) and (d).

12 **447.56 Disciplinary proceedings.** **(1)** The affiliated credentialing board
13 may, without further notice or process, limit, suspend or revoke the license of any
14 dental hygienist who fails, within 60 days after the mailing of written notice to the
15 licensee's last-known address, to renew his or her license.

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

23 (a) Engaged in unprofessional conduct.

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1 (b) Made any false statement or given any false information in connection with
2 an application for a license or for renewal or reinstatement of a license or received
3 the license through error.

4 (c) Been adjudicated mentally incompetent by a court.

5 (d) Directly or indirectly sent impressions or measurements to a dental
6 laboratory without a written work authorization on a form approved by the
7 examining board and signed by the authorizing dentist, or directly or indirectly sent
8 a patient, or an agent of a patient, to a dental laboratory for any purpose. The
9 affiliated credentialing board or its agents or employes may inspect dental offices
10 and the work authorization records of dental laboratories to determine compliance
11 with this paragraph.

12 (e) Subject to ss. 111.321, 111.322 and 111.335, been convicted of a crime, the
13 circumstances of which substantially relate to the practice of dental hygiene.

14 (f) Violated this subchapter or any federal or state statute or rule which relates
15 to the practice of dental hygiene.

16 (g) Subject to ss. 111.321, 111.322 and 111.34, practiced dental hygiene while
17 his or her ability was impaired by alcohol or other drugs.

18 (h) Engaged in conduct that indicates a lack of knowledge of, an inability to
19 apply or the negligent application of, principles or skills of dental hygiene.

20 (i) Obtained or attempted to obtain compensation by fraud or deceit.

21 (j) Employed, directly or indirectly, any unlicensed person to perform any act
22 requiring licensure under this chapter.

23 (k) Engaged in repeated irregularities in billing a 3rd party for services
24 rendered to a patient. In this paragraph, "irregularities in billing" includes:

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1 1. Reporting charges for the purpose of obtaining a total payment in excess of
2 that usually received for the services rendered.

3 2. Reporting incorrect treatment dates for the purpose of obtaining payment.

4 3. Reporting charges for services not rendered.

5 4. Incorrectly reporting services rendered for the purpose of obtaining
6 payment.

7 5. Abrogating the copayment provisions of a contract by agreeing to forgive any
8 or all of the patient's obligation for payment under the contract.

9 (L) Violated ch. 450 or 961.

10 (m) Made a substantial misrepresentation in the course of practice that was
11 relied upon by a client.

12 (n) Violated any order of the affiliated credentialing board.

13 (o) Advertised by using a statement that tends to deceive or mislead the public.

14 **(3)** The affiliated credentialing board may reinstate a license that has been
15 voluntarily surrendered or revoked on terms and conditions that it considers
16 appropriate.

17 **(4)** In addition to or in lieu of a reprimand or denial, limitation, suspension or
18 revocation of a license under sub. (2), the affiliated credentialing board may do any
19 of the following:

20 (a) Require a licensee to complete any continuing education specified by the
21 affiliated credentialing board for the purpose of ensuring competency to practice
22 dental hygiene.

23 (b) Assess against an applicant or licensee a forfeiture of not more than \$5,000
24 for each violation enumerated under sub. (2).

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1 **447.57 Penalties.** Any person who violates this subchapter may be fined not
2 more than \$1,000 or imprisoned for not more than one year in the county jail or both
3 for the first offense and may be fined not more than \$2,500 or imprisoned for not more
4 than 2 years or both for the 2nd or subsequent conviction within 5 years.

5 **447.58 Injunction.** If it appears upon the complaint of any person to the
6 affiliated credentialing board, or it is believed by the affiliated credentialing board
7 that any person is violating this subchapter, the affiliated credentialing board, or the
8 district attorney of the proper county, may investigate such alleged violation, and
9 may, in addition to or in lieu of any other remedies provided by law, bring action in
10 the name and on behalf of the state against any such person to enjoin such violation.
11 Between meetings of the affiliated credentialing board, its chairperson and
12 secretary, acting in its behalf, are empowered jointly to make such an investigation,
13 and on the basis thereof to seek such relief. Investigations conducted by the affiliated
14 credentialing board, or by its chairperson and secretary, shall be conducted according
15 to rules promulgated under s. 440.03 (1).

16 **SECTION 44. Nonstatutory provisions; dental hygienists affiliated**
17 **credentialing board.**

18 (1) INITIAL APPOINTMENTS. Notwithstanding the length of the terms specified in
19 section 15.406 (3) (intro.) of the statutes, as created by this act, the initial members
20 of the dental hygienists affiliated credentialing board shall be appointed by the first
21 day of the 4th month beginning after the effective date of this subsection for the
22 following terms:

23 (a) One dental hygienist, for a term expiring on July 1, 2000.

24 (b) One dental hygienist, for a term expiring on July 1, 2001.

25 (c) The public member, for a term expiring on July 1, 2002.

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1 (d) One dental hygienist, for a term expiring on July 1, 2003.

2 (2) TRANSFER OF AUTHORITY AND RECORDS FROM DENTISTRY EXAMINING BOARD;
3 TRANSITIONAL PROVISIONS.

4 (a) *Definitions.* In this subsection:

5 1. "Affiliated credentialing board" means the dental hygienists affiliated
6 credentialing board.

7 2. "Examining board" means the dentistry examining board.

8 (b) *Transitional provisions.* During the period beginning on the effective date
9 of this paragraph and ending on the first day of the 7th month beginning after the
10 effective date of this paragraph, the examining board shall cooperate with the
11 affiliated credentialing board, as created by this act, in providing orderly and
12 efficient transfers under this subsection. On the first day of the 7th month beginning
13 after the effective date of this paragraph, all of the following apply:

14 1. The assets and liabilities of the examining board pertaining to the regulation
15 of dental hygienists shall become the assets and liabilities of the affiliated
16 credentialing board.

17 2. All tangible personal property, including records, of the examining board
18 pertaining to the regulation of dental hygienists is transferred to the affiliated
19 credentialing board.

20 3. All rules pertaining to the regulation of dental hygienists that have been
21 promulgated by the examining board and that are in effect shall become rules of the
22 affiliated credentialing board and shall remain in effect until their specified
23 expiration dates or until amended or repealed by the affiliated credentialing board.

24 All orders pertaining to the regulation of dental hygienists that have been issued by
25 the examining board and that are in effect shall become orders of the affiliated

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1 credentialing board and shall remain in effect until their specified expiration dates
2 or until modified or rescinded by the affiliated credentialing board.

3 4. Any matter relating to the regulation of dental hygienists that is pending
4 with the examining board is transferred to the affiliated credentialing board, and all
5 materials submitted to or actions taken by the examining board with respect to the
6 pending matter are considered to have been submitted to or taken by the affiliated
7 credentialing board.

8 5. Notwithstanding section 447.53 (1) of the statutes, as affected by this act,
9 any person who, on the day before the first day of the 7th month beginning after the
10 effective date of this subdivision, was licensed as a dental hygienist by the examining
11 board under chapter 447 of the statutes is considered to be licensed by the affiliated
12 credentialing board under subchapter IV of chapter 447 of the statutes, as created
13 by this act, without meeting any of the requirements of section 447.53 of the statutes,
14 as affected by this act.

15 **SECTION 45. Effective dates.** This act takes effect on the first day of the 7th
16 beginning after publication, except as follows:

17 (1) The treatment of sections 15.085 (1m) (c), 15.405 (6) and 15.406 (3) of the
18 statutes and SECTION 44 of this act take effect on the day after publication.

19 (END)