

2013 DRAFTING REQUEST

Bill

Received: 5/17/2013 Received By: mgallagh
Wanted: As time permits Same as LRB:
For: Sheila Harsdorf (608) 266-7745 By/Representing: Melissa
May Contact: Drafter: mgallagh
Subject: Occupational Reg. - misc Addl. Drafters:
Occupational Reg. - prof lic Extra Copies: MED

Submit via email: YES
Requester's email: Sen.Harsdorf@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Rules relating to dental hygienists

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 6/11/2013	evinz 6/13/2013	phenry 6/14/2013	_____			
/1	mgallagh 7/22/2013	evinz 7/22/2013	jfrantze 7/22/2013	_____	srose 6/14/2013		State
/2	mgallagh 8/14/2013	evinz 8/14/2013	rschluet 8/15/2013	_____	lparisi 7/22/2013		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3				_____	lparisi 8/15/2013	lparisi 9/5/2013	State

FE Sent For:

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/?	mgallagh	1 eev 6/13/13	9/14 P	X			

FE Sent For:

<END>

Gallagher, Michael

From: Weigand, Melissa
Sent: Friday, May 17, 2013 11:16 AM
To: Gallagher, Michael
Subject: Information on Bill for Dental Hygenists
Attachments: Nitrous Oxide Draft Language PT.doc

Good morning,

Per our phone conversation, please find attached possible draft language for a bill that would give the Dentistry Examining Board authority to come up with rules and training requirements to allow dental hygienists to administer nitrous oxide to patients. The bill would also remove the 6 month rule requiring patients to have been the dentist's patient of record for at least 6 months if a dental hygienist is practicing and the dentist is not present in the office.

Please let me know if you have any questions. Thank you for your help.

Melissa Weigand

Office of Senator Sheila Harsdorf
800.862.1092 or 608.266.7745

447.02 Dentistry examining board. (1) The examining board may promulgate rules:

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

(b) Governing the standards and conditions for the use of radiation and ionizing equipment in the practice of dentistry.

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

(d) Specifying practices, in addition to the practices specified under s. 447.01 (3) (a) to (f), that are included within the practice of dental hygiene.

(e) Providing for the granting of temporary licenses under this chapter.

(f) Governing compliance with continuing education requirements under s. 447.056.

(2) The examining board shall promulgate rules specifying all of the following:

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

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

(c) Whether an individual is required to be licensed under this chapter to remove plaque or materia alba accretions with mechanical devices.

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

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

(f) The educational requirements for administration of nitrous oxide inhalation analgesia by a dental hygienist licensed under this chapter under s. 447.06 (2) (e) 2.

447.04 Licensure. (1) DENTISTS. (a) The examining board shall grant a license to practice dentistry to an individual who does all of the following:

1. Submits an application for the license to the department on a form provided by the department.

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

3. Submits evidence satisfactory to the examining board that he or she has graduated from an accredited dental school.

4. Submits evidence satisfactory to the examining board that he or she has passed the national dental examination and the examination of a dental testing service approved by the examining board.

5. Passes an examination administered by the examining board on the statutes and rules relating to dentistry. 5m. Submits evidence satisfactory to the examining board that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

6. Completes any other requirements established by the examining board by rule.

(b) Except as provided in par. (c), the examining board may grant a license to practice dentistry to an individual who is licensed in good standing to practice dentistry in another state or territory of the United States or in another country if the applicant complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule.

2. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health and family services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.

3. Presents the license to the examining board and pays the fee specified under s. 440.05 (2).

(c) 1. The examining board shall grant a license to practice dentistry to an applicant who is licensed in good standing to practice dentistry in another jurisdiction upon presentation of the license and who does all of the following:

a. Pays the fee specified in s. 440.05 (2).

b. Submits evidence satisfactory to the examining board that the applicant has been offered employment as a full-time faculty member at a school of dentistry in this state.

c. Makes responses during any interview that the examining board may require that demonstrate, to the satisfaction of the examining board, that the applicant is competent to practice dentistry.

d. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.

2. A license granted under subd. 1. authorizes the license holder to practice dentistry only within educational facilities.

3. A license granted under subd. 1. is no longer in effect if the license holder ceases to be employed as a full-time faculty member at a school of dentistry in this state.

4. The examining board may promulgate rules to carry out the purposes of this paragraph.

(2) DENTAL HYGIENISTS. (a) The examining board shall grant a license to practice dental hygiene to an individual who does all of the following:

1. Submits an application for the license to the department on a form provided by the department.
2. Pays the fee specified in s. 440.05 (1).
3. Submits evidence satisfactory to the examining board that he or she has graduated from an accredited dental hygiene school.
4. Submits evidence satisfactory to the examining board that he or she has passed the national dental hygiene examination and the examination of a dental hygiene testing service approved by the examining board.
5. Passes an examination administered by the examining board on the statutes and rules relating to dental hygiene.
- 5m. Submits evidence satisfactory to the examining board that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.
6. Completes any other requirements established by the examining board by rule.

(b) The examining board may grant a license to practice dental hygiene to an individual who is licensed in good standing to practice dental hygiene in another state or territory of the United States or in another country if the applicant complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule.
2. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.
3. Presents the license to the examining board and pays the fee specified under s. 440.05 (2). (c)

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

2. No fee may be charged for a certificate granted under subd.

1. A certificate granted under subd. 1. remains in effect while the dental hygienist's license granted under par. (a) or (b) remains in effect unless the certificate is suspended or revoked by the examining board.

(d) 1. The examining board shall grant a certificate to administer Nitrous oxide inhalation analgesia to a dental hygienist who is licensed under par. (a) or (b), and who submits evidence satisfactory to the examining board that he or she satisfies the educational requirements established in rules promulgated under s. 447.02 (2) (f).

2. No fee may be charged for a certificate granted under subd.

1. A certificate granted under subd. 1. remains in effect while the dental hygienist's license granted under par. (a) or (b) remains in effect unless the certificate is suspended or revoked by the examining board.

447.06 Practice limitations. (1) No contract of employment entered into between a dentist and any other party under which the dentist renders dental services may require the dentist to act in a manner which violates the professional standards for dentistry set forth in this chapter. Nothing in this subsection limits the ability of the other party to control the operation of the dental practice in a manner in accordance with the professional standards for dentistry set forth in this chapter.

(2) (a) A hygienist may practice dental hygiene or perform remediable procedures only as an employee or as an independent contractor and only as follows:

1. In a dental office.
2. For a school board or a governing body of a private school.
3. For a school for the education of dentists or dental hygienists.
4. For a facility, as defined in s. 50.01 (1m), a hospital, as defined in s. 50.33 (2), a state or federal prison, county jail or other federal, state, county or municipal correctional or detention facility, or a facility established to provide care for terminally ill patients.
5. For a local health department, as defined in s. 250.01 (4).
6. For a charitable institution open to the general public or to members of a religious sect or order.
7. For a nonprofit home health care agency.
8. For a nonprofit dental care program serving primarily indigent, economically disadvantaged or migrant worker populations.

(b) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1., 4., 6., 7. or 8. only as authorized by a dentist who is licensed to practice dentistry under this chapter and who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

(c) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1., 4., 6., 7. or 8. if a dentist who is licensed to practice dentistry under this chapter is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:

1. The dental hygiene practices or remediable procedures are performed under a written or oral prescription.
2. The dentist who made the written or oral prescription has examined the patient at least once during the 12-month period immediately preceding:
 - a. The date on which the written or oral prescription was made; and
 - b. The date on which the dental hygiene practices or remediable procedures are performed.

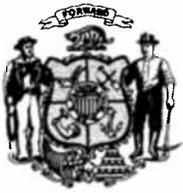
3. The written or oral prescription specifies the practices and procedures that the dental hygienist may perform with the informed consent of the patient or, if applicable, the patient's parent or legal guardian.

~~4. If the practices or procedures are performed in a dental office, the patient has been the dentist's patient of record for not less than 6 months.~~

(d) A dental hygienist may not diagnose a dental disease or ailment, determine any treatment or any regimen of any treatment outside of the scope of dental hygiene, prescribe or order medication or perform any procedure that involves the intentional cutting of soft or hard tissue of the mouth by any means.

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

1. Oral systemic premedications specified by the examining board by rule.
2. If the dental hygienist is certified under s. 447.04 (2) (c) 1., local anesthesia.
3. Subgingival sustained release chemotherapeutic agents specified by the examining board by rule.
4. If the dental hygienist is certified under s. 447.04 (2) (d) 1., Nitrous oxide inhalation analgesia.



CEV
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

JAI
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D-Notes

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1 AN ACT relating to: a dental hygienist's administration of nitrous oxide
2 inhalation analgesia and practice of dental hygiene.

Analysis by the Legislative Reference Bureau

Under current law, the Dentistry Examining Board (board) licenses dental hygienists in Wisconsin. Also under current law, the board certifies qualified dental hygienists to administer a local anesthesia. ✓

This bill requires the board to grant a certificate to administer nitrous oxide inhalation analgesia to a dental hygienist who is licensed by the board and who satisfies certain educational requirements that the bill directs the board to establish by rule. Under the bill, the board may not charge a fee to issue such a certificate, and the certificate, once issued, remains in effect while the dental hygienist holds a valid license to practice dental hygiene in Wisconsin, unless the board suspends or revokes the certificate. ✓

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:

3 SECTION 1. 447.02 (2) (f) of the statutes is created to read:

1 447.02 (2) (f) The educational requirements for a dental hygienist licensed
2 under this chapter to administer nitrous oxide inhalation analgesia under s. 447.06
3 (2) (e) 4.

4 SECTION 2. 447.04 (2) (d) of the statutes is created to read:

5 447.04 (2) (d) 1. The examining board shall grant a certificate to administer
6 nitrous oxide inhalation analgesia to a dental hygienist who is licensed under par.
7 (a) or (b) and who submits evidence satisfactory to the examining board that he or
8 she satisfies the educational requirements established in rules promulgated under
9 s. 447.02 (2) (f).

10 2. No fee may be charged for a certificate granted under subd. 1. A certificate
11 granted under subd. 1. remains in effect while the dental hygienist's license granted
12 under par. (a) or (b) remains in effect unless the board suspends or revokes the
13 certificate.

14 SECTION 3. 447.06 (2) (c) 4. of the statutes is repealed.

15 SECTION 4. 447.06 (2) (e) 4. of the statutes is created to read:

16 447.06 (2) (e) 4. If the dental hygienist is certified under s. 447.04 (2) (1) 1.,
17 nitrous oxide inhalation analgesia.

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

19 447.065 (2) Subject to the requirements under s. 447.06 (2), a dentist who is
20 licensed to practice dentistry under this chapter may delegate to a dental hygienist
21 who is licensed to practice dental hygiene under this chapter the performance of
22 remediable procedures and the administration of oral systemic premedications, local
23 anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release
24 chemotherapeutic agents.

1

SECTION 6. Effective date.

2

(1) This act takes effect on ^{the} first day of the 7th month beginning after publication.

3

4

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2407/1dn

MPG.: : : : :
leev

date

Senator Harsdorf:

Please review this draft carefully to ensure that it is consistent with your intent.

I included a six-month delayed effective date to give the Dentistry Examining Board time to promulgate the rules required under the draft. Please let me know if that is not consistent with your intent.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2407/1dn
MPG:eev:ph

June 14, 2013

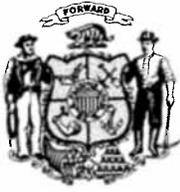
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Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov



stays

1/2

2013 BILL

gen cat

1 AN ACT *to repeal* 447.06 (2) (c) 4.; *to amend* 447.065 (2); and *to create* 447.02
2 (2) (f), 447.04 (2) (d) and 447.06 (2) (e) 4. of the statutes; **relating to:** a dental
3 hygienist's administration of nitrous oxide inhalation analgesia and practice of
4 dental hygiene.

Analysis by the Legislative Reference Bureau

Under current law, the Dentistry Examining Board (board) licenses dental hygienists in Wisconsin. Also under current law, the board certifies qualified dental hygienists to administer a local anesthesia.

This bill requires the board to grant a certificate to administer nitrous oxide inhalation analgesia to a dental hygienist who is licensed by the board and who satisfies certain educational requirements that the bill directs the board to establish by rule. Under the bill, the board may not charge a fee to issue such a certificate, and the certificate, once issued, remains in effect while the dental hygienist holds a valid license to practice dental hygiene in Wisconsin, unless the board suspends or revokes the certificate.

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:

BILL

1 **SECTION 1.** 447.02 (2) (f) of the statutes is created to read:

2 447.02 (2) (f) The educational requirements for a dental hygienist licensed
3 under this chapter to administer nitrous oxide inhalation analgesia under s. 447.06
4 (2) (e) 4.

5 **SECTION 2.** 447.04 (2) (d) of the statutes is created to read:

6 447.04 (2) (d) 1. The examining board shall grant a certificate to administer
7 nitrous oxide inhalation analgesia to a dental hygienist who is licensed under par.
8 (a) or (b) and who submits evidence satisfactory to the examining board that he or
9 she satisfies the educational requirements established in rules promulgated under
10 s. 447.02 (2) (f).

11 2. No fee may be charged for a certificate granted under subd. 1. A certificate
12 granted under subd. 1. remains in effect while the dental hygienist's license granted
13 under par. (a) or (b) remains in effect unless the board suspends or revokes the
14 certificate.

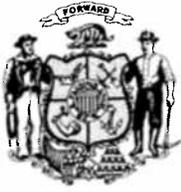
15 **SECTION 3.** 447.06 (2) (c) 4. of the statutes is repealed.

16 **SECTION 4.** 447.06 (2) (e) 4. of the statutes is created to read:

17 447.06 (2) (e) 4. If the dental hygienist is certified under s. 447.04 (2) (d) 1.,
18 nitrous oxide inhalation analgesia.

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

20 447.065 (2) Subject to the requirements under s. 447.06 (2), a dentist who is
21 licensed to practice dentistry under this chapter may delegate to a dental hygienist
22 who is licensed to practice dental hygiene under this chapter the performance of
23 remediable procedures and the administration of oral systemic premedications, local
24 anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release
25 chemotherapeutic agents.



2013 BILL

3

regen

1 AN ACT *to repeal* 447.06 (2) (c) 4.; *to amend* 447.065 (2); and *to create* 447.02
 2 (2) (f), 447.04 (2) (d) and 447.06 (2) (e) 4. of the statutes; **relating to:** a dental
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 4 dental hygiene.

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1 **SECTION 1.** 447.02 (2) (f) of the statutes is created to read:

2 447.02 (2) (f) The educational requirements for a dental hygienist licensed
3 under this chapter to administer nitrous oxide inhalation analgesia under s. 447.06
4 (2) (e) 4.

5 **SECTION 2.** 447.04 (2) (d) of the statutes is created to read:

6 447.04 (2) (d) 1. The examining board shall grant a certificate to administer
7 nitrous oxide inhalation analgesia to a dental hygienist who is licensed under par.
8 (a) or (b) and who submits evidence satisfactory to the examining board that he or
9 she satisfies the educational requirements established in rules promulgated under

10 s. 447.02 (2) (f) ^{including by having satisfied substantially similar}
~~requirements~~ ^{in another state}

11 2. No fee may be charged for a certificate granted under subd. 1. A certificate
12 granted under subd. 1. remains in effect while the dental hygienist's license granted
13 under par. (a) or (b) remains in effect unless the board suspends or revokes the
14 certificate.

15 **SECTION 3.** 447.06 (2) (c) 4. of the statutes is repealed.

16 **SECTION 4.** 447.06 (2) (e) 4. of the statutes is created to read:

17 447.06 (2) (e) 4. If the dental hygienist is certified under s. 447.04 (2) (d) 1.,
18 nitrous oxide inhalation analgesia.

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

20 447.065 (2) Subject to the requirements under s. 447.06 (2), a dentist who is
21 licensed to practice dentistry under this chapter may delegate to a dental hygienist
22 who is licensed to practice dental hygiene under this chapter the performance of
23 remediable procedures and the administration of oral systemic premedications, local
24 anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release
25 chemotherapeutic agents.

Parisi, Lori

From: Weigand, Melissa
Sent: Thursday, September 05, 2013 9:52 AM
To: LRB.Legal
Subject: Draft Review: LRB -2407/3 Topic: Rules relating to dental hygienists

Please Jacket LRB -2407/3 for the SENATE.

Thank you,

Melissa Weigand

Office of Senator Sheila Harsdorf
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