

DE 1 to 7

Filed January 9, 1964
9:30 a.m.

STATE OF WISCONSIN :

SS

BOARD OF DENTAL EXAMINERS:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, A. H. Clark, D.D.S.

Secretary

Chairman

Director

of the BOARD OF DENTAL EXAMINERS and custodian of the official records of said board, do hereby certify that the administrative code of the Board of Dental Examiners, as it was in effect on the date of repeal, was repealed, and the annexed code approved and adopted by this board on January 9, 1964

I further certify that the copy attached hereto has been compared by me with the original on file in this office and that the same is a true copy thereof and of the whole of such original.

*SEAL, if any

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the official seal* of the board at the city of Milwaukee, this 9th day of January, 1964

A. H. Clark
Secretary-Treasurer

Pursuant to authority vested in the Board of Dental Examiners by section 152.01 (7) and chapter 227, Wis. Stats., the board hereby repeals its administrative code as it is in effect on this date and recreates the code to read as follows:

(Typewritten pages attached)

The repeal and recreation of rules contained herein takes effect on the first day of the month following publication in the WISCONSIN ADMINISTRATIVE CODE as provided in section 227.026, Wis. Stats.

Dated

January 9, 1964

BOARD OF DENTAL EXAMINERS

SEAL, if any

W. Claborn
Secretary-Treasurer

WISCONSIN ADMINISTRATIVE CODE

Rules of

WISCONSIN STATE BOARD OF DENTAL EXAMINERS

Cite the rules in this Code a

(for example)

Wis. Adm. Code section DE 1.01

WISCONSIN STATE BOARD OF DENTAL EXAMINERS

819 North 6th Street

Milwaukee, Wisconsin

INTRODUCTION

Purpose and Structure

The legislature, by section 35.93 and chapter 227, Wis. Stats., 1955, directed the publication of the rules of administrative agencies having rule-making authority in a loose-leaf, continual revision system known as the WISCONSIN ADMINISTRATIVE CODE. The code is kept current by means of new and replacement pages. The pages are issued monthly, together with notices of hearings on proposed rules, emergency rules, new rules, instructions for insertion of new material, and other pertinent information. This monthly service is called the WISCONSIN ADMINISTRATIVE REGISTER, and comes to the subscriber after the 25th of each month.

Availability

The complete code and the upkeep service are distributed to the county law libraries; to the libraries of the University of Wisconsin Law School and Marquette University Law School; to the State Historical Society; to the Legislative Reference Library and to the State Law Library, and to certain designated public libraries throughout the state.

Orders for the complete code, for parts of the code or for a single code should be directed to the Revisor of Statutes, Capitol, 321 Northeast, Madison 2, Wisconsin.

History Notes

Each page of the code as it was originally filed and printed pursuant to the 1955 legislation, is dated "1-2-56". A rule which is amended or created subsequent to the original printing date is followed by a history note indicating the date and number of the REGISTER in which it was published and the date on which the amendment or the rule became effective. The absence of a history note at the end of a section indicates that the rule has remained unchanged since the original printing in 1956. The date line at the bottom of the page indicates the month in which the page was released.

In some instances an ENTIRE code has been repealed and recreated subsequent to the original printing date. When this occurs a history note has been placed at the beginning of the chapter to contain this information. A separate history note appears after each section indicating the date when the revision became effective.

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History: Chapters DE 1 through DE 7 as they existed on
were repealed, and new chapters DE 1 through DE 7
were created effective

Chapter DE 1

PRACTICE OF DENTISTRY OR DENTAL HYGIENE

DE 1.01 Requirements

DE 1.01 Requirements. (1) Whoever engages in the practice of dentistry or dental hygiene shall keep his license conspicuously displayed in the place of practice so as to be easily seen and read.

(2) Dentists and dental hygienists shall annually register and pay the annual registration fee.

(3) No dentist or dental hygienist shall practice his or her profession save only under his or her own name.

(4) No dentist or dental hygienist shall in any manner whatever practice his or her profession subject to the authority or control, expressed or implied, of any person or persons not registered to practice dentistry in Wisconsin.

(5) The practice of dentistry in the state of Wisconsin is defined in section 152.02 (1), Wis. Stats. This definition shall be strictly adhered to.

(6) The practice of dental hygiene in the state of Wisconsin is defined in section 152.08 (1), Wis. Stats. This definition shall be strictly adhered to.

(a) A dental hygienist employed in a dental office must practice only under the direction and supervision of the licensed dentist or dentists of such office. Such dental hygienists shall not practice during a prolonged absence of the dentist or dentists.

History: Cr. Register.

Chapter DE 2

BOARD OF DENTAL EXAMINERS

DE 2.01 Organization

DE 2.01 Organization. All meetings of the board of dental examiners of the state of Wisconsin shall be held in compliance with section 152.01 (2), Wis. Stats.

(1) The officers of the board shall consist of a president, vice-president, and secretary-treasurer.

(2) The election of officers shall be held during the annual meeting, officers to hold office for one year or until their successors are duly elected.

(3) In case of a vacancy occurring in any of the offices, the same may be filled at any regular meeting or at a special meeting called for that purpose or by ballot by mail.

(4) The salaries of the secretary and president shall be fixed by the board, and shall be in addition to their per diem as members of the board and all necessary traveling expenses incurred in connection with the performance of the duties of their offices.

(5) When not otherwise provided, Robert's Rules of Order shall be the guide for all business meetings of the board.

(6) It shall be the duty of the investigators hired by the board to make investigations, to canvass the state as often as the occasion demands, to swear to complaints of violations of the dental practice act, to give testimony in court and to attend to such other duties as the board may designate from time to time.

(7) The board may attend conferences of the American Association of Dental Examiners and Congress on Dental Licensure and may be remunerated in accordance with the law.

(8) All vouchers for expenses, salaries or per diem must be signed by the secretary and the president of the board.

Chapter DE 3

EXAMINATION AND LICENSING

DE 3.01 Examination

DE 3.03 Grading

DE 3.02 Practical examination

DE 3.04 Issuance of licenses

DE 3.01 Examination. (1) All persons desiring to practice dentistry in this state must first present applications and credentials as prescribed by the dental law and in accordance with the following rules of the board. Applicants shall file the following with the secretary of the board not later than the 30 days preceding the examination.

(a) A verified application on a form approved by the board and furnished by the secretary, properly filled out.

(b) A diploma or certificate of graduation bearing the seal of a dental school approved by the board. In the event the diploma or certificate of graduation has been lost, the applicant must present, in lieu thereof, an affidavit equivalent to a diploma or certificate of graduation from the registrar of the dental school under the seal of the school.

(c) Testimonials of good moral character: In the case of persons licensed in other states of the United States, the testimonials must bear the signature of the president and secretary of the state dental association of that state, under the seal of that association, or the signature of secretary of the board of dental examiners of such state under the seal of said board. Recent graduates must present a testimonial of good moral character from the dean of the dental school from which they have graduated; said testimonials must bear the seal of the school and be in the form of a sworn affidavit.

(d) A recent, unmounted, passport-sized photograph must be attached to the application on the space provided for such photograph.

(e) A fee of \$25 shall accompany the application of all applicants for licenses to practice dentistry in this state.

(f) No dental school or school of dental hygiene will be recognized by this board which does not require all pre-requisites and professional requisites required of Wisconsin dental schools by section 152.03(1). This board may recognize the graduates of schools approved by the Council on Dental Education of the American Dental Association.

(2) All persons desiring to practice dental hygiene in this state must first present applications and credentials as prescribed by law and in accordance with the following rules of the board. Applicants shall file the following with the secretary of the board at least 30 days preceding month in which the examination is held.

(a) A verified application on the form approved by the board and furnished by the secretary, properly filled out.

(b) A diploma or certificate in dental hygiene from a school, dental infirmary or other institution, which maintains a course of instruction approved by the board.

(c) A recent, unmounted, passport-sized photograph attached to application on a space provided for same.

(d) Testimonials of good moral character.

(e) A fee of \$25 shall accompany the application.

(3) Permission to take the examination shall be granted to those applicants who have paid the necessary fee and whose credentials have been favorably acted upon by the board after being presented as provided in subs. (1) and (2).

(4) As provided in section 152.04, Wis. Stats., the board may, in its discretion, permit dental students who have successfully completed at least two years' work of eight months each in a recognized dental school and who file proof satisfactory to the board that they have the preliminary education described in section 152.03 (1), Wis. Stats., to take written examinations and credit satisfactory grades toward final examination. The board shall require a fee of \$10 for such examination.

(5) All written examinations must be in books or on paper supplied by the board.

(6) No persons, other than those directly connected with the examination shall be admitted to the examination room, except by special permission of the president and secretary, and a copy of this rule shall be posted in a conspicuous place in said room.

(7) An applicant who gives or receives assistance during the written or clinical examination, shall be dismissed from the examination and his markings for that subject shall be void.

DE 3.02 Clinical and laboratory demonstration. (1) All operations must be in the presence of the board or at least 3 members of the board.

(2) The requirements for the clinical and laboratory demonstration shall be decided upon by the board and shall be announced at the option of the board and according to the statutes.

(3) Each applicant must furnish patients, instruments and materials. Applicants will be entitled to the return of their prosthetic work. Chairs will be provided and assigned by the board.

(4) Applicants shall be allowed the allotted time as per the schedule for the various examinations.

DE 3.03 Grading. (1) Examination papers in the dental sciences shall be scored on the basis of 100 points. The passing score shall be 75%. If the national board scores are accepted, the passing score of the national board shall be accepted.

(2) The clinical demonstrations shall be appraised by at least 3 members of the board. If demonstration is questionable, all board members present must examine.

(a) Demonstrations will be inspected as follows: approval before operation by 1 member, Cavity preparation by 2 members. Permission for cement base by 1 member. Finished demonstration by 3 members.

(3) The grades in the dental sciences shall have the same weight as the clinical and laboratory demonstration and 75% in the sciences shall be passing unless the national board scores are used. When national boards are accepted, the Board reserves the right to give such supplementary examination as it deems necessary. The grade on such examination shall be averaged with national board scores.

(4) The total result of the clinical and laboratory demonstration shall be to the satisfaction of at least 3 members of the board. When doubt exists, all members present must appraise the questionable demonstration (s).

(5) When special examinations are given (i.e., mid-winter examinations) where there are a relatively small number of candidates, if the entire board agrees, a minority of the board may conduct the examination. However, candidates must agree to abide by the results of the examination as determined by the minority of the board.

(6) Successful applicants shall be granted licenses to practice and the same shall be forwarded to them by first-class mail, by the secretary. Unsuccessful applicants shall be notified by the secretary, by mail, of their failure, and shall be given a list of those subjects in which they have failed.

(7) Each member of the board shall be allowed one per diem for each set of questions for examination he prepares, and one per diem for each 20 papers, or fraction thereof, that he grades. All examination papers must be graded as provided in these rules, and tabulated returns of the same must be delivered or mailed to the secretary within reasonable time after such examinations. All examination papers must be held by the examiner for a period of 5 years before destroying.

(8) In those instances where the board accepts the certificate of the national board of dental examiners as provided in section 152.04, Wis. Stats., the foregoing provisions of this section relating to the averaging of the clinical and laboratory demonstrations with the papers on dental sciences shall not be followed. In all such cases the applicant will be required to obtain a passing grade in the clinical and laboratory demonstration in accordance with the board's rules and procedures relating to the clinical and laboratory demonstration.

DE 3.04 Issuance of licenses. (1) Licenses shall be issued as provided in these rules to all successful candidates.

(2) Duplicate licenses may be issued by the board upon receipt of application showing satisfactory evidence that the applicant's license has been lost or destroyed; the fee for such license shall be \$10 and said fee shall accompany the application.

(3) New licenses may be issued by the board when a licentiate shall have changed his or her name. Said licentiate shall present an order from the court authorizing said change; shall make a formal application to the board and shall accompany said application with a fee of \$10.

Chapter DE 4

CONDUCT, SIGN AND ADVERTISEMENTS
OF PRACTITIONERS

DE 4.01 Advertisements

DE 4.02 Conduct

DE 4.01 Advertisements. (1) The use of any large display, glaring, illuminating or flickering light sign is prohibited.

(2) The use of any office sign larger than 600 square inches in size over all or containing letters over 6 inches in size shall constitute unprofessional advertising.

(3) Such office signs may contain only the name or names of the duly licensed dentists or hygienists practicing therein, their titles, office hours and purely educational matter not in conflict with law.

(4) The omission of the names of any associate licensed dentist or dental hygienist in signs or advertisements is considered a violation of section 152.07 (6) (f), Wis. Stats.

(5) The retention in or about the office or building for a period of longer than 6 months of a sign or signs of former dentists or of the use of the name of said former dentist or dentists in any form of advertising, listing or signs shall be considered misleading.

(6) The word "specialist" or titles designating a specialty shall only be used by one devoting substantially his entire time to one branch of dentistry.

(7) Advertising either by sign or in any manner under the name of a corporation, company, association, parlor or trade name is a violation of section 152.07 (6) (f), Wis. Stats.

(8) The use of any parlor or trade or assumed name under which a business was formerly conducted is a violation of section 152.07 (6) (f), Wis. Stats.

(9) Any printed advertisement larger than 20 square inches in size is a violation of section 152.07 (6) (h), Wis. Stats. Such printed advertisements may contain only the name or names of the duly licensed dentists or dental hygienists, their titles, office hours, location, telephone number or numbers and purely educational matter not in conflict with law.

(10) Advertising or use of statements of a character tending to deceive or mislead the public, is a violation under section 152.07 (6) (a), Wis. Stats.

(11) Advertising professional superiority or performance of professional services in a superior manner or statements to that effect are violations of section 152.07 (6) (b), Wis. Stats.

(12) It is the opinion of the board that the nature of professional services and materials required vary in each instant case, and the advertising or quoting of any fixed price for any particular operation or work is in violation of section 152.07 (6) (c), Wis. Stats.

(13) The use of representations of a tooth, teeth, bridgework or any portion of the human head, in signs, display cases, or in any form of advertising shall be considered a violation of section 152.07 (6) (d), Wis. Stats.

(14) Employing or making use of advertising solicitors or free publicity press agents is a violation of section 152.06 (6) (e), Wis. Stats.

DE 4.02 Conduct. The following constitute violations of section 152.06 (5), Wis. Stats.

(1) Employing what is known as "cappers or streeters" to obtain business.

(2) Obtaining a fee by fraud or deceit.

(3) It is the opinion of the board that the splitting of fees by dentists in any manner constitutes obtaining a fee by fraud and deceit unless the patients are aware of such practices.

(4) Employing of unlicensed or suspended dentists or dental hygienists or dental students to perform dental operations except as provided by law.

(5) The advertisement of dental treatments or devices, claims in which untruthful or impossible statements are made.

(6) Habitual intemperance, gross immorality, or any offense coming under heading of moral turpitude.

Chapter DE 5

DENTAL ASSISTANTS

DE 5.01 Permitted assistants

DE 5.01 Permitted assistants. Dentists may have assistants other than dental hygienists. The dentist shall be responsible for any act or injury committed by assistants. Such assistants may also perform the following:

- (1) Perform merely mechanical work upon inert matter in a dental office or laboratory.
- (2) General routine office work.
- (3) May assist the dentist at the chair with the use of tongue depressor, cheek retractor, sponging, operating of air syringe or sprays and the like.

Chapter DE 6

LABORATORIES AND TECHNICIANS

DE 6.01 Restrictions

DE 6.01 Restrictions. A dental laboratory or dental laboratory technician may construct appliances or restorations for licensed dentists in a dental office or mechanical dental laboratory, only provided such appliances or restorations are constructed for a licensed dentist upon receipt of impressions or measurements supplied with directions and prescription in duplicate from such licensed dentist, and further provided, that such appliances or restorations or the services rendered in the construction, repair or alterations thereof, shall not be advertised, sold, or delivered, directly or indirectly, to the public by the dental laboratory or dental laboratory technician as principal or agent.

Chapter DE 7

ENFORCEMENT OF RULES AND AMENDMENTS

DE 7.01 Enforcement of rules and amendments

DE 7.01 Rules. (1) ENFORCEMENT. The foregoing rules shall be enforced as provided for in the statutes.

(2) SEVERABILITY. All provisions of the foregoing rules and regulations shall be deemed severable, and if any of such rules or regulations or their application to any person or circumstances are held invalid, the remainder of the rules and regulations and the application thereof to other persons or circumstances shall not be affected thereby.

(3) AMENDMENTS. By virtue of section 152.01 (7), Wis. Stats., any of these rules and regulations may be repealed, amended or added to at the discretion of the board.