



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 368

**Assembly Substitute
Amendment 1**

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Contact: Rachel E. Letzing, Principal Attorney (266-3370)

2015 ASSEMBLY BILL 368

Under current law, a dentist or dental hygienist is generally required to have a license or certificate from the Dental Examining Board (DEB) in order to practice or offer to practice in Wisconsin. The DEB may discipline dentists and dental hygienists under several circumstances. The DEB is comprised of 11 members who are each appointed for four-year terms. The DEB must consist of six licensed dentists, three licensed dental hygienists, and two public members. The DEB is attached to the Department of Safety and Professional Services (DSPS).

Assembly Bill 368 generally requires a person who owns or operates a dental practice in this state to be registered with the DEB and authorizes the DEB to impose certain disciplinary actions that currently apply to dentists and dental hygienists to registered dental practices.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Dental Practice Registration

Under the substitute amendment, if a person owns or operates a dental practice in this state, the person must be registered with the DEB, unless an exception applies. A person is considered to own or operate a dental practice or be an owner or operator of a dental practice, and is therefore required to register, if any of the following apply:

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

The DEB may grant a registration to a person who submits an application, which must include the person's name, tax identification number, business address, telephone number, and any other information DEB or DSPS requires, and pays a fee amount determined by DSPS.

Exceptions to Registration Requirement

The following entities are not required to register as dental practices under the substitute amendment:

- A dental practice solely owned and operated by a licensed dentist or dentists.
- A mobile dentistry program.
- A dental practice solely owned and operated by a hospital, a federally qualified health center, or an affiliate of a hospital or health care system.
- A dental practice solely owned and operated by an accredited higher education institution.

DEB Rule-Making

The substitute amendment specifies that any rule the DEB promulgates that regulates or directly impacts the business practices of a registered dental practice must apply uniformly to all registered dental practices and dental practices exempt from registration.

The substitute amendment also prohibits the DEB from promulgating a rule that prohibits a person who is not a dentist from owning or operating a dental practice in this state.

DEB Disciplinary Actions

The substitute amendment authorizes the DEB to impose certain disciplinary actions that apply to dentists and dental hygienists to registered dental practices and owners or operators of dental practices.

DEB Membership

The substitute amendment adds one individual who is an owner or operator of a dental practice in the state, who is not a dentist, to the DEB, and removes one public member from the DEB.

BILL HISTORY

Assembly Substitute Amendment 1 was offered by Representative Steffen on January 11, 2016. On January 13, 2016, the Assembly Committee on Small Business Development recommended adoption of the substitute amendment on a vote of Ayes, 13; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 10; Noes, 3.

On February 16, 2016, the Assembly adopted Assembly Substitute Amendment 1 on a voice vote and passed the bill, as amended, on a voice vote.

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