



## 2019 ASSEMBLY BILL 864

February 7, 2020 - Introduced by Representatives HINTZ, ANDERSON, BROSTOFF, FIELDS, HESSELBEIN, KOLSTE, NEUBAUER, OHNSTAD, POPE, RIEMER, SINICKI, STUBBS, SUBECK and ZAMARRIPA, cosponsored by Senators MILLER and RISSER. Referred to Committee on Constitution and Ethics.

1     **AN ACT to amend** 447.056 (1) (intro.); and **to create** 447.01 (1e), 447.01 (11),  
2           447.01 (12m), 447.02 (2) (k) and 447.057 of the statutes; **relating to:** dentists  
3           administering vaccines and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

This bill authorizes dentists to administer vaccines. To administer vaccines under the bill, a dentist must successfully complete 12 hours in a course of study and training approved by the Dentistry Examining Board in vaccination storage, protocols, administration technique, emergency procedures, and record keeping and must also have in effect liability insurance coverage that meets certain requirements.

Under the bill, a dentist may not administer a vaccine to a child under the age of six unless the vaccine is administered pursuant to a prescription order issued within the past 29 days and the dentist successfully completes training that includes administering vaccines to children under the age of six. The bill authorizes dentists to administer vaccines to people age six or older in the following circumstances: 1) if the vaccine is listed in the current immunization schedules recommended by the federal government; or 2) if the vaccine is administered pursuant to a prescription order, vaccination protocol, or standing order.

The bill also requires a dentist who administers a vaccine to update the Wisconsin Immunization Registry established by the Department of Health Services within seven days of administering the vaccine.

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

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

1           **SECTION 1.** 447.01 (1e) of the statutes is created to read:

2           447.01 (1e) “Administer” means to directly apply a vaccine, whether by  
3 injection, ingestion, or any other means, to the body of a patient.

4           **SECTION 2.** 447.01 (11) of the statutes is created to read:

5           447.01 (11) “Prescription order” has the meaning given in s. 450.01 (21).

6           **SECTION 3.** 447.01 (12m) of the statutes is created to read:

7           447.01 (12m) “Vaccination protocol” means a written protocol agreed to by a  
8 physician and a dentist that establishes procedures and record-keeping and  
9 reporting requirements for the administration of a vaccine by a dentist for a period  
10 specified in the protocol that may not exceed 2 years.

11           **SECTION 4.** 447.02 (2) (k) of the statutes is created to read:

12           447.02 (2) (k) After consultation with the medical examining board and the  
13 board of nursing, criteria for approving courses under s. 447.057 (1) and (2) (a) 2.

14           **SECTION 5.** 447.056 (1) (intro.) of the statutes is amended to read:

15           447.056 (1) (intro.) Except as provided in subs. (2) to (4), a person is not eligible  
16 for renewal of a license to practice dentistry, other than a permit issued under s.  
17 447.02 (3), unless the person has taught, attended, or otherwise completed, during  
18 the 2-year period immediately preceding the renewal date specified under s. 440.08  
19 (2) (a), 30 credit hours of continuing education related to the practice of dentistry or  
20 the practice of medicine, including not less than 25 credit hours of instruction in  
21 clinical dentistry or clinical medicine. Not more than 4 of the 30 credit hours may

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1 be from teaching. A dentist may earn continuing education credit hours by  
2 completing a course specified in s. 447.057 (1) and (2) (a) 2. Continuing education  
3 does not satisfy the requirements under this subsection unless the continuing  
4 education is one of the following:

5 **SECTION 6.** 447.057 of the statutes is created to read:

6 **447.057 Administration of vaccines.** (1) A dentist may administer a  
7 vaccine only if he or she successfully completes 12 hours in a course of study and  
8 training approved by the examining board in vaccination storage, protocols,  
9 administration technique, emergency procedures, and record keeping and satisfies  
10 the requirements specified in sub. (3) (a).

11 (2) (a) A dentist may not administer a vaccine under this section to a child who  
12 is under the age of 6 unless all of the following apply:

13 1. The vaccine is administered pursuant to a prescription order issued within  
14 the 29 days immediately preceding the day on which the vaccine is administered.

15 2. The dentist successfully completes a course of instruction approved by the  
16 examining board that includes the administration of vaccines to children under the  
17 age of 6.

18 (b) Subject to par. (a), a dentist may administer without a prescription order  
19 any vaccine listed in the current immunization schedules recommended by the  
20 federal advisory committee on immunization practices and published by the federal  
21 centers for disease control and prevention.

22 (c) Subject to par. (a), a dentist may administer any vaccine not listed in the  
23 current immunization schedules recommended by the federal advisory committee on  
24 immunization practices and published by the federal centers for disease control and

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1 prevention if the vaccine is administered pursuant to a prescription order,  
2 vaccination protocol, or standing order, as defined in s. 450.01 (21p).

3 **(3)** (a) A dentist may not administer a vaccine under this section unless the  
4 dentist satisfies each of the following:

5 1. The dentist has in effect liability insurance that covers the dentist against  
6 loss, expense, and liability resulting from errors, omissions, or neglect in the  
7 administration of vaccines in an amount that is not less than \$1,000,000 for each  
8 occurrence and \$2,000,000 for all occurrences in any one policy year.

9 2. The dentist maintains proof that he or she satisfies the requirement specified  
10 in subd. 1. and, upon request, provides copies of such proof to the department or the  
11 examining board.

12 (b) A dentist who successfully completes a course of study and training  
13 specified in sub. (1) or (2) (a) 2. shall maintain proof of completion and, upon request,  
14 provide copies of such proof to the department or the examining board.

15 **(4)** A dentist who administers a vaccine to a person under this section shall  
16 update the Wisconsin Immunization Registry established by the department of  
17 health services within 7 days of administering the vaccine.

18 **(END)**