

CHAPTER 152.

DENTISTRY.

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152.01 Board. (1) The state board of dental examiners consists of 5 practicing dentists, at least 3 of whom shall be members of the Wisconsin state dental society, appointed by the governor, one each year for terms of 5 years, and who may be selected from nominees by the Wisconsin state dental society. No person shall be a member who is in any way connected with or interested in a dental school or dental department thereof. Each member shall take and file the official oath. Each member of the board shall be paid \$15 per day when actually and necessarily engaged in his duties. The secretary of the board shall be paid an annual salary to be fixed by the board.

(2) A meeting shall be held in June or July each year at a place fixed by the board, for examinations and other business. Other meetings may be called by the board.

(3) The board shall elect a president, and a secretary-treasurer, in manner and for terms provided by by-law. The secretary shall give such bond as the board requires. His records shall be open to public inspection at reasonable hours.

(4) The board shall report to the governor, November thirtieth each year, its proceedings, including an account of moneys received and disbursed.

(5) The board shall have a seal and may hold hearings and may require the attendance of persons and the production of papers and may take testimony and hire investigators. The president and secretary may issue subpoenas and administer oaths. The board may pay out of its own funds witness fees and such other expenses as may be necessary or incidental to the carrying out of its functions.

(6) The attorney-general shall advise and assist the board or any member, but the board may employ with its own funds an attorney for consultation or to assist in legal proceedings.

(7) The board shall make such reasonable rules, bylaws and regulations as it may deem necessary for the proper and better guidance, government, discipline and regulations of the board and of licensed dentists and dental hygienists or persons acting as such pertaining to immoral or unprofessional conduct and unprofessional advertising as hereinafter defined in s. 152.06 (5) and (6).

History: 1951 c. 319 s. 246a; 1953 c. 134; 1955 c. 221.

152.02 Practice. (1) One who was engaged in the lawful practice of dentistry in this state on January 1, 1939, may continue if he has annually registered. No other person shall practice dentistry in this state, unless he is licensed and annually registered in the state of Wisconsin. Any person shall be said to be practicing dentistry within the meaning of this chapter who uses or permits to be used, directly or indirectly, for a profit or otherwise for himself or for any other person, the title "doctor", "Dr.", "Doctor of Dental Surgery", or "D. D. S.", or any other letters, titles, terms or descriptive matter, personal or not, which directly or indirectly represent him to be engaged in the practice of dentistry; or who owns, leases, maintains, operates or controls, directly or indirectly, in whole or in part, an office or any other place where dental operations are performed, or who directly or indirectly is manager, proprietor or conductor of the same, except that the owners or lessees of real estate may lease the premises, or any part thereof, to dentists or dental surgeons or physicians who are qualified to practice dentistry or dental surgery, within the meaning of this chapter; or who informs the public directly or indirectly in any language, orally, in writing or printing, or by drawings, demonstrations, signs or pictures, that he can perform or will attempt to perform dental operations of any kind, or who undertakes to practice dentistry by any means or methods, as defined in this chapter, gratuitously, or for a salary, fee, money or other reward paid directly or indirectly to himself or to any other person; to diagnose or profess to diagnose or treat or profess to treat or prescribe or profess to prescribe for any of the lesions, diseases, disorders or deficiencies of the human oral cavity, teeth, investing tissues, maxilla or mandible, or adjacent associated structures; or who extracts human teeth, corrects malposition thereof; or who, except on written prescription of a licensed dentist, and by use of impressions

taken by a duly licensed and practicing dentist, shall directly or indirectly by mail, carrier, person or any other method furnish, supply, construct, reproduce or repair prosthetic dentures, bridges, appliances or other structures to be used or worn as substitutes for natural human teeth; or who shall place such substitutes in the mouth directly or indirectly or adjust the same; or who shall take or make or give advice or assistance or provide facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge or appliance; or who shall administer anesthetics, either general or local, within the meaning of this chapter; or who engages in any of the practices included in the curricula of recognized dental schools or colleges. Except, that a physician or surgeon licensed in this state may extract teeth or operate upon the palate or maxillary bones and investing tissues and administer anesthetics, either general or local, within the meaning of this chapter; and that a bona fide student, in regular attendance at a dental school or college may practice under direct supervision of a teacher in such dental school or college or infirmary or clinic connected with such dental school or college. A legal practitioner of another state may demonstrate before a recognized incorporated dental society or school of instruction. Army, navy and United States public health and veterans' bureau dentists may practice only while operating under the jurisdiction of such departments, unless they are duly licensed in this state. 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 from such licensed dentist, 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.

(2) It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery, under the name of a company, association, or corporation, and any person or persons practicing or offering to practice dentistry or dental surgery shall do so under his name only; any person convicted of a violation of the provisions of this section shall be punished as provided in subsection (2) of section 152.08, and in addition thereto his license may be revoked as provided in paragraph (e) of subsection (3) of section 152.06.

(3) No person shall circulate or advertise fraudulent or misleading statements as to the skill of the operator, the quality of the materials, drugs or medicines used or methods practiced.

(4) Nothing in this chapter shall prevent the establishment of dental clinics by boards of education of public or private schools, county boards, boards of health or public or charitable institutions.

History: 1955 c. 10.

152.03 Education; titles; fee. (1) No degree which shall entitle one to practice dentistry in this state shall be conferred by any dental school or college in this state, except doctor of dental surgery, and that only upon one who has satisfactorily completed a course of at least three years of eight months each in such recognized dental school or college. Advanced degrees in dentistry may be conferred by such recognized dental school or college. Possession of such degree shall entitle one licensed under this chapter to use the title "doctor", or append to his name the words or letters, "doctor", "Dr.", "Doctor of Dental Surgery", or "D. D. S." On and after January 1, 1941, the degree of "Doctor of Dental Surgery" shall be conferred only upon one who has satisfactorily completed a curriculum of at least four years of thirty-two weeks each in a dental school or college recognized by the Wisconsin state board of dental examiners. No dental school or college within this state shall enroll anyone not filing with the board of dental examiners proof satisfactory to the board that he has an education equivalent to graduation from a high school or academy in Wisconsin offering a four-year curriculum beyond the eighth grade, and the completion of a two-year period of college preparation satisfactory to the board. On and after January 1, 1941 this board shall approve for admission to the licensing examination only graduates of dental schools or colleges that require for admission a minimum of two years' college preparation leading to a baccalaureate degree and including English and the sciences, physics, biology and chemistry, or who have graduated in 1940 or in any previous year, provided the minimum scholastic and statutory requirements of the Wisconsin state board of dental examiners for such years have been met.

(2) No person shall be examined by the board unless he files proof satisfactory to the board that he has the preliminary education described in sub. (1) and is a graduate of a recognized dental school or college approved by the Wisconsin state board of dental examiners, and that he has made and filed a declaration of intention to become a citizen of

the United States under 8 USC 1445f, or that he holds a license to practice dentistry in some other state of the United States of America as provided in s. 152.05 (2) and that a remittance of \$25 accompany his application for examination, returnable to him only if from sickness or other good cause he is unable to complete the examination.

(3) 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 files proof satisfactory to the board that he has the preliminary education described in subsection (1) to take written examination and credit, satisfactory grades toward final examination. The board may require a fee of ten dollars for such examination.

History: 1955 c. 139.

152.04 Examination. An applicant who has complied with section 152.03 and who, in the case of one applying for a license after July 1, 1952, holds a certificate of registration in the basic sciences, as provided in chapter 147, shall be examined in writing in such of those subjects usually taught in reputable dental colleges as the board deems necessary. In addition, an applicant shall submit to such practical examination in operative and mechanical dentistry as may be prescribed by the board.

History: 1951 c. 369.

152.05 License. (1) If the board finds the applicant for a license qualified, it shall issue a license to practice dentistry, signed by the members and attested by the president and secretary.

(2) The board may license without written examination a person holding a license to practice dentistry in another state who presents to the board satisfactory proof that he has reputably engaged in practice therein for 5 years next preceding his application, if in such state the requirements imposed are equivalent to those of this state, upon presentation of the license and a diploma from a reputable professional college approved and recognized by the board, provided that such other state extends a similar privilege to dentists licensed to practice in Wisconsin. The fee for such license shall be fixed by the board at not less than the reciprocity fee in the state whose license the applicant presents, but in no event less than \$50. The applicant shall pass a practical demonstration in operative and mechanical dentistry as may be prescribed by the board.

(3) Whoever engages in the practice of dentistry shall keep his license conspicuously displayed in the place of practice so as to be easily seen and read.

(4) Dentists shall annually register and pay a fee to be fixed each year by the state board of dental examiners, which fee shall not exceed \$4. This fee shall be due and payable to the secretary of the board on or before September 30 of each year. The board shall publish and mail an annual report and list of names and places of practice of all licensed dentists to each licensed dentist at his last known address. The secretary of the board shall also cause to be mailed a copy of such published list to the secretary of state, the district attorney of each county, each local board of health, and to any other public official who may request or have need thereof. Any registrant who, subsequent to registering, shall change the address or place of his residence or professional office, or who shall open an additional office, shall, within 30 days thereafter, notify the board in writing of such change and furnish his new residence or professional address.

(5) A licensed dentist of good moral character changing his residence to another state shall, upon payment of five dollars, receive a certificate signed by the president and secretary and bearing the board's seal, attesting his license and character. A licensed dentist removing to and practicing in another state, shall retain license in this state upon payment of the annual registration fee.

(6) Upon proof of loss of the original and payment of five dollars, a duplicate license shall be issued.

(7) No person shall practice dentistry in this state under any other Christian or given name or any other surname than that under which he was originally licensed or registered to practice dentistry in this or any other state, in any instance in which the state board of dental examiners shall, after a hearing, find that practicing under such changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

152.06 Revocation. (1) The board may without further process revoke the license of one who for 60 days after notice in writing, by registered mail, mailed to his last known address, fails to annually register and pay the fee. His license may be reinstated, in the discretion of the board, by the payment of \$25 within one year from revocation. If application for reinstatement is not made within a period of one year from revocation he may be required to demonstrate that he is still qualified to practice by taking an examina-

tion in such dental subjects as may be required by the board. The fee for such examination and reinstatement of license shall be \$25.

(2) The board may revoke or suspend the license of one convicted of a crime involving moral turpitude, of which the record of conviction, or a copy certified by the clerk or judge of the court, shall be conclusive evidence.

(3) The board may on its own motion make investigations and conduct hearings in regard to the action of any licensed dentist and dental hygienist or any person who it has reason to believe is acting or has acted in such capacity within the state, and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant and upon not less than ten days' notice to the licensed dentist and dental hygienist or person acting as such, suspend or revoke such license in the manner hereinafter provided if it finds that the holder of such license has:

- (a) Been guilty of immoral or unprofessional conduct;
- (b) Been guilty of having procured his license by fraud or perjury or through error;
- (c) Been guilty of a violation of s. 152.02 (2);
- (d) Been guilty of a violation of the rules and regulations adopted by the board.

(4) A copy of the complaint shall forthwith be served upon the licensed dentist, or person acting as such, complained against by personal service or by mailing of the same to his last known business address. The person so served shall file his answer thereto with the board within 10 days after such service and shall also serve a copy of such answer on the complainant. The board shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing of the complaint. Either party may appear at such hearing in person or by attorney or agent and present such testimony as may be pertinent to the controversy before the board. The action of the board shall be subject to review in the manner provided in chapter 227.

(5) "Immoral or unprofessional conduct" means: Employing what is known as "cap-pers" or "streeters" to obtain business; or resorting to unprofessional advertising, as defined in subsection (6); obtaining fee by fraud or deceit; wilfully betraying professional secrets; employing directly or indirectly a student or suspended or unlicensed dentist to perform operations, diagnoses or treat lesions of the human teeth or jaws, or correct malposed formations thereof, except that an unlicensed person may perform merely mechanical work upon inert matter in a dental office or laboratory; the advertisement of dental business or treatment of devices in which untruthful or impossible statements are made; habitual intemperance, or gross immorality.

(6) "Unprofessional advertising" as this term is used in subsection (5) shall include:

- (a) Any advertising statements of a character tending to deceive or mislead the public;
- (b) Advertising professional superiority or the performance of professional services in a superior manner;
- (c) Advertising definite, fixed prices when the nature of the professional service rendered and the materials required must be variable;
- (d) Advertising by means of large display, glaring, illuminated or flickering light signs, or containing as a part thereof the representation of a tooth, teeth, bridge work or any portion of the human head;
- (e) Employing or making use of advertising solicitors or free publicity press agents;
- (f) Advertising either by sign or in any manner under the name of a corporation, company, association, parlor or trade name. No dentist or dentists shall display any sign or advertise in any manner concerning his or their work by the use of any name except the name or names under which he or they are licensed to practice dentistry in this state, nor shall he or they use any parlor or trade name in connection with such name or names, or display any sign or advertise in any manner under any parlor or trade or assumed name under which his or their business was formerly conducted.

(g) The use of any office sign larger than six hundred square inches in size over all or containing letters over six inches in size. Such office signs may contain only the name or names of the duly licensed dentists practicing therein, their titles, office hours and purely educational matter not in conflict with law.

(h) Any printed advertisement larger than twenty square inches in size. Such printed advertisement may contain only the name or names of the duly licensed dentists, their titles, office hours, location, telephone number or numbers and purely educational matter not in conflict with law.

(7) The board may suspend the license or certificate and registration of any person licensed, certified or registered under this chapter who is a patient in a hospital for mental diseases in this state or elsewhere. A certified copy of commitment or admission papers shall be conclusive evidence of the incapacity of such person to continue in the practice of dentistry or dental hygiene, as the case may be. A person who has been released from a hospital for mental diseases may request the board in writing for reinstatement of his license or certificate or registration in dentistry or in dental hygiene, as

the case may be. Following receipt of such request the board shall hold a hearing as soon as practicable to determine the capacity of the applicant to re-engage in practice. At such hearing medical or other testimony on the issue of the applicant's capacity and on the degree of his recovery may be offered on behalf of the applicant or the board. The board may also, in its discretion, examine such applicant so as to be satisfied that he is then qualified to resume his practice. Any decision made following such hearing shall be reviewable in the manner provided in chapter 227.

(6) (d) prohibits the display of any portion of the human head in dental advertising, whether by television or otherwise. The use of a picture of a dental office or part thereof in dental advertising is not prohibited. 41 Atty. Gen. 234.

152.07 Dental hygienists. (1) No person shall engage in practice as a dental hygienist without a certificate from the state board of dental examiners. The certificate authorizes the holder to remove calcareous deposits, accretions and stains from the surfaces of teeth, and apply ordinary washes of a soothing character, but not to operate otherwise on the teeth or other tissues of the oral cavity.

(2) (a) An applicant shall file proof satisfactory to the board that he is a citizen of the United States of America and has a general education equivalent to graduation from a high school or academy in Wisconsin offering a 4-year curriculum beyond the eighth grade and that he is a graduate of a training school for dental hygienists, approved and recognized by the board having a course of not less than 2 years of 8 months each. A remittance of \$10 shall accompany his application, returnable to the applicant only if from sickness or other good cause he is unable to complete the examination. Applicants who have graduated prior to July 1, 1941, shall file proof satisfactory to the board that their educational requirements at the time of their graduation equaled those then required by the Wisconsin state board of dental examiners.

(b) Applicants who qualify under paragraph (a) shall be examined in writing in such of those subjects usually taught in reputable schools for the training of dental hygienists as the board deems necessary. In addition, the applicants shall submit to such practical examination as may be prescribed by the board.

(3) One to whom a certificate is issued shall register with the secretary and pay a fee of not more than \$2, on or before the next succeeding September 1, and annually thereafter.

(4) Certified dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, operating only under the direct supervision of one or more licensed dentists as provided in subsection (8) of this section and may be employed in any dental office only under the direct supervision of one or more licensed dentists, and not exceeding the number of licensed dentists operating therein and subject to the regulations of the board of dental examiners in enforcing this section and may under the direction and supervision of licensed dentists, act as assistant instructors in a school for the training of dental hygienists. They shall not otherwise engage in the practice of dental hygiene.

(5) The state board of dental examiners may revoke or suspend the certificate of a dental hygienist for violation of this chapter. The license of a dentist who shall permit a dental hygienist operating under his supervision to violate this chapter, shall be revoked or suspended under the provisions of this chapter.

(6) The board may certify without written examination one certified to practice dental hygiene in another state who presents to the board satisfactory proof that he has reputably engaged in practice therein for 5 years next preceding his application, if in such state the requirements imposed are equivalent to those of this state, upon presentation of a certificate from such other state and evidence of completion of a course in a reputable training school for dental hygienists approved and recognized by the board, provided that such other state extends a similar provision to dental hygienists certified to practice in Wisconsin. The fee for such certificate shall be fixed by the board at not less than the reciprocity fee in the state whose certificate the applicant presents, in no event to be less than \$15. The applicant shall pass a practical demonstration in dental hygiene to the satisfaction of the board.

(7) The board may without further process revoke the license of a dental hygienist who for 60 days after notice in writing, by registered mail, mailed to his last known address, fails to annually register and pay the fee prescribed. He may be reinstated, in the discretion of the board, upon the payment of \$5 within one year from revocation. If application for reinstatement is not made within a period of one year from revocation he may be required to demonstrate that he is still qualified to practice by taking an examination in such subjects relating to dental hygiene as may be required by the board. The fee for such examination and reinstatement of certificate shall be \$10.

(8) (a) The term public health dental hygienists shall include all dental hygienists,

licensed in this state, employed by official agencies such as school boards, local boards, departments of health or county boards, in any public health or educational capacity.

(b) The qualifications of all public health dental hygienists or instructors in dental hygiene hereafter entering such employment shall be determined by a committee of 3 examiners, one selected by the state board of health, who is a dental employe of that board, one member of the state board of dental examiners to be named by that board and one selected by the state superintendent of public instruction who is an employe of that department.

(c) Candidates recommended by the committee of examiners shall be certified by the state board of health to the local appointing body upon request and appointment shall be made from the certified list.

(d) Public health dental hygienists or instructors shall make a written report monthly in triplicate, one copy to the employing board, one to the local directing committee or officer, and one to the state board of health, showing the work done. The state board of health, through its department of dental education, shall examine the report and make recommendations for the improvement and the development of the dental hygiene service.

(e) The state board of health shall prescribe forms and equipment and notify the public dental hygienists where they can be purchased.

(f) This subsection shall not apply to cities of the first class.

(g) Any violation of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than \$10 nor more than \$100.

Unlicensed persons may take dental X- to diagnose or treat dental disorders by the ray pictures provided they make no attempt use of X-ray or otherwise. 41 Atty. Gen. 234.

152.08 Penalties. (1) Any licensed dentist, dental hygienist, or person holding himself out as such who shall employ what are known as "cappers" or "streeters" to obtain business; or who shall obtain a fee by fraud or deceit; or who shall wilfully betray professional secrets; or who shall employ directly or indirectly a student or suspended or unlicensed dentist, dental hygienist or person holding himself as such, to perform operations, to diagnose and treat lesions of the human teeth, or jaws, or correct malposed formations thereof, except that an unlicensed person may perform merely mechanical work upon inert material in a dental office or laboratory; or who shall be guilty of "unprofessional advertising" as defined in subsection (6) of section 152.06; shall upon a first conviction be fined not less than twenty-five nor more than one hundred dollars and costs, and upon a second or subsequent conviction shall be fined not less than one hundred nor more than five hundred dollars, or be punished by imprisonment not less than sixty days nor more than one year, or by both such fine and imprisonment.

(2) Anyone who shall unlawfully engage in the practice of dentistry shall be fined not less than one hundred nor more than one thousand dollars, or shall be imprisoned not less than 60 days nor more than one year, or both, for each person treated.

152.085 Injunction to enforce chapter 152. If it appears upon the complaint of any person to the board of dental examiners, or it is believed by the board that any person is violating any of the provisions of this chapter, the board or the district attorney of the proper county may investigate such alleged violation, and may, in addition to or in lieu of any other remedies provided by law, bring action in the name and on behalf of the state against any such person to enjoin such violation. Between meetings of the board, its president and secretary, acting in its behalf, are empowered jointly to make such an investigation, and on the basis thereof to bring such an action.

History: 1955 c. 198.

152.09 Legislative intent. This entire chapter shall be deemed to be passed in the interests of the public health, safety and welfare and its provisions shall be liberally construed to carry out its objects and purposes.

History: 1951 c. 261 s. 10.