

CHAPTER 447

DENTISTRY EXAMINING BOARD

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447.001 Definitions. In this chapter "examining board" means the dentistry examining board.

447.01 Annual meeting; legal assistance.

(1) The annual meeting of the examining board shall be held in July.

(2) The attorney general shall advise and assist the examining board or any member thereof in any official matter.

447.02 Practice defined. (1) Any person who was lawfully engaged in the practice of dentistry in this state on January 1, 1939, may so continue if he has registered annually as required by s. 447.05 (4). No other person shall practice dentistry in this state, unless he is licensed by the examining board and annually registered in this state. Without limitation by reason of specific enumeration, any person is deemed to be "practicing dentistry" within the meaning of this chapter who:

(a) Uses or permits to be used, directly or indirectly, for a profit or otherwise for himself, or for any other person, the title or appends to his name the words or letters "doctor," "Dr.," "Doctor of Dental Surgery," "D.D.S.," or "D.M.D.," or any other letters, titles, degrees, terms or descriptive matter, personal or not, which directly or indirectly represent him to be engaged in the practice of dentistry;

(b) Owns, leases, maintains, operates or controls, directly or indirectly, in whole or in part, an office or any other place where dental services 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;

(c) Informs the public directly or indirectly in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means that he can perform or will attempt to perform dental services of any kind;

(d) Undertakes to practice dentistry by any means or methods, including those defined in this chapter, gratuitously, or for a salary, fee, money's worth, or other reward, paid directly or indirectly to himself or to any other person;

(e) Diagnoses or professes to diagnose, or treats or professes to treat, or prescribes or professes 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;

(f) Extracts human teeth or corrects their malposition;

(g) Directly or indirectly, by mail, carrier, person or any other method, furnishes, supplies, constructs, reproduces or repairs prosthetic dentures, bridges, appliances or other structures to be used or worn as substitutes for natural human teeth, except on a written prescription of a licensed dentist, and by the use of impressions taken by a dentist licensed by and practicing in this state; or who places such substitutes in the mouth directly or indirectly or adjusts the same; or who takes or makes or gives advice or assistance or provides 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 taking impressions for and fitting athletic mouthguards;

(h) Administers anesthetics, either general or local, within the meaning of this chapter, while performing or claiming to perform dental services.

(i) Prescribes or administers drugs in the course of or incident to the rendition of dental services, or as part of a representation that dental services have been or will be rendered;

(j) Engages in any of the practices, techniques or procedures included in the curricula of recognized dental schools or colleges.

(2) It is unlawful for any person to practice or offer to practice dentistry or dental surgery, with

or under the name of a company, association or corporation, and any individual practicing or offering to practice dentistry or dental surgery shall do so under his own name only. It is lawful for 2 or more dentists licensed and registered in this state to practice dentistry, including any recognized specialty thereof, as bona fide partners, and in the course thereof to use any partnership title or description which is not misleading to the public. It is lawful for a dentist licensed and registered in this state to be employed by another licensed and registered dentist, by a partnership composed of such dentists, or by a partnership composed of physicians licensed in this state. Any person convicted of a violation of this section shall be punished as provided in s. 447.09 (2), and in addition thereto his license may be revoked under s. 447.07 (3) (c). Nothing contained in this subsection shall prohibit incorporation under s. 180.99.

(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.

447.03 Educational requirements. (1)

Only persons possessing a license to practice dentistry under s. 447.05, shall use or assume the title "doctor", or append to his name the words or letters "doctor", "Dr.", or his degree in dentistry earned by graduation from a dental school or college approved by the examining board, including but not limited to "Doctor of Dental Surgery", "D.D.S.", or "D.M.D." The degree of "Doctor of Dental Surgery", or its equivalent, shall be recognized only for one who has satisfactorily completed a curriculum of at least 4 years of 32 weeks each in a dental school or college approved by the examining board. No dental school or college within this state shall enroll anyone not filing with the examining board proof satisfactory to it that he has an education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the 8th grade, and has completed at least 2 years of college satisfactory to the examining board. This examining board shall admit for examination only graduates of dental schools or colleges which it has approved and which require for admission a minimum of 2 years of college work leading to a baccalaureate degree, and including at least one year of English, and at least one course in each of the sciences of physics, biology and chemistry. An applicant for licensure who graduated from a dental school at any time prior to 1941 must meet the requirements of the statutes and of the examining board which were in force at the time of such applicant's graduation.

(2) No person shall be examined by the examining board unless he files proof satisfactory to it that he has the preliminary education set forth in sub. (1); that he is a graduate of a recognized dental school or college approved by the examining board; that he is a citizen of the United States, or has filed a declaration of intention to become a citizen, or has petitioned for naturalization, or he holds a license to practice dentistry in some other state of the United States, as provided in s. 447.05 (2); and that he holds a certificate of registration in the basic sciences under ch. 445. A remittance of \$25 shall accompany his application for examination, returnable to him only if from sickness or other good cause he is unable to attend or complete the examination.

447.04 Examination. (1) An applicant who has complied with s. 447.03, shall be examined in writing in such of those subjects usually taught in reputable dental schools or colleges as the examining board deems necessary. In addition, an applicant shall submit to a clinical and laboratory examination in operative and restorative dentistry as may be prescribed by the examining board. In lieu of its own examination, the examining board may accept, in whole or in part, the certificate of the national board of dental examiners.

(2) The examining board may permit a dental student who has successfully completed at least 2 years in a dental school or college approved by the examining board, who files proof satisfactory to the examining board that he has met the preprofessional educational requirements of s. 447.03 (1), to take written examinations, and credit satisfactory grades toward his final examination. The examining board may require a fee of \$10 for such examination.

447.05 License; annual registration. (1) If a majority of the examining board finds an applicant qualified, it shall grant him a license to practice dentistry, signed by at least 2 of the members and attested by the seal of the examining board.

(2) The examining board may license without written examination a person holding a license to practice dentistry in another state who presents to the examining board satisfactory proof that he has reputedly engaged in practice therein for at least 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 dental school or college approved and recognized by the examining board; provided that such other state extends a similar privilege to dentists licensed to practice in this state. The applicant shall pass such practical demonstra-

tions in operative and restorative dentistry as may be prescribed by the examining board. The fee for such license shall be fixed by the examining board at not less than the reciprocity fee of the state whose license the applicant presents, but in no event less than \$50.

(3) Whoever engages in the practice of dentistry shall keep his license conspicuously displayed in his place of practice where it can be easily seen and read.

(4) Dentists shall annually register with and pay a fee to be fixed each year by the examining board, which fee shall not exceed \$15. This fee is due and payable on or before September 30 of each year. Late registrants shall pay an additional fee of \$3. The examining board shall publish and the department shall mail an annual report and list of the names and places of practice of all licensed and registered dentists and registered dental hygienists to each licensee at his last known address. The department shall also mail 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, changes the address or place of his residence or professional office, or who opens an additional office, shall, within 30 days thereafter, notify the examining board in writing of such change and furnish his new residence or professional address.

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

(6) Upon proof of loss of the original and payment of \$10, 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 examining board, after a hearing, finds that practicing under such changed name operates to enable him to compete unfairly with another practitioner, or to mislead the public as to his identity, or otherwise to result in a detriment to the public or the profession. This subsection does not apply to a change of name resulting from marriage or divorce. Upon furnishing proof of such change of

name and the payment of \$10 a new license shall be issued to such person.

447.06 Exceptions. Sections 447.02 to 447.05 shall not apply to:

(1) A physician or surgeon licensed in this state who extracts teeth, or operates upon the palate or maxillary bones and investing tissues, or who administers anesthetics, either general or local, within the meaning of this chapter.

(2) A bona fide student in regular attendance at a dental school or college located in this state and approved by the examining board, who practices under the direct supervision of a dental instructor of such school or college, or in an infirmary, clinic, hospital or other institution connected or associated for training or other purposes with such dental school or college.

(3) A dentist licensed in another state who demonstrates before a recognized dental society or group, including a specialty organization, or before a dental school or college.

(4) Dentists attached to the army, navy, air force, and U.S. public health service and veterans' bureau while acting under the jurisdiction of such departments.

(5) A dental laboratory or dental laboratory technician which or who constructs appliances or restorations for licensed dentists in a dental office or commercial dental laboratory; provided such appliances or restorations are constructed for a licensed dentist only upon receipt of impressions or measurements supplied with directions and a written prescription from such licensed dentist, and 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, either as principal or agent.

(6) 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 charitable institutions open to the general public or to members of a sect.

(7) All full-time instructors in dental science, who are employed by a dental school or college approved by the examining board; a dental fellow who is engaged in teaching, research or both, in some area of dental science, by appointment and under the supervision of the faculty of a dental school or college approved by the examining board; a dental intern who has been appointed by a hospital located within this state; provided such hospital has been approved for dental internship training by the council on dental education of the American dental associa-

tion; and that such internship shall not exceed one year; a dental resident who has been appointed by a hospital located in this state for a second or subsequent year of advanced study of dental science within such institution; provided such hospital has been approved for dental residency training by the council on dental education of the American dental association, and that such residency shall not exceed an aggregate of 3 years in the case of any individual. None of those claiming exemption under one of the foregoing classifications shall be permitted to engage in private practice, to have an office outside the institution to which he is appointed, or to hold himself out to the general public, unless he has first been licensed by the examining board, and registers annually.

447.07 Revocation. (1) The examining board may without further notice or process suspend or revoke the license of a dentist who fails within 60 days after the mailing of notice in writing, sent by registered mail to his last known address, to register and pay the fee due for that year. His license may be reinstated, in the discretion of the examining board, by the payment of \$25 within one year from such revocation. If application for reinstatement is not made within one year from the date of such revocation he may be required to demonstrate that he is still qualified to practice by taking an examination in such dental subjects as may be required by the examining board. The fee for such examination and reinstatement of license shall be \$25.

(2) The examining board may suspend or revoke 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 examining board may on its own motion make investigations and conduct hearings in regard to any alleged actions of any licensed dentist or certified dental hygienist, or of any other person 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 10 days' notice to a dentist, or dental hygienist, suspend or revoke such license, registration or certificate as hereinafter provided, if it finds that the holder thereof has been guilty of:

(a) Immoral, dishonorable or unprofessional conduct in the course of practicing dentistry;

(b) Having procured his license or certificate by fraud or perjury or through error;

(c) A violation of s. 447.02 (2);

(d) Directly or indirectly sending impressions or measurements to a dental laboratory without a written authorization in form approved by the board, signed by the dentist authorizing the same, or directly or indirectly sending a patient, or an agent of a patient, to a dental laboratory for any purpose whatsoever. The board, its agents or employes may inspect dental offices to determine their compliance with this subsection, and may inspect the work authorization records of dental laboratories to determine compliance with this subsection.

(e) A violation of s. 447.08.

(f) A violation of the rules adopted by the examining board.

(4) A copy of the complaint shall forthwith be personally served upon the person complained against, or mailed to his last known office or other address. The person so served shall file his answer thereto with the examining board within 10 days after such service, and shall also serve a copy of such answer on the complainant. The examining board shall thereupon set the matter for hearing as promptly as possible, but 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. The action of the examining board shall be subject to review under ch. 227.

(5) "Immoral, dishonorable or unprofessional conduct" means: Employing anyone to solicit patients; or resorting to unprofessional advertising, as defined in sub. (6); obtaining a fee by fraud or deceit; wilfully betraying a professional secret; employing directly or indirectly a student or a suspended or unlicensed dentist to perform operations or make diagnoses, or to treat lesions of the human teeth or jaws, or to correct malposed formations thereof, except that an unlicensed person may perform exclusively mechanical work upon inert matter in a dental office or laboratory; the advertisement of dental business or treatment or devices in which untruthful or incorrect statements are made; habitual intemperance; or gross immorality; and, in the case of a dentist, conduct unbecoming a professional man.

(6) "Unprofessional advertising," as used in sub. (5), includes:

(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 involve variables;

(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 or other publicity or press agents;

(f) Advertising either by sign or in any manner under the name of a corporation, company, association or trade name. No dentist shall display any sign or advertise in any manner concerning his work by the use of any name except the name under which he is licensed to practice dentistry in this state, nor shall he use any trade name or display any sign or advertise in any manner under any trade or assumed name under which his practice was formerly conducted, except as permitted by s. 447.02 (2). Nothing contained in this subsection shall forbid a dentist currently licensed and registered in this state from being a member of a corporation organized and operated under s. 180.99, or from doing such advertising in connection therewith as is reasonably necessary to identify an incorporated dental group and the location of its practice.

(7) The examining board may suspend the license, registration or certificate of any person licensed, registered or certified under this chapter who is a patient in a hospital for mental illnesses 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. A person who has been released from a hospital for mental illnesses may request the examining board in writing for reinstatement of his license or certificate of registration in dentistry, or certificate in dental hygiene. Following receipt of such request the examining 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 mental and nervous condition, and on the degree and probable permanence of his recovery may be offered on behalf of the applicant or the examining board. The examining board may also examine such applicant so as to be satisfied that he is then qualified to resume the practice of dentistry or dental hygiene. Any decision made following such hearing shall be reviewable under ch. 227.

447.08 Dental hygienists. (1) No person shall practice as a dental hygienist without a certificate from the dentistry examining board. Such a certificate shall authorize the holder, under the direct supervision of a licensed dentist, to perform those functions for which the hygie-

nist has been trained in a school approved by the board.

(2) (a) An applicant shall file proof satisfactory to the examining board that he is a citizen of the United States; that he has a general education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the eighth grade; and that he is a graduate of a training school for dental hygienists, approved by the examining board, which has a course of not less than 2 years of 8 months each. A remittance of \$25 shall accompany the 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 examining board that their educational requirements at the time of their graduation equaled those then required by the examining board.

(b) Applicants who qualify under par. (a) shall be examined in writing in such subjects usually taught in reputable schools for the training of dental hygienists as the examining board deems necessary. In lieu of its own examination, the examining board may accept, in whole or in part, the certificate of the national board of dental examiners. In addition, the applicants shall submit to such practical examination as is prescribed by the examining board.

(3) One to whom a certificate is issued shall register with the department and pay a fee to be fixed each year by the examining board, which fee shall not exceed \$10. This fee shall be due and payable on or before September 1 of each year. Late registrants shall pay an additional fee of \$3. Any registrant who, subsequent to registering, changes the place of his residence or employment shall, within 30 days thereafter, notify the examining board in writing of such change and furnish the address of his new residence or employment and, where applicable, the name of his new employer.

(4) Certified dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or charitable institutions open to the general public or to members of a sect, operating only under the supervision of one or more licensed dentists and may be employed in any dental office only under the direct supervision of one or more licensed dentists. Subject to the rules of the examining board, and under the direction and supervision of licensed dentists, such hygienists may act as instructors in a school for the training of dental hygienists.

(5) The examining board may certify without written examination one certified to practice dental hygiene in another state who presents sat-

isfactory proof that he has reputedly 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 by the examining board in this state; provided, such other state extends similar treatment to dental hygienists certified to practice in this state. The fee for such certificate shall be fixed by the examining board at not less than the reciprocity fee in the state whose certificate the applicant presents, but in no event less than \$25. The applicant shall pass a practical demonstration in dental hygiene to the satisfaction of the examining board.

(6) The examining board may without further notice or process revoke the certificate of a dental hygienist who fails within 60 days after the mailing of notice in writing, sent by registered mail to his last known address, to register and pay the fee due for that year. His certificate may be reinstated, in the discretion of the examining board, by the payment of \$25 within one year after revocation. If application for reinstatement is not made, within one year from the date of such revocation, he may be required to demonstrate that he is still qualified by taking an examination in such subjects relating to dental hygiene as is required by the examining board. The fee for such examination and reinstatement of certificate is \$25.

(7) No person shall practice as a dental hygienist under any other Christian or given name, or any other surname than that under which he was originally registered to practice dental hygiene in this or any other state. This subsection does not apply to a change of name resulting from marriage or divorce. Upon furnishing proof of such change of name and the payment of \$10 a new certificate of registration shall be issued to such person.

447.09 Penalties. Any person violating any provision of this chapter may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both for the 1st offense and may be fined not more than \$2,500 or imprisoned not more than 2 years or both for the 2nd or subsequent conviction within 5 years.

447.10 Injunction to enforce chapter 447. If it appears upon the complaint of any person to the examining board, or it is believed by the examining board that any person is violating this chapter, the examining 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 pro-

vided 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 examining board, its president and secretary, acting in its behalf, are empowered jointly to make such an investigation, and on the basis thereof to seek such relief.

447.11 State dental society. The Wisconsin state dental society is continued with the general powers of a domestic nonstock corporation. It may take by purchase or gift and hold real and personal property. It may adopt, alter and enforce bylaws and rules for the admission and expulsion of members, the election of officers and the management of its affairs.

447.12 County and district dental societies. (1) The dentists of the several counties who are licensed to practice in this state, provided there are at least 5 in a given county, may meet at such time and place as a majority agree upon, and organize a county dental society. When so organized it shall be a body corporate, and shall thereafter be designated as the dental society of such county, and shall have the general powers of a corporation and may take by purchase or gift and hold real and personal property. County dental societies now existing are continued with the powers and privileges conferred by this chapter. A county or district dental society which was in existence but unincorporated on September 29, 1963 shall not be required by the terms hereof to incorporate unless that is the express wish of the majority of its members.

(2) Persons who hold the degree of doctor of dental surgery, or its equivalent, and any other persons who have been licensed by the examining board to practice dentistry in this state, shall be eligible to meet for the organization of or to become members of a county dental society.

(3) If there are not a sufficient number of dentists in a given county to form a dental society under sub. (1), those residing in such county may unite with those of adjoining counties and organize a multiple county or district dental society under this section, such organizational meeting to occur at the time and place agreed upon in writing by a majority of those eligible to belong.

(4) A county or district dental society may adopt, alter and enforce articles and bylaws, or a constitution and bylaws for the admission and expulsion of members, the election of officers and the management of its affairs, but no such instrument or action on the part of such a society shall be valid which is inconsistent with the articles, bylaws or policies of the state dental society, or which violates the autonomy of any other

component of the state dental society. Any county or district dental society which incorporates after September 29, 1963 shall file its articles as provided in ch. 181.

447.13 Dental care plans authorized. (1)

The state dental society, or a county society or district dental society, in the manner and to the extent approved by the state society, and permitted by this section, may establish in the state, or in any county or counties thereof, a nonprofit plan on a prepayment or other basis for the dental care of the general population, or any segments of it, through contracts with dentists, members of the public, any branch of government, and others; provided only that free choice of the public in the selection of a dentist shall be retained in such contracts, and that the responsibility of the dentist to the individual patient, together with all other contract and tort relationships between dentist and patient, shall remain the same as if contractual arrangements between them were direct. Any person covered by or insured under such plan, or someone acting for him, shall be free to choose for dental care any dentist licensed to practice in this state who has agreed to abide by the terms of such plan. No such dentist shall be required to participate exclusively in any such plan.

(2) No county or district society may establish a plan, or contract under this section, until it has received the written approval of the state dental society to the proposed plan or contract, includ-

ing the full details of its proposed operation and the territory covered by such proposal. The state dental society shall have a continuing right to audit or request the modification of any such plan, and may at any time, after notice and for cause, including violation of the scheme of the original plan, or violation of the autonomy of any other county or district society, suspend or revoke its approval. The state dental society may also request a court of appropriate jurisdiction to enjoin the violation by a county or district society of ss. 447.11 to 447.13.

(3) Any such plan shall be subject to all applicable provisions of ss. 200.26 and 209.04 (11).

(4) This section shall apply exclusively to a corporation or other organization organized, recognized or operated under s. 447.11 or 447.12.

(5) The state dental society may (a) establish a nonprofit dental care plan within its corporate structure, (b) approve for itself and its members a dental care plan established by a non-dental organization, when the society finds a plan of the latter type to be in the public health interest, or (c) organize a corporation with authority to establish a nonprofit dental care plan, which corporation shall be subject to subs. (1) and (3).

(6) So as to encourage experimentation in the health and economic interests of the general public, any plan organized or approved under this section may operate on a service, indemnity, or a combined service and indemnity basis.