

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.

History: 1981 c. 20.

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 registered as required by s. 447.05 (4). No other person may practice dentistry in this state, unless licensed by the examining board and 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 herself, or for any other person, the title or appends to his or her 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 or her 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 or she 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 herself 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) No person may 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 the individual's own name only. Two or more dentists licensed and registered in this state may practice dentistry, including any recognized specialty thereof, as bona fide partners, and in the course thereof use any partnership title or description which is not misleading to the public. A dentist licensed and registered in this state may 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, and the person's license may be limited, suspended or revoked under s. 447.07 (3) (c) or the person may be reprimanded. Nothing in this subsection prohibits 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.

History: 1971 c. 40 s. 93; 1977 c. 29, 418; 1979 c. 162 s. 38 (4), (7), (8), (9).

447.03 Educational requirements. (1)

Only persons possessing a license to practice dentistry under s. 447.05, may use or assume the title "doctor", or append to his or her name the words or letters "doctor", "Dr.", or his or her 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 may enroll anyone not filing with the examining board proof satisfactory to it that he or she 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. The 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 shall meet the requirements of the statutes and of the examining board which were in force at the time of the applicant's graduation.

(2) (a) No person may be examined by the examining board unless the person files proof satisfactory to it that the person:

1. Has the preliminary education set forth in sub. (1); and

2. Is a graduate of a recognized dental school or college approved by the examining board.

History: 1975 c. 39, 199; 1977 c. 29; 1979 c. 162, 337.

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 or she has met the preprofessional educational requirements of s. 447.03 (1), to take written examinations, and credit satisfactory grades toward the student's final examination.

History: 1977 c. 29.

447.05 License; renewal. (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 of having reputably engaged in practice in that state for at least 5 years next preceding the 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 but only if the other state extends a similar privilege to dentists licensed to practice in this state. The applicant shall pass such practical demonstrations in operative and restorative dentistry as may be prescribed by the examining

board. The fee for such license shall be that specified in s. 440.05 (2).

(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) A renewal fee is due and payable on or before September 30 of each odd-numbered year following issuance of the license. The examining board shall publish a biennial report and list of the names and places of practice of all licensed and registered dentists and registered dental hygienists which shall be available for purchase at cost. The department shall mail a copy of the 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 residence or professional office, or who opens an additional office, shall, within 30 days thereafter, notify the examining board in writing of the change and furnish the new residence or professional address.

(7) No person may practice dentistry in this state under any other given name, or any other surname than that under which 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 a changed name enables the person to compete unfairly with another practitioner, or to mislead the public as to the person's 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 a change of name resulting from marriage or divorce and the payment of the fee under s. 440.05 (7) a new license shall be issued to the person.

History: 1977 c. 29, 418; 1979 c. 98, 175, 337, 355.

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 if the hospital has been approved for dental internship training by the council on dental education of the American dental association and the internship does not exceed one year; a dental resident who has been appointed by a hospital located in this state for a 2nd or subsequent year of advanced study of dental science within the institution if the hospital has been approved for dental residency training by the council on dental education of the American dental association, and the residency does not exceed an aggregate of 3 years in the case of any individual. None of those claiming exemption under one of the foregoing classifications may engage in private practice, have an office outside the institution to which appointed, or hold himself or herself out to the general public, unless the person has first been licensed by the examining board, and registers biennially.

History: 1977 c. 29.

447.07 Reprimand; limitation; suspension; revocation. (1) The examining board may, without further notice or process, limit, 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 the dentist's last-known address, to register and pay the fee due. The license may be reinstated, in the discretion of the examining board, by the payment of the fees specified in s. 440.05 (3) and (5) within one year from revocation. If application for reinstatement is not made within one year from the date of revocation the dentist may be required to demonstrate current qualification to practice by taking an examination in such dental subjects as may be required by the examining board and paying the fee specified in s. 440.05 (1).

(2) Subject to ss. 111.321, 111.322 and 111.335, the examining board may reprimand or may limit, suspend or revoke the license of one who has an arrest or conviction record.

(3) Subject to the rules promulgated under s. 440.03 (1), 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, suspend or revoke such license, registration or certificate, or reprimand the holder thereof if it finds that the holder has been guilty of:

(a) Unprofessional conduct in the course of practicing dentistry.

(b) Having procured the 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.

(g) Conduct which indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of the profession which the holder has a license, permit or certificate to practice.

(h) Unprofessional advertising, as defined in sub. (6).

(i) Obtaining a fee by fraud or deceit.

(j) 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.

(k) Repeated irregularities in billing a 3rd party for services rendered to a patient. In this paragraph, "irregularities in billing" includes:

1. Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered.

2. Reporting incorrect treatment dates for the purpose of obtaining payment.

3. Reporting charges for services not rendered.

4. Incorrectly reporting services rendered for the purpose of obtaining payment.

5. Abrogating the copayment provisions of a contract by accepting the payment received from the 3rd party as full payment.

(6) "Unprofessional advertising," as used in sub. (3) (h), 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 may display any sign or advertise in any manner concerning his or her work by the use of any name except the name under which he or she is licensed to practice dentistry in this state. No dentist may use any trade name or display any sign or advertise in any manner under any trade or assumed name under which his or her practice was formerly conducted, except as permitted by s. 447.02 (2). Nothing in this subsection forbids 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 con-

nection with the corporation as is reasonably necessary to identify an incorporated dental group and the location of its practice.

(7) Subject to the rules promulgated under s. 440.03 (1), 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 the 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 reengage 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 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 of the applicant's qualifications to resume the practice of dentistry or dental hygiene. Any decision made following such hearing shall be reviewable under ch. 227.

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211.

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

(2) (a) An applicant shall file proof satisfactory to the examining board that he or she has a general education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the 8th grade and that he or she 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. The fee specified in s. 440.05 (1) shall accompany the application. 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 train-

ing 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) The fee specified in s. 440.05 (3) shall be due and payable on or before September 1 of each odd-numbered year following issuance of the certificate. Any registrant who, subsequent to registering, changes place of residence or employment shall, within 30 days thereafter, notify the examining board in writing of the change and furnish the address of the new residence or employment and, where applicable, the name of the 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 satisfactory proof of having reputably engaged in practice in that state for 5 years next preceding the application, if in that state the requirements imposed are equivalent to those of this state, upon presentation of a certificate from the 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 but only if the other state extends similar treatment to dental hygienists certified to practice in this state. The applicant shall pass a practical demonstration in dental hygiene to the satisfaction of the examining board and pay the fee specified in s. 440.05 (2).

(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 the person's last-known address, to register and pay the fee due for that 2-year period. A certificate may be reinstated, in the discretion of the examining board, by the payment of the fees specified in s. 440.05 (3) and (5) within one year after revocation. If application for reinstatement is not made, within one year from the date of revocation, the person may

be required to demonstrate current qualification by taking an examination in subjects relating to dental hygiene required by the examining board and pay the fee specified in s. 440.05 (1).

(7) No person may practice as a dental hygienist under any other given name, or any other surname than that under which 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 a change of name resulting from marriage or divorce and the payment of the fee under s. 440.05 (7) a new certificate of registration shall be issued to the person.

History: 1977 c. 29; 1979 c. 98, 337, 355; 1981 c. 380.

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. 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 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 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. Investigations conducted by the examining board, or by its president and secretary, shall be conducted according to rules promulgated under s. 440.03 (1).

History: 1977 c. 418.

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 Service insurance corporations for dental care. The state dental society or, in a manner and to the extent approved by the state society, a county or district society, may establish in one or more counties in this state a service insurance corporation for dental care under ch. 613.

History: 1975 c. 223.