

# State of Wisconsin



1997 Assembly Bill 273

Date of enactment: April 13, 1998  
Date of publication\*: April 27, 1998

## 1997 WISCONSIN ACT 96

AN ACT to renumber and amend 15.405 (6); to amend 15.405 (6) (a) and (b), 440.05 (intro.), 440.08 (2) (a) (intro.), 447.03 (3) (intro.), 447.065 (2), 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (b), 447.07 (3) (j), 447.07 (5) and 447.07 (7); and to create 447.02 (2) (d) and (e), 447.04 (2) (c) and 447.06 (2) (e) of the statutes; relating to: the regulation of dental hygienists, increasing the membership of the dentistry examining board and granting rule-making authority.

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

**SECTION 1.** 15.405 (6) of the statutes is renumbered 15.405 (6) (intro.) and amended to read:

15.405 (6) DENTISTRY EXAMINING BOARD. (intro.) There is created a dentistry examining board in the department of regulation and licensing. ~~The dentistry examining board shall consist of 8 members appointed for staggered consisting of the following members appointed for 4-year terms.:~~

(a) ~~Five of the members shall be licensed Six~~ dentists in this state who are licensed under ch. 447.

(b) ~~One member shall be a Three~~ dental hygienist hygienists who are licensed to practice in this state under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist member members may participate in the preparation and grading of licensing examinations for dental hygienists.

(c) ~~Two members shall be public members.~~

**SECTION 2.** 15.405 (6) (a) and (b) of the statutes, as affected by 1997 Wisconsin Act ... (this act), are amended to read:

15.405 (6) (a) ~~Six Five~~ dentists who are licensed under ch. 447.

(b) ~~Three One~~ dental hygienists hygienist who are is licensed under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist members member may participate in the preparation and grading of licensing examinations for dental hygienists.

**SECTION 3.** 440.05 (intro.) of the statutes is amended to read:

**440.05 Standard fees.** (intro.) The following standard fees apply to all initial credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 442.06, 444.03, 444.05, 444.11, ~~447.04 (2) (c) 2.~~, 449.17, 449.18 and 459.46:

**SECTION 4.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, ~~447.04 (2) (c) 2.~~, 449.17, 449.18 and 459.46, the renewal dates and renewal fees for credentials are as follows:

**SECTION 5.** 447.02 (2) (d) and (e) of the statutes are created to read:

447.02 (2) (d) The oral systemic premedications and subgingival sustained release chemotherapeutic agents that may be administered by a dental hygienist licensed under this chapter under s. 447.06 (2) (e) 1. and 3.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(e) The educational requirements for administration of local anesthesia by a dental hygienist licensed under this chapter under s. 447.06 (2) (e) 2.

**SECTION 6.** 447.03 (3) (intro.) of the statutes is amended to read:

447.03 (3) **EXCEPTIONS.** (intro.) No license or certificate under this chapter is required for any of the following:

**SECTION 7.** 447.04 (2) (c) of the statutes is created to read:

447.04 (2) (c) 1. The examining board shall grant a certificate to administer local anesthesia to a dental hygienist who is licensed under par. (a) or (b), and who submits evidence satisfactory to the examining board that he or she satisfies the educational requirements established in rules promulgated under s. 447.02 (2) (e).

2. No fee may be charged for a certificate granted under subd. 1. A certificate granted under subd. 1. remains in effect while the dental hygienist's license granted under par. (a) or (b) remains in effect unless the certificate is suspended or revoked by the examining board.

**SECTION 8.** 447.06 (2) (e) of the statutes is created to read:

447.06 (2) (e) Pursuant to a treatment plan approved by a dentist who is licensed under this chapter, a dental hygienist licensed under this chapter may administer the following upon delegation by the dentist if the dentist remains on the premises in which the practices are performed and is available to the patient throughout the completion of the appointment:

1. Oral systemic premedications specified by the examining board by rule.

2. If the dental hygienist is certified under s. 447.04 (2) (c) 1., local anesthesia.

3. Subgingival sustained release chemotherapeutic agents specified by the examining board by rule.

**SECTION 9.** 447.065 (2) of the statutes is amended to read:

447.065 (2) Subject to the requirements under s. 447.06 (2), a dentist who is licensed to practice dentistry under this chapter may delegate to a dental hygienist who is licensed to practice dental hygiene under this chapter the performance of remediable procedures and the administration of oral systemic premedications, local anesthesia and subgingival sustained release chemotherapeutic agents.

**SECTION 10.** 447.07 (1) of the statutes is amended to read:

447.07 (1) The examining board may, without further notice or process, limit, suspend or revoke the license or certificate of any dentist or dental hygienist who fails, within 60 days after the mailing of written notice to the

licensee's dentist's or dental hygienist's last-known address, to renew his or her license or certificate.

**SECTION 11.** 447.07 (3) (intro.) of the statutes is amended to read:

447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist or dental hygienist, or of any other person it has reason to believe is engaged in or has engaged in the practice of dentistry or dental hygiene in this state, and may, on its own motion, or upon complaint in writing, reprimand any dentist or dental hygienist who is licensed or certified under this chapter or deny, limit, suspend or revoke his or her license or certificate if it finds that the dentist or dental hygienist has done any of the following:

**SECTION 12.** 447.07 (3) (b) of the statutes is amended to read:

447.07 (3) (b) Made any false statement or given any false information in connection with an application for a license or certificate or for renewal or reinstatement of a license or certificate or received the a license or certificate through error.

**SECTION 13.** 447.07 (3) (j) of the statutes is amended to read:

447.07 (3) (j) Employed, directly or indirectly, any unlicensed or uncertified person to perform any act requiring licensure or certification under this chapter.

**SECTION 14.** 447.07 (5) of the statutes is amended to read:

447.07 (5) The examining board may reinstate a license or certificate that has been voluntarily surrendered or revoked on terms and conditions that it considers appropriate.

**SECTION 15.** 447.07 (7) of the statutes is amended to read:

447.07 (7) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a license or certificate under sub. (3), the examining board may assess against an applicant ~~or~~ licensee or certificate holder a forfeiture of not more than \$5,000 for each violation enumerated under sub. (3).

**SECTION 16. Nonstatutory provisions; appointment of members to the dentistry examining board.**

(1) **TERMS.** Notwithstanding section 15.405 (6) (intro.) of the statutes, as affected by this act, and section 15.08 (1) of the statutes, the additional dentist and dental hygienist members of the dentistry examining board created under section 15.405 (6) (a) and (b) of the statutes, as affected by this act, shall expire on December 31, 2002.

(2) **PROVISIONAL APPOINTMENTS.**

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(a) Notwithstanding section 15.08 (1) of the statutes, the governor shall provisionally appoint the additional dentist and dental hygienist members of the dentistry examining board created under section 15.405 (6) (a) and (b) of the statutes, as affected by this act. Such provisional appointment shall be in full force until withdrawn by the governor or acted upon by the senate. A provisional appointee may exercise all of the powers and duties of examining board membership during the time in which the appointee qualifies.

(b) A provisional appointment made under paragraph (a) that is withdrawn by the governor or rejected by the senate shall, upon withdrawal or rejection, lapse and create a vacancy for provisional appointment of another dentistry examining board member.

**SECTION 17. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 15.405 (6) (a) and (b) (by SECTION 2) of the statutes takes effect on December 31, 2002.

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