

INSERT A4 ✓

✓ #. Page 629, line 22: after that line insert:

" SECTION 1787r . CR: 49.45 (24h)

49.45 (24h) ^(CS) DENTAL SERVICES REIMBURSEMENT

RATES. Rates of reimbursement for dental services
for each year

shall equal the fee at which 75% of dentists in

the east north central region charge equal or
lesser

amounts, as specified in the most recently

published annual Survey of Dental Fees of the

American Dental Association. "

Insert 9-11 B

✓ #. Page 1165, line 11: delete lines 11 and 12 and

substitute:

text: treat

§ 560.183 ^(B)(1) (a) "Dentist" means ^{an} individual

licensed under s. 447.04 (1)."

(end of ins 9-11)

Insert A5a

#. Page 1418, line 3: after that line insert:

(2XX)

(CS)

" (~~h~~) Dentist and dental hygienist loan

(CS)

assistance. The treatment of ^{section} 15.157 (8) (intro.)

and (g), 20.143 (1) (j) (title) ^{and} (j) (title), ~~and~~

~~(k) (title)~~ 560.183 (title), (1) (ad) ^{and} (ae), (2) (a) and
(b), (3) (a) and (am), (5) (b) 1., 2., 3., 4., and 5.
and (d), (6m) (a) (intro.), (8) (b), (d), (e), and (f),
and (9) (intro.), (a), (b), and (c) (intro.), 2., and 3.,
560.184 (1) (ag), (aj), (am), and (b), (3) (a), (5) (b) 1.,
(7) (a), and (8) (c) 3., and 560.185 (1)

of the statutes takes effect on July 1, 2002."

(end of ins A5a)

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... create → action: → *NS: → effdate
For the text, execute: create → text: → *NS: → effdateA
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . **Effective date.**

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. create → action: → *NS: → effdateE
For the text, execute: create → text: → *NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . **Effective dates;**

..... This act takes effect on the day after publication, except as follows:
(#1) () The treatment of sections of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:..create → action: → *NS: → 94XX
For the text, execute: create → text: → *NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 _____ . **Effective dates;**

..... The treatment of sections 20.235 (1)(d), 20.435(4)(b) and (5)(fL), 49.45(2)(a) 25. and (24h), 49.45(2)(b) 1m, 250.13p 250.15 (1)(b) and (2)(d) of the statutes takes effect on July 1, 2002.)

(15XX)

(c) 20.235

49.45

the renumbering and amendment of section 250.15 (1) of the statutes, and the creation of section 250.15 (1)(d) of the statutes

1

INSERT A5C:

2

1. Page 1423, line 11: after that line insert:

3

^{3XX}
“(4m) REGULATION OF DENTISTS AND DENTAL HYGIENISTS. The treatment of sections
4 447.01 (10) and (12), 447.02 (1) (c), (2) (d) and (e), and (3), 447.03 (2) (intro.), (a), and
5 (b), ~~447.03~~ (3) (g), 447.04 (1) (a) 4 (b), (c), and (d), 447.06 (title), (1), (2) (a), (b), (c),
6 (d), and (e), (2m) (title), (3), (4), (5) (title), (6) (title), (d), (e), and (7), 447.065 (title),
7 (1), (2), and (3), of the statutes takes effect on July 1, 2002.”

AS
and SECTIONS 9343 (1XX)
9123 (13XZZ)
of this act

Kennedy, Debora

From: Keckhaver, John
Sent: Tuesday, June 19, 2001 9:29 AM
To: Kennedy, Debora
Subject: FW: dental access

Debora,
This is the answer I've got.

Re 49-45 (24h)

-----Original Message-----

From: Burnett, Douglas
Sent: Tuesday, June 19, 2001 9:29 AM
To: Keckhaver, John
Subject: RE: dental access

Yes we want it to be ongoing, but there should be no rate increases in this biennium beyond what we funded as part of the \$10 million GPR in this biennium. That is, future MA rate increases in the 03-05 biennium should tied to the survey, no additional increases though in 01-03.

-----Original Message-----

From: Keckhaver, John
Sent: Tuesday, June 19, 2001 9:24 AM
To: Burnett, Douglas
Subject: dental access
Importance: High

This amendm .brings together sb 166 and sb 167, in 166, there is a provision that links the ma rate for dental services to a survey of Amer. Dental assoc. rates, etc., (and would increase each year as that increases) that bill is drafted as ongoing, the drafter therefore drafted it for us as ongoing, but Rachel carrabel caught that and said it would make costs skyrocket, do we want it as ongoing or as just in the biennimu.



r m is n

SDC:.....Keckhaver – CN8004, Dental care access

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

*Changes
on pp. 21*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 129, line 10: decrease the dollar amount for fiscal year 2001-02 by
- 3 \$175,100 and increase the dollar amount for fiscal year 2002-03 by \$144,700 to
- 4 decrease funding for the purpose for which the appropriation is made.
- 5 **2.** Page 208, line 6: increase the dollar amount for fiscal year 2002-03 by
- 6 \$8,614,000 to increase funding for medical assistance reimbursement rates for
- 7 dental services to equal the fee at which 75% of dentists in the east north central
- 8 region charge equal or lesser amounts, as specified in the annual Survey of Dental
- 9 Fees of the American Dental Association.

1 **3.** Page 208, line 6: increase the dollar amount for fiscal year 2002–03 by
2 \$378,500 to increase funding for medical assistance coverage for 2 dental cleanings
3 per year for adults.

4 **4.** Page 208, line 6: increase the dollar amount for fiscal year 2002–03 by
5 \$162,930 to increase funding for medical assistance coverage of fluoride varnish
6 treatments.

7 **5.** Page 208, line 10: increase the dollar amount for fiscal year 2002–03 by
8 \$132,000 to increase the authorized FTE positions for the department of health and
9 family services by 5.0 GPR positions on July 1, 2002, for a licensed dental health
10 professional in each of the 5 administrative regions of the state, as prescribed by the
11 department.

12 **6.** Page 211, line 21: increase the dollar amount for fiscal year 2002–03 by
13 \$1,600,000 to increase funding for grants for provision or expanded provision of
14 dental care services.

15 **7.** Page 211, line 21: after that line insert:

16 “(fL) Community water fluoridation GPR A –0– 25,000”.

17 **8.** Page 309, line 16: delete lines 16 and 17 and substitute “a doctor of dental
18 surgery (D.D.S.) degree. An amount of \$11,330 in the 1993–94 fiscal year and
19 \$11,670 in the 1994–95 \$14,450 in each fiscal year and annually thereafter shall be”.

20 **9.** Page 309, line 20: delete “2001–02” and substitute “2002–03”.

21 **10.** Page 357, line 12: after that line insert:

22 “**SECTION 705g.** 20.435 (4) (b) of the statutes is amended to read:

1 20.435 (4) (b) *Medical assistance program benefits*. Biennially, the amounts in
2 the schedule to provide the state share of medical assistance program benefits
3 administered under s. 49.45, to provide medical assistance program benefits
4 administered under s. 49.45 that are not also provided under par. (o), to fund the pilot
5 project under s. 46.27 (9) and (10), to provide the facility payments under 1999
6 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers
7 under s. 46.283 ~~and for, to fund~~ services under the family care benefit under s. 46.284
8 (5), and to provide coverage for topical fluoride varnish under 2001 Wisconsin Act
9 (this act), section 9123 (13xx). Notwithstanding s. 20.002 (1), the department may
10 transfer from this appropriation to the appropriation under sub. (7) (kb) funds in the
11 amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001
12 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation
13 and may transfer between fiscal years funds that it transfers from the appropriation
14 under sub. (7) (kb) for the purposes specified in s. 46.485 (3r). Notwithstanding s.
15 20.002 (1), the department may transfer from this appropriation to the appropriation
16 account under sub. (7) (bd) funds in the amount and for the purposes specified in s.
17 49.45 (6v).”

18 **11.** Page 364, line 20: after that line insert:

19 “SECTION 720md. 20.435 (5) (fL) of the statutes is created to read:

20 20.435 (5) (fL) *Community water fluoridation*. The amounts in the schedule
21 for community water fluoridation grants under s. 250.13.”

22 **12.** Page 559, line 14: after that line insert:

23 “SECTION 1483k. 46.03 (44) of the statutes is created to read:

1 46.03 (44) DENTAL WORK FORCE REPORT. By January 1, 2003, and every 5 years
2 thereafter, submit jointly with the dentistry examining board a report to the
3 legislature in the manner provided under s. 13.172 (2) and to the governor on the
4 ability of the dental work force to meet the oral health care needs of individuals in
5 this state. The report shall include findings and any recommendations of the
6 department and the examining board.”.

7 **13.** Page 621, line 12: after that line insert:

8 “**SECTION 1750g.** 49.45 (2) (a) 25. of the statutes is created to read:

9 49.45 (2) (a) 25. Disseminate to health care professionals providing services
10 under the early and periodic screening, diagnosis and treatment program under 42
11 CFR 441, and to parents or guardians of children eligible for services under the
12 program, information on the availability of, and coverage for, topical fluoride varnish
13 under that program and on the efficacy of topical fluoride varnish treatments in
14 preventing early childhood caries.”.

15 **14.** Page 629, line 22: after that line insert:

16 “**SECTION 1787r.** 49.45 (24h) of the statutes is created to read:

17 49.45 (24h) DENTAL SERVICES REIMBURSEMENT RATES. Rates of reimbursement
18 for dental services for each year shall equal the fee at which 75% of dentists in the
19 east north central region charge equal or lesser amounts, as specified in the most
20 recently published annual Survey of Dental Fees of the American Dental
21 Association.”.

22 **15.** Page 634, line 15: after that line insert:

23 “**SECTION 1805f.** 49.46 (2) (b) 1m. of the statutes is created to read:

1 49.46 (2) (b) 1m. Dental hygienists' services, limited to services that are
2 payable under subd. 1. and that are within the scope of practice of a dental
3 hygienist.”.

4 **16.** Page 1031, line 17: after that line insert:

5 “**SECTION 3128xb.** 250.13 of the statutes is created to read:

6 **250.13 Community water fluoridation grants.** From the appropriation
7 under s. 20.435 (5) (fL), the department shall award grants each year to applying
8 communities for any of the following purposes:

9 (1) Purchase of water fluoridation equipment.

10 (2) Construction of additional building space to house water fluoridation
11 equipment.

12 (3) Payment of salaries of employees who operate water fluoridation
13 equipment.

14 **SECTION 1328xc.** 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.)
15 and amended to read:

16 250.15 (1) DEFINITIONS. (intro.) In this section, ~~“community:~~

17 (a) ~~“Community-health center”~~ means a health care entity that provides
18 primary health care, health education, and social services to low-income
19 individuals.

20 **SECTION 3128xd.** 250.15 (1) (b) of the statutes is created to read:

21 250.15 (1) (b) “Qualified applicant” means an entity that provides, or seeks to
22 provide, dental care services to low-income individuals and that does not receive a
23 federal grant under 42 USC 254b (c), (g), or (h).

24 **SECTION 3128xe.** 250.15 (2) (d) of the statutes is created to read:

1 250.15 (2) (d) From the appropriation under s. 20.435 (5) (fh), the department
2 shall distribute to qualified applicants grants totaling \$1,600,000 in fiscal year
3 2002–03 to enable the applicants to provide or expand provision of dental care
4 services. The department shall give preference for grants to qualified applicants that
5 are located in dental health professional shortage areas, as designated under 42 CFR
6 part V, appendix B. Applicants who receive grants under this paragraph shall do all
7 of the following:

8 1. Make every attempt to collect appropriate reimbursement for its costs in
9 providing dental services to persons who are eligible for and receiving badger care
10 health care, medical assistance, or assistance for medical expenses under any other
11 public assistance program or have coverage under a private insurance program.

12 2. Prepare and utilize a fee schedule for the provision of its services consistent
13 with locally prevailing charges that is designed to cover its reasonable costs of
14 operation and prepare a corresponding schedule of discounts to be applied to the
15 payment of such fees. The discounts shall be adjusted on the basis of the patient's
16 ability to pay.

17 3. Establish a governing board that, except in the case of an applicant that is
18 an Indian tribe or band, is composed of individuals who are representative of persons
19 served by the applicant and a majority of whom are being served by the applicant.
20 The board shall be responsible for the following:

21 a. Establishing policies surrounding the entity's program operations.

22 b. Holding regularly scheduled meetings and keeping minutes of the meetings.

23 c. Approving the selection or dismissal of an entity's director or chief executive
24 officer.

1 d. Establishing personnel policies and procedures, including employee
2 selection and dismissal procedures, salary and benefit scales, employee grievance
3 procedures, and equal opportunity practices.

4 e. Adopting policies for financial management practices, including a system to
5 ensure accountability for resources, approval of the annual budget, priorities,
6 eligibility for services, including criteria for the fee schedule under subd. 2., and
7 long-range financial planning.

8 f. Evaluating the entity's activities including service utilization patterns,
9 productivity, patient satisfaction, achievement of objectives, and development of a
10 process for hearing and resolving patient grievances.

11 g. Ensuring that the entity is operated in compliance with applicable federal,
12 state, and local laws.

13 h. Adopting health care policies including scope and availability of services,
14 location, hours of services, and quality of care audit procedures.

15 4. Use any funds provided under this paragraph to supplement, and not
16 supplant, other funds that are or may be available to the entity.

17 5. Implement a patient screening process to determine patient eligibility for
18 medical assistance, badger care health care, and the payment schedule under subd.

19 2.

20 6. Provide oral health education in programs operated by and affiliated with
21 the department, including the special supplemental food program for women,
22 infants, and children and head start.

23 7. Provide dental screening, risk assessments, and preventive dental
24 treatment to pregnant women; infants; preschoolers; persons with diabetes, heart
25 disease, or lung disease; and persons using psychotropic medication.”.

1 **17.** Page 1156, line 6: after that line insert:

2 “**SECTION 3592nb.** 447.01 (10) of the statutes is created to read:

3 447.01 (10) “Oral risk assessment” means a review of the patient’s caries
4 experience, dental care utilization, use of preventive services, and medical history.
5 “Oral risk assessment” does not include a dental diagnosis.

6 **SECTION 3592nc.** 447.01 (12) of the statutes is amended to read:

7 447.01 (12) “Remediable procedures” means patient procedures that create
8 changes within the oral cavity or surrounding structures that are reversible without
9 professional intervention and do not involve any increased health risks to the
10 patient.

11 **SECTION 3592nd.** 447.02 (1) (c) of the statutes is amended to read:

12 447.02 (1) (c) Subject to ch. 553 and s. ~~447.06 (1)~~ 447.055, governing dental
13 franchising.

14 **SECTION 3592ne.** 447.02 (2) (d) of the statutes is amended to read:

15 447.02 (2) (d) The oral systemic premedications and subgingival sustained
16 release chemotherapeutic agents that may be administered by a dental hygienist
17 licensed under this chapter under s. ~~447.06 (2) (e) 1. and 3~~ (6) (a) and (c).

18 **SECTION 3592nf.** 447.02 (2) (e) of the statutes is amended to read:

19 447.02 (2) (e) The educational requirements for administration of local
20 anesthesia by a dental hygienist licensed under this chapter under s. ~~447.06 (2) (e)~~
21 2 (6) (b).

22 **SECTION 3592ng.** 447.02 (3) of the statutes is created to read:

23 447.02 (3) By January 1, 2003, and every 5 years thereafter, the examining
24 board shall submit jointly with the department of health and family services a report

1 to the legislature under s. 13.172 (2) and to the governor on the ability of the dental
2 work force to meet the oral health care needs of individuals in this state. The report
3 shall include findings and any recommendations of the examining board and the
4 department.

5 **SECTION 3592nh.** 447.03 (2) (intro.), (a) and (b) of the statutes are renumbered
6 447.03 (2) (a) (intro.), 1. and 2.

7 **SECTION 3592ni.** 447.03 (2) (b) of the statutes is created to read:

8 447.03 (2) (b) Any individual who is licensed as a dental hygienist under this
9 chapter is not required to be licensed as a dentist to perform acts delegated by a
10 dentist under s. 447.06.

11 **SECTION 3592nj.** 447.03 (3) (g) of the statutes is amended to read:

12 447.03 (3) (g) Any individual who provides remediable procedures or other
13 dentistry practices that are delegated under s. 447.065 (1) or (2).

14 **SECTION 3592nk.** 447.04 (1) (a) 4. of the statutes is amended to read:

15 447.04 (1) (a) 4. Submits evidence satisfactory to the examining board that he
16 or she has passed the national dental examination and either the examination of a
17 dental testing service approved by the examining board or an examination of a
18 regional dental testing service in the United States.

19 **SECTION 3592nL.** 447.04 (1) (b) of the statutes is amended to read:

20 447.04 (1) (b) The Except as provided in pars. (c) and (d), the examining board
21 may grant a license to practice dentistry to an individual who is licensed in good
22 standing to practice dentistry in another state or territory of the United States or in
23 another country if the applicant meets the requirements for licensure established by
24 the examining board by rule and upon presentation of the license and payment of the
25 fee specified under s. 440.05 (2).

1 **SECTION 3592nm.** 447.04 (1) (c) of the statutes is created to read:

2 447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry
3 to an applicant who is licensed in good standing to practice dentistry in another state
4 or territory of the United States or in Canada upon presentation of the license,
5 payment of the fee specified under s. 440.05 (2), and submission of evidence
6 satisfactory to the examining board that all of the following conditions are met:

7 a. The applicant has graduated from a school of dentistry accredited by the
8 American Dental Association's commission on dental accreditation.

9 b. The applicant submits a certificate from each jurisdiction in which the
10 applicant is or has ever been licensed stating that no disciplinary action is pending
11 against the applicant or the license, and detailing all discipline, if any, that has ever
12 been imposed against the applicant or the license.

13 c. The applicant has been engaged in the active practice of dentistry, as defined
14 in s. DE 1.02 (2), Wis. Adm. Code, in one or more jurisdictions in which the applicant
15 has a current license in good standing, for at least 48 of the 60 months preceding the
16 application for licensure in this state.

17 d. The applicant has successfully completed a jurisprudence examination on
18 the provisions of Wisconsin statutes and administrative rules relating to dentistry
19 and dental hygiene.

20 e. The applicant possesses a current certificate of proficiency in
21 cardiopulmonary resuscitation.

22 f. The applicant has disclosed all discipline that has ever been taken against
23 the applicant in any jurisdiction shown in reports from the national practitioner data
24 bank and the American association of dental examiners.

1 g. The applicant has presented satisfactory responses during any personal
2 interview with the board that the board may require to resolve conflicts between the
3 licensing standards and the applicant's application or to inquire into any discipline
4 that was imposed against the applicant or the license in another jurisdiction.

5 2. Notwithstanding subd. 1., the examining board may refuse to grant a license
6 to an applicant following an interview under subd. 1. g. if the examining board
7 determines that discipline that was imposed against the applicant or the license in
8 another jurisdiction demonstrates that the applicant is unfit to practice dentistry.

9 **SECTION 3592nn.** 447.04 (1) (d) of the statutes is created to read:

10 447.04 (1) (d) 1. The examining board shall grant a license to practice dentistry
11 to an applicant who is licensed in good standing to practice dentistry in another state
12 or territory of the United States or in another country upon presentation of the
13 license, payment of the fee specified under s. 440.05 (2), and submission of evidence
14 satisfactory to the examining board that all of the following conditions are met:

15 a. The applicant is a faculty member at a school of dentistry in this state.

16 b. The applicant submits a certificate from each jurisdiction in which the
17 applicant is or has ever been licensed stating that no disciplinary action is pending
18 against the applicant or the license, and detailing all discipline, if any, that has ever
19 been imposed against the applicant or the license.

20 c. The applicant has successfully completed a jurisprudence examination on
21 the provisions of Wisconsin statutes and administrative rules relating to dentistry
22 and dental hygiene.

23 d. The applicant possesses a current certificate of proficiency in
24 cardiopulmonary resuscitation.

1 e. The applicant has disclosed all discipline that has ever been taken against
2 the applicant in any jurisdiction shown in reports from the national practitioner data
3 bank and the American association of dental examiners.

4 f. The applicant has presented satisfactory responses during any personal
5 interview with the board that the board may require to resolve conflicts between the
6 licensing standards and the applicant's application or to inquire into any discipline
7 that was imposed against the applicant or the license in another jurisdiction.

8 2. Notwithstanding subd. 1., the examining board may refuse to grant a license
9 to an applicant following an interview under subd. 1. f. if the examining board
10 determines that discipline that was imposed against the applicant or the license in
11 another jurisdiction demonstrates that the applicant is unfit to practice dentistry.

12 3. A license under this paragraph is no longer in effect if the licensee ceases to
13 be a faculty member at a school of dentistry in this state.

14 **SECTION 3592np.** 447.06 (title) of the statutes is amended to read:

15 **447.06 (title) Practice Dental hygienist practice limitations.**

16 **SECTION 3592nq.** 447.06 (1) of the statutes is renumbered 447.055 and
17 amended to read:

18 **447.055 Contract provisions.** No contract of employment entered into
19 between a dentist and any other party under which the dentist renders dental
20 services may require the dentist to act in a manner which violates the professional
21 standards for dentistry set forth in this chapter. Nothing in this ~~subsection~~ section
22 limits the ability of the other party to control the operation of the dental practice in
23 a manner in accordance with the professional standards for dentistry set forth in this
24 chapter.

1 **SECTION 3592nr.** 447.06 (2) (a) of the statutes is renumbered 447.06 (1m), and
2 447.06 (1m) (intro.), as renumbered, is amended to read:

3 447.06 (1m) (intro.) PRACTICE CIRCUMSTANCES. A dental hygienist may practice
4 dental hygiene or perform remediable procedures or other delegated procedures only
5 as an employee or as an independent contractor and only as follows:

6 **SECTION 3592ns.** 447.06 (2) (b) of the statutes is renumbered 447.06 (2m) (a)
7 and amended to read:

8 447.06 (2m) (a) ~~A- Except as provided in subs. (3) and (4), a dental hygienist~~
9 may practice dental hygiene or perform remediable procedures ~~under par. (a) 1., 4.,~~
10 ~~6., 7. or 8. only as~~ only if either authorized by a dentist who is licensed to practice
11 dentistry under this chapter and who is present in the facility in which those
12 practices or procedures are performed, ~~except as provided in par. (e) or if the practices~~
13 or procedures are performed pursuant to a prescription that meets the requirements
14 of par. (b).

15 **SECTION 3592nt.** 447.06 (2) (c) of the statutes is renumbered 447.06 (2m) (b),
16 and 447.06 (2m) (b) (intro.), as renumbered, is amended to read:

17 447.06 (2m) (b) (intro.) ~~A dental hygienist may practice dental hygiene or~~
18 ~~perform remediable procedures under par. (a) 1., 4., 6., 7. or 8. if a dentist who is~~
19 ~~licensed to practice dentistry under this chapter is not present in the facility in which~~
20 ~~these~~ The practices or procedures are under par. (a) may be performed pursuant to
21 a prescription only if all of the following conditions are met:

22 **SECTION 3592nu.** 447.06 (2) (d) of the statutes is renumbered 447.06 (5).

23 **SECTION 3592nv.** 447.06 (2) (e) of the statutes is renumbered 447.06 (6).

24 **SECTION 3592nw.** 447.06 (2m) (title) of the statutes is created to read:

1 447.06 (2m) (title) REQUIREMENT FOR A DENTIST PRESENT OR A PRESCRIPTION IF A
2 DENTIST IS NOT PRESENT.

3 **SECTION 3592nx.** 447.06 (3) of the statutes is created to read:

4 447.06 (3) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
5 PRESCRIPTION; DENTAL HYGIENIST SCHOOL. A dental hygienist may practice dental
6 hygiene or perform remediable procedures at a school for the education of dental
7 hygienists without a dentist present in the facility in which the practices or
8 procedures are performed and without a written or oral prescription. A dental
9 hygienist may apply sealants on a patient at a school for the education of dental
10 hygienists without a diagnosis or treatment plan by a dentist if a dental hygienist
11 has performed an oral risk assessment of the patient. A dental hygienist shall
12 maintain a written record of the assessment and make appropriate referrals based
13 on the assessment.

14 **SECTION 3592ny.** 447.06 (4) of the statutes is created to read:

15 447.06 (4) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
16 PRESCRIPTION; ADDITIONAL EDUCATION AND EXPERIENCE. (a) A dental hygienist may
17 perform any of the following practices without a dentist present in the facility in
18 which the practices are performed and without a written or oral prescription if the
19 requirements of pars. (am), (b), and (c) are met and if the dental hygienist first
20 reviews the patient's medical history and performs an oral risk assessment:

21 1. Conduct an oral screening and have a plan of what dental hygiene
22 procedures will be performed on the patient. Oral screening that is performed solely
23 for the purpose of data collection does not require an oral risk assessment and does
24 not require certification under par. (c).

1 2. Apply dental sealants. Sealants may be applied under this subdivision
2 without a diagnosis or treatment plan by a dentist.

3 3. Provide fluoride therapies.

4 4. Provide patient education services.

5 5. Expose radiographs if a dentist will be available to read and diagnose the
6 radiographs.

7 6. Perform oral prophylaxis, if a dentist, nurse practitioner, physician or
8 physician assistant has reviewed a current medical history for the patient and has
9 indicated in writing that the patient may receive the service. The dental hygienist
10 may use topical anesthesia under this subdivision only if the anesthesia has been
11 prescribed by a dentist, nurse practitioner, physician, or physician assistant. Local
12 anesthesia may not be administered by a dental hygienist under this subdivision.

13 7. Remove supragingival or subgingival calcareous deposits, subgingival
14 cement, or extrinsic stains from a natural or restored surface of a human tooth or a
15 fixed replacement for a human tooth, perform debridement or deep scaling or root
16 planing of teeth, if a dentist, nurse practitioner, physician, or physician assistant has
17 reviewed a current medical history of the patient and has indicated in writing that
18 the patient may receive the service for the patient. The dental hygienist may use
19 topical anesthesia under this subdivision only if prescribed by a dentist, nurse
20 practitioner, physician, or physician assistant. Local anesthesia may not be
21 administered by a dental hygienist under this subdivision.

22 (am) A dental hygienist shall maintain a written record of and oral risk
23 assessment performed under par. (a) and make appropriate referrals based on the
24 assessment.

25 (b) The practices under par. (a) may be performed only as follows:

1 1. For a school board or a governing body of a private school.

2 2. For a facility, as defined in s. 50.01 (1m), a hospital, as defined in s. 50.33 (2),
3 or a facility established to provide care for terminally ill patients.

4 3. For a local health department, as defined in s. 250.01 (4).

5 4. For a charitable institution open to the general public or to members of a
6 religious sect or order.

7 5. For a nonprofit home health care agency.

8 6. For a nonprofit dental care program serving primarily indigent,
9 economically disadvantaged, or migrant worker populations.

10 (c) A dental hygienist may perform the practices under par. (a) only if certified
11 by the examining board in dental hygiene practice circumstances without a dentist
12 present and without a prescription. The examining board shall issue a certificate in
13 dental hygiene practice circumstances without a dentist present and without a
14 prescription to an individual who documents to the board that he or she has 2 years
15 of experience as a dental hygienist and meets any of the following:

16 1. Has submitted to the examining board proof of course completion issued by
17 an accredited dental school or an accredited dental hygiene school in dental hygiene
18 circumstances without a dentist present and without a prescription. This course
19 may be offered in conjunction with a national or state dental or dental hygiene
20 association.

21 2. Has been certified in community dental health, public health, or public
22 health education from an accredited dental school or an accredited dental hygiene
23 program.

24 3. Has worked for at least 1,000 hours in a public health or community health
25 setting.

1 4. Has received a bachelor's degree from an accredited college or university.

2 **SECTION 3592pb.** 447.06 (5) (title) of the statutes is created to read:

3 447.06 (5) (title) PROHIBITED PRACTICES.

4 **SECTION 3592pc.** 447.06 (6) (title), (d) and (e) of the statutes are created to read:

5 447.06 (6) (title) DELEGATION BY A DENTIST TO A DENTAL HYGIENIST.

6 (d) Any dentistry practice not included in dental hygiene, except as provided
7 in sub. (5), if all of the following conditions are met:

8 1. The delegated practices are ones that, in the opinion of the dentist and the
9 dental hygienist, the dental hygienist is competent to perform based on his or her
10 education, training, or experience.

11 2. The dental hygienist's performance of the practice is inspected by a dentist.

12 (e) A remediable procedure, except that a dentist need not be present on the
13 premises in which the procedure is performed if it is performed pursuant to a
14 prescription that meets the requirements of sub. (2m) (b).

15 **SECTION 3592pd.** 447.06 (7) of the statutes is created to read:

16 447.06 (7) DENTIST RESPONSIBLE FOR DELEGATION. A dentist who delegates to a
17 dental hygienist the performance of any practice or remediable procedure under sub.
18 (6) is responsible for that dental hygienist's performance of that delegated practice
19 or procedure.

20 **SECTION 3592pe.** 447.065 (title) of the statutes is amended to read:

21 **447.065 (title) Delegation of remediable procedures and dental**
22 **dentistry practices to unlicensed individuals.**

23 **SECTION 3592pf.** 447.065 (1) of the statutes is amended to read:

24 447.065 (1) A dentist who is licensed to practice dentistry under this chapter
25 may delegate to an individual who is not licensed under this chapter only the

1 performance of remediable procedures, ~~and only~~ or other dentistry practices subject
2 to sub. (2), if all of the following conditions are met:

3 (a) The unlicensed individual performs the remediable procedure or dentistry
4 practices in accordance with a treatment plan approved by the dentist.

5 (b) The dentist is on the premises when the unlicensed individual performs the
6 remediable procedures or dentistry practices.

7 (c) The unlicensed individual's performance of the remediable procedures or
8 dentistry practices is ~~subject to inspection~~ inspected by the dentist.

9 **SECTION 3592pg.** 447.065 (2) of the statutes is repealed and recreated to read:

10 447.065 (2) A dentist may make a delegation under sub. (1) of dentistry
11 practices that are not remediable procedures if all of the following requirements are
12 met:

13 (a) The practice does not involve a practice under s. 447.01 (3) (a), (b), (e), (f),
14 or (g), diagnosis of a dental disease or ailment, determination of any treatment or any
15 regimen of treatment, prescription or ordering of medication, performance of any
16 procedure that involves the intentional cutting of soft or hard tissue of the mouth by
17 any means, or administration of local anesthesia or subgingival sustained release
18 chemotherapeutic agents.

19 (b) The individual has graduated from an accredited dental assisting program
20 or has worked at least 1,000 hours during the preceding 12 months in a clinical
21 dentistry setting.

22 (c) The dentist making the delegation documents in his or her records that the
23 individual has been trained or educated to do the delegated practice by a dental
24 school; dental hygiene program; dental assisting program; a program offered or

1 approved by a national or state dental, dental hygiene, or dental assisting
2 association; or a program approved by the examining board.

3 (d) The delegated practices are ones that, in the opinion of the dentist and the
4 individual to whom the practices are delegated, the individual is competent to
5 perform based on his or her education, training, or experience.

6 **SECTION 3592ph.** 447.065 (3) of the statutes is amended to read:

7 447.065 (3) A dentist who delegates to ~~another~~ an unlicensed individual the
8 performance of any practice or remediable procedure is responsible for that
9 individual's performance of that delegated practice or procedure.”

10 **18.** Page 1165, line 11: delete lines 11 and 12 and substitute:

11 “560.183 (1) (ae) “Dentist” means an individual licensed under s. 447.04 (1).”

12 **19.** Page 1338, line 20: after that line insert:

13 “(13xx) TOPICAL FLUORIDE VARNISH. In state fiscal year 2002–03, from the
14 appropriation under section 20.435 (4) (b) of the statutes, as affected by this act, the
15 department of health and family services shall provide medical assistance coverage
16 under the early and periodic screening, diagnosis, and treatment program under 42
17 CFR 441 for topical fluoride varnish, for the purpose of preventing early childhood
18 caries in eligible children 0 to 60 months of age, when rendered by health care
19 professionals providing services under the program and acting within their scope of
20 practice and licensure. The department shall promulgate rules relating to coverage
21 of fluoride varnish treatments under the early and periodic screening, diagnosis and
22 treatment program that contain the following provisions:

23 (a) The department shall provide payment for up to 3 applications per year of
24 topical fluoride varnish per eligible child.

1 (b) Application of topical fluoride varnish may be, but is not required to be,
2 provided in conjunction with an early and periodic screening, diagnosis, and
3 treatment examination that includes a limited oral screening.

4 (c) Health care professionals providing services under this program shall refer
5 or facilitate referral of children receiving applications of topical fluoride varnish for
6 comprehensive dental care rendered by a dental professional.

7 (13xy) ORAL HEALTH DATA COLLECTION SYSTEM; PLAN. The department of health
8 and family services shall prepare a plan for development of a comprehensive oral
9 health data collection system. The plan shall identify data to be collected, sources
10 from which the data can be collected, costs of implementing the system, and any
11 statutory changes that are needed. The department shall submit its plan to the
12 legislature, in the manner provided under section 13.172 (2) of the statutes, and to
13 the governor by September 1, 2002.

14 (13xz) PRIOR AUTHORIZATION FOR DENTAL SERVICES; REPORT. The department of
15 health and family services shall prepare a report on its efforts to reduce the
16 requirement for prior authorization for dental services under medical assistance and
17 to simplify the prior authorization process for dental services. The department shall
18 submit its report to the legislature, in the manner provided under section 13.172 (2)
19 of the statutes, and to the governor by the first day of the 6th month beginning after
20 the effective date of this subsection.

21 (13xzz) ACCESS TO DENTAL SERVICES AND DENTAL HYGIENE SERVICES; REPORT. The
22 department of health and family services and the department of regulation and
23 licensing shall jointly prepare reports on whether the provisions of this act that
24 modify sections 447.06 and 447.065 of the statutes have improved access to dental
25 services and dental hygiene services. The departments shall submit the reports to

1 the legislature, in the manner provided under section 13.172 (2) of the statutes, and
2 to the governor by the first day of the 24th month and the first day of the 48th month
3 beginning after the effective date of this subsection.”.

4 **20.** Page 1355, line 4: after that line insert:

5 “(1xx) COMMUNITY DENTAL HEALTH EDUCATION; REPORT. The technical college
6 system board shall prepare a report on the feasibility and cost of increasing the
7 number of sites in the technical college system that offer community dental health
8 education for dentists and dental hygienists. The board shall submit its report to the
9 legislature, in the manner provided under section 13.172 (2) of the statutes, and to
10 the governor by the first day of the 6th month beginning after the effective date of
11 this subsection.”.

→ Insert from 22.8

12 **21.** Page 1418, line 3: after that line insert:

13 “(2xx) DENTIST AND DENTAL HYGIENIST LOAN ASSISTANCE. The treatment of
14 sections 15.157 (8) (intro.) and (g), 20.143 (1) (j) (title) and (jm) (title), 560.183 (title),
15 (1) (ad) and (ae), (2) (a) and (b), (3) (a) and (am), (5) (b) 1., 2., 3., 4., and 5. and (d), (6m)
16 (a) (intro.), (8) (b), (d), (e), and (f), and (9) (intro.), (a), (b), and (c) (intro.), 2., and 3.,
17 560.184 (1) (ag), (aj), (am), and (b), (3) (a), (5) (b) 1., (7) (a), and (8) (c) 3., and 560.185
18 (1) of the statutes takes effect on July 1, 2002.”.

19 **22.** Page 1420, line 19: after that line insert:

20 “(15xx) DENTAL CARE ACCESS. The treatment of sections 20.235 (1) (d), 20.435
21 (4) (b) and (5) (fL), 49.45 (2) (a) 25. and (24h), 49.46 (2) (b) 1m., 250.13, and 250.15
22 (2) (d) of the statutes, the renumbering and amendment of section 250.15 (1) of the
23 statutes, and the creation of section 250.15 (1) (d) of the statutes take effect on July
24 1, 2002.”.

MOVE TO
21-11

1 **23.** Page 1423, line 11: after that line insert:

2 “(3xx) REGULATION OF DENTISTS AND DENTAL HYGIENISTS. The treatment of
3 sections 447.01 (10) and (12), 447.02 (1) (c), (2) (d) and (e), and (3), 447.03 (2) (intro.),
4 (a), and (b) and (3) (g), 447.04 (1) (a) 4., (b), (c), and (d), 447.06 (title), (1), (2) (a), (b),
5 (c), (d), and (e), (2m) (title), (3), (4), (5) (title), (6) (title), (d), and (e), and (7), and
6 447.065 (title), (1), (2), and (3) of the statutes and SECTIONS 9123 (13xzz) and 9343
7 (1xx) of this act takes effect on July 1, 2002.”

8 **24.** Page 1403, line 5: after that line insert:

9 “(1xx) DENTIST LICENSURE. The treatment of section 447.04 (1) (a) 4., (b), (c), and
10 (d) of the statutes first applies to applications for licensure that are received on the
11 effective date of this subsection.”

12

(END)

SDC:.....Keckhaver – CN8004, Dental care access

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 129, line 10: decrease the dollar amount for fiscal year 2001-02 by
3 \$175,100 and increase the dollar amount for fiscal year 2002-03 by \$144,700 to
4 decrease funding for the purpose for which the appropriation is made.

5 **2.** Page 208, line 6: increase the dollar amount for fiscal year 2002-03 by
6 \$8,614,000 to increase funding for medical assistance reimbursement rates for
7 dental services to equal the fee at which 75% of dentists in the east north central
8 region charge equal or lesser amounts, as specified in the annual Survey of Dental
9 Fees of the American Dental Association.

1 **3.** Page 208, line 6: increase the dollar amount for fiscal year 2002–03 by
2 \$378,500 to increase funding for medical assistance coverage for 2 dental cleanings
3 per year for adults.

4 **4.** Page 208, line 6: increase the dollar amount for fiscal year 2002–03 by
5 \$162,930 to increase funding for medical assistance coverage of fluoride varnish
6 treatments.

7 **5.** Page 208, line 10: increase the dollar amount for fiscal year 2002–03 by
8 \$132,000 to increase the authorized FTE positions for the department of health and
9 family services by 5.0 GPR positions on July 1, 2002, for a licensed dental health
10 professional in each of the 5 administrative regions of the state, as prescribed by the
11 department.

12 **6.** Page 211, line 21: increase the dollar amount for fiscal year 2002–03 by
13 \$1,600,000 to increase funding for grants for provision or expanded provision of
14 dental care services.

15 **7.** Page 211, line 21: after that line insert:
16 “(fL) Community water fluoridation GPR A –0– 25,000”.

17 **8.** Page 309, line 16: delete lines 16 and 17 and substitute “a doctor of dental
18 surgery (D.D.S.) degree. An amount of ~~\$11,330 in the 1993–94 fiscal year and~~
19 ~~\$11,670 in the 1994–95~~ \$14,450 in each fiscal year and annually thereafter shall be”.

20 **9.** Page 309, line 20: delete “2001–02” and substitute “2002–03”.

21 **10.** Page 357, line 12: after that line insert:

22 “**SECTION 705g.** 20.435 (4) (b) of the statutes is amended to read:

1 20.435 (4) (b) *Medical assistance program benefits*. Biennially, the amounts in
2 the schedule to provide the state share of medical assistance program benefits
3 administered under s. 49.45, to provide medical assistance program benefits
4 administered under s. 49.45 that are not also provided under par. (o), to fund the pilot
5 project under s. 46.27 (9) and (10), to provide the facility payments under 1999
6 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers
7 under s. 46.283 ~~and for, to fund~~ services under the family care benefit under s. 46.284
8 (5), and to provide coverage for topical fluoride varnish under 2001 Wisconsin Act
9 (this act), section 9123 (13xx). Notwithstanding s. 20.002 (1), the department may
10 transfer from this appropriation to the appropriation under sub. (7) (kb) funds in the
11 amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001
12 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation
13 and may transfer between fiscal years funds that it transfers from the appropriation
14 under sub. (7) (kb) for the purposes specified in s. 46.485 (3r). Notwithstanding s.
15 20.002 (1), the department may transfer from this appropriation to the appropriation
16 account under sub. (7) (bd) funds in the amount and for the purposes specified in s.
17 49.45 (6v).”.

18 **11.** Page 364, line 20: after that line insert:

19 “**SECTION 720md.** 20.435 (5) (fL) of the statutes is created to read:

20 20.435 (5) (fL) *Community water fluoridation*. The amounts in the schedule
21 for community water fluoridation grants under s. 250.13.”.

22 **12.** Page 559, line 14: after that line insert:

23 “**SECTION 1483k.** 46.03 (44) of the statutes is created to read:

1 **46.03 (44) DENTAL WORK FORCE REPORT.** By January 1, 2003, and every 5 years
2 thereafter, submit jointly with the dentistry examining board a report to the
3 legislature in the manner provided under s. 13.172 (2) and to the governor on the
4 ability of the dental work force to meet the oral health care needs of individuals in
5 this state. The report shall include findings and any recommendations of the
6 department and the examining board.”.

7 **13.** Page 621, line 12: after that line insert:

8 **“SECTION 1750g.** 49.45 (2) (a) 25. of the statutes is created to read:

9 49.45 (2) (a) 25. Disseminate to health care professionals providing services
10 under the early and periodic screening, diagnosis and treatment program under 42
11 CFR 441, and to parents or guardians of children eligible for services under the
12 program, information on the availability of, and coverage for, topical fluoride varnish
13 under that program and on the efficacy of topical fluoride varnish treatments in
14 preventing early childhood caries.”.

15 **14.** Page 629, line 22: after that line insert:

16 **“SECTION 1787r.** 49.45 (24h) of the statutes is created to read:

17 49.45 (24h) **DENTAL SERVICES REIMBURSEMENT RATES.** Rates of reimbursement
18 for dental services for each year shall equal the fee at which 75% of dentists in the
19 east north central region charge equal or lesser amounts, as specified in the most
20 recently published annual Survey of Dental Fees of the American Dental
21 Association.”.

22 **15.** Page 634, line 15: after that line insert:

23 **“SECTION 1805f.** 49.46 (2) (b) 1m. of the statutes is created to read:

1 49.46 (2) (b) 1m. Dental hygienists' services, limited to services that are
2 payable under subd. 1. and that are within the scope of practice of a dental
3 hygienist.”.

4 **16.** Page 1031, line 17: after that line insert:

5 “**SECTION 3128xb.** 250.13 of the statutes is created to read:

6 **250.13 Community water fluoridation grants.** From the appropriation
7 under s. 20.435 (5) (fL), the department shall award grants each year to applying
8 communities for any of the following purposes:

9 (1) Purchase of water fluoridation equipment.

10 (2) Construction of additional building space to house water fluoridation
11 equipment.

12 (3) Payment of salaries of employees who operate water fluoridation
13 equipment.

14 **SECTION 1328xc.** 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.)
15 and amended to read:

16 250.15 (1) DEFINITIONS. (intro.) In this section, ~~“community:~~

17 (a) ~~“Community health center”~~ means a health care entity that provides
18 primary health care, health education, and social services to low-income
19 individuals.

20 **SECTION 3128xd.** 250.15 (1) (b) of the statutes is created to read:

21 250.15 (1) (b) “Qualified applicant” means an entity that provides, or seeks to
22 provide, dental care services to low-income individuals and that does not receive a
23 federal grant under 42 USC 254b (c), (g), or (h).

24 **SECTION 3128xe.** 250.15 (2) (d) of the statutes is created to read:

1 250.15 (2) (d) From the appropriation under s. 20.435 (5) (fh), the department
2 shall distribute to qualified applicants grants totaling \$1,600,000 in fiscal year
3 2002–03 to enable the applicants to provide or expand provision of dental care
4 services. The department shall give preference for grants to qualified applicants that
5 are located in dental health professional shortage areas, as designated under 42 CFR
6 part V, appendix B. Applicants who receive grants under this paragraph shall do all
7 of the following:

8 1. Make every attempt to collect appropriate reimbursement for its costs in
9 providing dental services to persons who are eligible for and receiving badger care
10 health care, medical assistance, or assistance for medical expenses under any other
11 public assistance program or have coverage under a private insurance program.

12 2. Prepare and utilize a fee schedule for the provision of its services consistent
13 with locally prevailing charges that is designed to cover its reasonable costs of
14 operation and prepare a corresponding schedule of discounts to be applied to the
15 payment of such fees. The discounts shall be adjusted on the basis of the patient's
16 ability to pay.

17 3. Establish a governing board that, except in the case of an applicant that is
18 an Indian tribe or band, is composed of individuals who are representative of persons
19 served by the applicant and a majority of whom are being served by the applicant.
20 The board shall be responsible for the following:

21 a. Establishing policies surrounding the entity's program operations.
22 b. Holding regularly scheduled meetings and keeping minutes of the meetings.
23 c. Approving the selection or dismissal of an entity's director or chief executive
24 officer.

1 d. Establishing personnel policies and procedures, including employee
2 selection and dismissal procedures, salary and benefit scales, employee grievance
3 procedures, and equal opportunity practices.

4 e. Adopting policies for financial management practices, including a system to
5 ensure accountability for resources, approval of the annual budget, priorities,
6 eligibility for services, including criteria for the fee schedule under subd. 2., and
7 long-range financial planning.

8 f. Evaluating the entity's activities including service utilization patterns,
9 productivity, patient satisfaction, achievement of objectives, and development of a
10 process for hearing and resolving patient grievances.

11 g. Ensuring that the entity is operated in compliance with applicable federal,
12 state, and local laws.

13 h. Adopting health care policies including scope and availability of services,
14 location, hours of services, and quality of care audit procedures.

15 4. Use any funds provided under this paragraph to supplement, and not
16 supplant, other funds that are or may be available to the entity.

17 5. Implement a patient screening process to determine patient eligibility for
18 medical assistance, badger care health care, and the payment schedule under subd.
19 2.

20 6. Provide oral health education in programs operated by and affiliated with
21 the department, including the special supplemental food program for women,
22 infants, and children and head start.

23 7. Provide dental screening, risk assessments, and preventive dental
24 treatment to pregnant women; infants; preschoolers; persons with diabetes, heart
25 disease, or lung disease; and persons using psychotropic medication.”.

1 **17.** Page 1156, line 6: after that line insert:

2 “**SECTION 3592nb.** 447.01 (10) of the statutes is created to read:

3 447.01 (10) “Oral risk assessment” means a review of the patient’s caries
4 experience, dental care utilization, use of preventive services, and medical history.
5 “Oral risk assessment” does not include a dental diagnosis.

6 **SECTION 3592nc.** 447.01 (12) of the statutes is amended to read:

7 447.01 (12) “Remediable procedures” means patient procedures that create
8 changes within the oral cavity or surrounding structures that are reversible without
9 professional intervention and do not involve any increased health risks to the
10 patient.

11 **SECTION 3592nd.** 447.02 (1) (c) of the statutes is amended to read:

12 447.02 (1) (c) Subject to ch. 553 and s. 447.06 ~~(1)~~ 447.055, governing dental
13 franchising.

14 **SECTION 3592ne.** 447.02 (2) (d) of the statutes is amended to read:

15 447.02 (2) (d) The oral systemic premedications and subgingival sustained
16 release chemotherapeutic agents that may be administered by a dental hygienist
17 licensed under this chapter under s. 447.06 ~~(2) (e) 1. and 3~~ (6) (a) and (c).

18 **SECTION 3592nf.** 447.02 (2) (e) of the statutes is amended to read:

19 447.02 (2) (e) The educational requirements for administration of local
20 anesthesia by a dental hygienist licensed under this chapter under s. 447.06 ~~(2) (e)~~
21 2 (6) (b).

22 **SECTION 3592ng.** 447.02 (3) of the statutes is created to read:

23 447.02 (3) By January 1, 2003, and every 5 years thereafter, the examining
24 board shall submit jointly with the department of health and family services a report

1 to the legislature under s. 13.172 (2) and to the governor on the ability of the dental
2 work force to meet the oral health care needs of individuals in this state. The report
3 shall include findings and any recommendations of the examining board and the
4 department.

5 **SECTION 3592nh.** 447.03 (2) (intro.), (a) and (b) of the statutes are renumbered
6 447.03 (2) (a) (intro.), 1. and 2.

7 **SECTION 3592ni.** 447.03 (2) (b) of the statutes is created to read:

8 447.03 (2) (b) Any individual who is licensed as a dental hygienist under this
9 chapter is not required to be licensed as a dentist to perform acts delegated by a
10 dentist under s. 447.06.

11 **SECTION 3592nj.** 447.03 (3) (g) of the statutes is amended to read:

12 447.03 (3) (g) Any individual who provides remediable procedures or other
13 dentistry practices that are delegated under s. 447.065 (1) or (2).

14 **SECTION 3592nk.** 447.04 (1) (a) 4. of the statutes is amended to read:

15 447.04 (1) (a) 4. Submits evidence satisfactory to the examining board that he
16 or she has passed the national dental examination and either the examination of a
17 dental testing service approved by the examining board or an examination of a
18 regional dental testing service in the United States.

19 **SECTION 3592nL.** 447.04 (1) (b) of the statutes is amended to read:

20 447.04 (1) (b) ~~The~~ Except as provided in pars. (c) and (d), the examining board
21 may grant a license to practice dentistry to an individual who is licensed in good
22 standing to practice dentistry in another state or territory of the United States or in
23 another country if the applicant meets the requirements for licensure established by
24 the examining board by rule and upon presentation of the license and payment of the
25 fee specified under s. 440.05 (2).

1 **SECTION 3592nm.** 447.04 (1) (c) of the statutes is created to read:

2 447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry
3 to an applicant who is licensed in good standing to practice dentistry in another state
4 or territory of the United States or in Canada upon presentation of the license,
5 payment of the fee specified under s. 440.05 (2), and submission of evidence
6 satisfactory to the examining board that all of the following conditions are met:

7 a. The applicant has graduated from a school of dentistry accredited by the
8 American Dental Association's commission on dental accreditation.

9 b. The applicant submits a certificate from each jurisdiction in which the
10 applicant is or has ever been licensed stating that no disciplinary action is pending
11 against the applicant or the license, and detailing all discipline, if any, that has ever
12 been imposed against the applicant or the license.

13 c. The applicant has been engaged in the active practice of dentistry, as defined
14 in s. DE 1.02 (2), Wis. Adm. Code, in one or more jurisdictions in which the applicant
15 has a current license in good standing, for at least 48 of the 60 months preceding the
16 application for licensure in this state.

17 d. The applicant has successfully completed a jurisprudence examination on
18 the provisions of Wisconsin statutes and administrative rules relating to dentistry
19 and dental hygiene.

20 e. The applicant possesses a current certificate of proficiency in
21 cardiopulmonary resuscitation.

22 f. The applicant has disclosed all discipline that has ever been taken against
23 the applicant in any jurisdiction shown in reports from the national practitioner data
24 bank and the American association of dental examiners.

1 g. The applicant has presented satisfactory responses during any personal
2 interview with the board that the board may require to resolve conflicts between the
3 licensing standards and the applicant's application or to inquire into any discipline
4 that was imposed against the applicant or the license in another jurisdiction.

5 2. Notwithstanding subd. 1., the examining board may refuse to grant a license
6 to an applicant following an interview under subd. 1. g. if the examining board
7 determines that discipline that was imposed against the applicant or the license in
8 another jurisdiction demonstrates that the applicant is unfit to practice dentistry.

9 **SECTION 3592nn.** 447.04 (1) (d) of the statutes is created to read:

10 447.04 (1) (d) 1. The examining board shall grant a license to practice dentistry
11 to an applicant who is licensed in good standing to practice dentistry in another state
12 or territory of the United States or in another country upon presentation of the
13 license, payment of the fee specified under s. 440.05 (2), and submission of evidence
14 satisfactory to the examining board that all of the following conditions are met:

15 a. The applicant is a faculty member at a school of dentistry in this state.

16 b. The applicant submits a certificate from each jurisdiction in which the
17 applicant is or has ever been licensed stating that no disciplinary action is pending
18 against the applicant or the license, and detailing all discipline, if any, that has ever
19 been imposed against the applicant or the license.

20 c. The applicant has successfully completed a jurisprudence examination on
21 the provisions of Wisconsin statutes and administrative rules relating to dentistry
22 and dental hygiene.

23 d. The applicant possesses a current certificate of proficiency in
24 cardiopulmonary resuscitation.

1 e. The applicant has disclosed all discipline that has ever been taken against
2 the applicant in any jurisdiction shown in reports from the national practitioner data
3 bank and the American association of dental examiners.

4 f. The applicant has presented satisfactory responses during any personal
5 interview with the board that the board may require to resolve conflicts between the
6 licensing standards and the applicant's application or to inquire into any discipline
7 that was imposed against the applicant or the license in another jurisdiction.

8 2. Notwithstanding subd. 1., the examining board may refuse to grant a license
9 to an applicant following an interview under subd. 1. f. if the examining board
10 determines that discipline that was imposed against the applicant or the license in
11 another jurisdiction demonstrates that the applicant is unfit to practice dentistry.

12 3. A license under this paragraph is no longer in effect if the licensee ceases to
13 be a faculty member at a school of dentistry in this state.

14 **SECTION 3592np.** 447.06 (title) of the statutes is amended to read:

15 **447.06 (title) Practice Dental hygienist practice limitations.**

16 **SECTION 3592nq.** 447.06 (1) of the statutes is renumbered 447.055 and
17 amended to read:

18 **447.055 Contract provisions.** No contract of employment entered into
19 between a dentist and any other party under which the dentist renders dental
20 services may require the dentist to act in a manner which violates the professional
21 standards for dentistry set forth in this chapter. Nothing in this ~~subsection~~ section
22 limits the ability of the other party to control the operation of the dental practice in
23 a manner in accordance with the professional standards for dentistry set forth in this
24 chapter.

1 **SECTION 3592nr.** 447.06 (2) (a) of the statutes is renumbered 447.06 (1m), and
2 447.06 (1m) (intro.), as renumbered, is amended to read:

3 447.06 (1m) PRACTICE CIRCUMSTANCES. (intro.) A dental hygienist may practice
4 dental hygiene or perform remediable procedures or other delegated procedures only
5 as an employee or as an independent contractor and only as follows:

6 **SECTION 3592ns.** 447.06 (2) (b) of the statutes is renumbered 447.06 (2m) (a)
7 and amended to read:

8 447.06 (2m) (a) ~~A~~ Except as provided in subs. (3) and (4), a dental hygienist
9 may practice dental hygiene or perform remediable procedures ~~under par. (a) 1., 4.,~~
10 ~~6., 7. or 8. only as~~ only if either authorized by a dentist who is licensed to practice
11 dentistry under this chapter and who is present in the facility in which those
12 practices or procedures are performed, ~~except as provided in par. (e) or if the practices~~
13 ~~or procedures are performed pursuant to a prescription that meets the requirements~~
14 of par. (b).

15 **SECTION 3592nt.** 447.06 (2) (c) of the statutes is renumbered 447.06 (2m) (b),
16 and 447.06 (2m) (b) (intro.), as renumbered, is amended to read:

17 447.06 (2m) (b) (intro.) ~~A dental hygienist may practice dental hygiene or~~
18 ~~perform remediable procedures under par. (a) 1., 4., 6., 7. or 8. if a dentist who is~~
19 ~~licensed to practice dentistry under this chapter is not present in the facility in which~~
20 ~~these~~ The practices or procedures are under par. (a) may be performed pursuant to
21 a prescription only if all of the following conditions are met:

22 **SECTION 3592nu.** 447.06 (2) (d) of the statutes is renumbered 447.06 (5).

23 **SECTION 3592nv.** 447.06 (2) (e) of the statutes is renumbered 447.06 (6).

24 **SECTION 3592nw.** 447.06 (2m) (title) of the statutes is created to read:

1 447.06 (2m) (title) REQUIREMENT FOR A DENTIST PRESENT OR A PRESCRIPTION IF A
2 DENTIST IS NOT PRESENT.

3 **SECTION 3592nx.** 447.06 (3) of the statutes is created to read:

4 447.06 (3) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
5 PRESCRIPTION; DENTAL HYGIENIST SCHOOL. A dental hygienist may practice dental
6 hygiene or perform remediable procedures at a school for the education of dental
7 hygienists without a dentist present in the facility in which the practices or
8 procedures are performed and without a written or oral prescription. A dental
9 hygienist may apply sealants on a patient at a school for the education of dental
10 hygienists without a diagnosis or treatment plan by a dentist if a dental hygienist
11 has performed an oral risk assessment of the patient. A dental hygienist shall
12 maintain a written record of the assessment and make appropriate referrals based
13 on the assessment.

14 **SECTION 3592ny.** 447.06 (4) of the statutes is created to read:

15 447.06 (4) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
16 PRESCRIPTION; ADDITIONAL EDUCATION AND EXPERIENCE. (a) A dental hygienist may
17 perform any of the following practices without a dentist present in the facility in
18 which the practices are performed and without a written or oral prescription if the
19 requirements of pars. (am), (b), and (c) are met and if the dental hygienist first
20 reviews the patient's medical history and performs an oral risk assessment:

21 1. Conduct an oral screening and have a plan of what dental hygiene
22 procedures will be performed on the patient. Oral screening that is performed solely
23 for the purpose of data collection does not require an oral risk assessment and does
24 not require certification under par. (c).

1 2. Apply dental sealants. Sealants may be applied under this subdivision
2 without a diagnosis or treatment plan by a dentist.

3 3. Provide fluoride therapies.

4 4. Provide patient education services.

5 5. Expose radiographs if a dentist will be available to read and diagnose the
6 radiographs.

7 6. Perform oral prophylaxis, if a dentist, nurse practitioner, physician or
8 physician assistant has reviewed a current medical history for the patient and has
9 indicated in writing that the patient may receive the service. The dental hygienist
10 may use topical anesthesia under this subdivision only if the anesthesia has been
11 prescribed by a dentist, nurse practitioner, physician, or physician assistant. Local
12 anesthesia may not be administered by a dental hygienist under this subdivision.

13 7. Remove supragingival or subgingival calcareous deposits, subgingival
14 cement, or extrinsic stains from a natural or restored surface of a human tooth or a
15 fixed replacement for a human tooth, perform debridement or deep scaling or root
16 planing of teeth, if a dentist, nurse practitioner, physician, or physician assistant has
17 reviewed a current medical history of the patient and has indicated in writing that
18 the patient may receive the service for the patient. The dental hygienist may use
19 topical anesthesia under this subdivision only if prescribed by a dentist, nurse
20 practitioner, physician, or physician assistant. Local anesthesia may not be
21 administered by a dental hygienist under this subdivision.

22 (am) A dental hygienist shall maintain a written record of and oral risk
23 assessment performed under par. (a) and make appropriate referrals based on the
24 assessment.

25 (b) The practices under par. (a) may be performed only as follows:

- 1 1. For a school board or a governing body of a private school.
- 2 2. For a facility, as defined in s. 50.01 (1m), a hospital, as defined in s. 50.33 (2),
- 3 or a facility established to provide care for terminally ill patients.
- 4 3. For a local health department, as defined in s. 250.01 (4).
- 5 4. For a charitable institution open to the general public or to members of a
- 6 religious sect or order.
- 7 5. For a nonprofit home health care agency.
- 8 6. For a nonprofit dental care program serving primarily indigent,
- 9 economically disadvantaged, or migrant worker populations.

10 (c) A dental hygienist may perform the practices under par. (a) only if certified
11 by the examining board in dental hygiene practice circumstances without a dentist
12 present and without a prescription. The examining board shall issue a certificate in
13 dental hygiene practice circumstances without a dentist present and without a
14 prescription to an individual who documents to the board that he or she has 2 years
15 of experience as a dental hygienist and meets any of the following:

- 16 1. Has submitted to the examining board proof of course completion issued by
- 17 an accredited dental school or an accredited dental hygiene school in dental hygiene
- 18 circumstances without a dentist present and without a prescription. This course
- 19 may be offered in conjunction with a national or state dental or dental hygiene
- 20 association.
- 21 2. Has been certified in community dental health, public health, or public
- 22 health education from an accredited dental school or an accredited dental hygiene
- 23 program.
- 24 3. Has worked for at least 1,000 hours in a public health or community health
- 25 setting.

1 4. Has received a bachelor's degree from an accredited college or university.

2 **SECTION 3592pb.** 447.06 (5) (title) of the statutes is created to read:

3 447.06 (5) (title) PROHIBITED PRACTICES.

4 **SECTION 3592pc.** 447.06 (6) (title), (d) and (e) of the statutes are created to read:

5 447.06 (6) (title) DELEGATION BY A DENTIST TO A DENTAL HYGIENIST.

6 (d) Any dentistry practice not included in dental hygiene, except as provided
7 in sub. (5), if all of the following conditions are met:

8 1. The delegated practices are ones that, in the opinion of the dentist and the
9 dental hygienist, the dental hygienist is competent to perform based on his or her
10 education, training, or experience.

11 2. The dental hygienist's performance of the practice is inspected by a dentist.

12 (e) A remediable procedure, except that a dentist need not be present on the
13 premises in which the procedure is performed if it is performed pursuant to a
14 prescription that meets the requirements of sub. (2m) (b).

15 **SECTION 3592pd.** 447.06 (7) of the statutes is created to read:

16 447.06 (7) DENTIST RESPONSIBLE FOR DELEGATION. A dentist who delegates to a
17 dental hygienist the performance of any practice or remediable procedure under sub.
18 (6) is responsible for that dental hygienist's performance of that delegated practice
19 or procedure.

20 **SECTION 3592pe.** 447.065 (title) of the statutes is amended to read:

21 447.065 (title) **Delegation of remediable procedures and dental**
22 **dentistry practices to unlicensed individuals.**

23 **SECTION 3592pf.** 447.065 (1) of the statutes is amended to read:

24 447.065 (1) A dentist who is licensed to practice dentistry under this chapter
25 may delegate to an individual who is not licensed under this chapter only the

1 performance of remediable procedures, ~~and only~~ or other dentistry practices subject
2 to sub. (2), if all of the following conditions are met:

3 (a) The unlicensed individual performs the remediable procedure or dentistry
4 practices in accordance with a treatment plan approved by the dentist.

5 (b) The dentist is on the premises when the unlicensed individual performs the
6 remediable procedures or dentistry practices.

7 (c) The unlicensed individual's performance of the remediable procedures or
8 dentistry practices is ~~subject to inspection~~ inspected by the dentist.

9 **SECTION 3592pg.** 447.065 (2) of the statutes is repealed and recreated to read:

10 447.065 (2) A dentist may make a delegation under sub. (1) of dentistry
11 practices that are not remediable procedures if all of the following requirements are
12 met:

13 (a) The practice does not involve a practice under s. 447.01 (3) (a), (b), (e), (f),
14 or (g), diagnosis of a dental disease or ailment, determination of any treatment or any
15 regimen of treatment, prescription or ordering of medication, performance of any
16 procedure that involves the intentional cutting of soft or hard tissue of the mouth by
17 any means, or administration of local anesthesia or subgingival sustained release
18 chemotherapeutic agents.

19 (b) The individual has graduated from an accredited dental assisting program
20 or has worked at least 1,000 hours during the preceding 12 months in a clinical
21 dentistry setting.

22 (c) The dentist making the delegation documents in his or her records that the
23 individual has been trained or educated to do the delegated practice by a dental
24 school; dental hygiene program; dental assisting program; a program offered or

1 approved by a national or state dental, dental hygiene, or dental assisting
2 association; or a program approved by the examining board.

3 (d) The delegated practices are ones that, in the opinion of the dentist and the
4 individual to whom the practices are delegated, the individual is competent to
5 perform based on his or her education, training, or experience.

6 **SECTION 3592ph.** 447.065 (3) of the statutes is amended to read:

7 447.065 (3) A dentist who delegates to ~~another~~ an unlicensed individual the
8 performance of any practice or remediable procedure is responsible for that
9 individual's performance of that delegated practice or procedure.”.

10 **18.** Page 1165, line 11: delete lines 11 and 12 and substitute:

11 “560.183 (1) (ae) “Dentist” means an individual licensed under s. 447.04 (1).”.

12 **19.** Page 1338, line 20: after that line insert:

13 “(13xx) TOPICAL FLUORIDE VARNISH. In state fiscal year 2002–03, from the
14 appropriation under section 20.435 (4) (b) of the statutes, as affected by this act, the
15 department of health and family services shall provide medical assistance coverage
16 under the early and periodic screening, diagnosis, and treatment program under 42
17 CFR 441 for topical fluoride varnish, for the purpose of preventing early childhood
18 caries in eligible children 0 to 60 months of age, when rendered by health care
19 professionals providing services under the program and acting within their scope of
20 practice and licensure. The department shall promulgate rules relating to coverage
21 of fluoride varnish treatments under the early and periodic screening, diagnosis and
22 treatment program that contain the following provisions:

23 (a) The department shall provide payment for up to 3 applications per year of
24 topical fluoride varnish per eligible child.

1 (b) Application of topical fluoride varnish may be, but is not required to be,
2 provided in conjunction with an early and periodic screening, diagnosis, and
3 treatment examination that includes a limited oral screening.

4 (c) Health care professionals providing services under this program shall refer
5 or facilitate referral of children receiving applications of topical fluoride varnish for
6 comprehensive dental care rendered by a dental professional.

7 (13xy) ORAL HEALTH DATA COLLECTION SYSTEM; PLAN. The department of health
8 and family services shall prepare a plan for development of a comprehensive oral
9 health data collection system. The plan shall identify data to be collected, sources
10 from which the data can be collected, costs of implementing the system, and any
11 statutory changes that are needed. The department shall submit its plan to the
12 legislature, in the manner provided under section 13.172 (2) of the statutes, and to
13 the governor by September 1, 2002.

14 (13xz) PRIOR AUTHORIZATION FOR DENTAL SERVICES; REPORT. The department of
15 health and family services shall prepare a report on its efforts to reduce the
16 requirement for prior authorization for dental services under medical assistance and
17 to simplify the prior authorization process for dental services. The department shall
18 submit its report to the legislature, in the manner provided under section 13.172 (2)
19 of the statutes, and to the governor by the first day of the 6th month beginning after
20 the effective date of this subsection.

21 (13xzz) ACCESS TO DENTAL SERVICES AND DENTAL HYGIENE SERVICES; REPORT. The
22 department of health and family services and the department of regulation and
23 licensing shall jointly prepare reports on whether the provisions of this act that
24 modify sections 447.06 and 447.065 of the statutes have improved access to dental
25 services and dental hygiene services. The departments shall submit the reports to

1 the legislature, in the manner provided under section 13.172 (2) of the statutes, and
2 to the governor by the first day of the 24th month and the first day of the 48th month
3 beginning after the effective date of this subsection.”.

4 **20.** Page 1355, line 4: after that line insert:

5 “(1xx) COMMUNITY DENTAL HEALTH EDUCATION; REPORT. The technical college
6 system board shall prepare a report on the feasibility and cost of increasing the
7 number of sites in the technical college system that offer community dental health
8 education for dentists and dental hygienists. The board shall submit its report to the
9 legislature, in the manner provided under section 13.172 (2) of the statutes, and to
10 the governor by the first day of the 6th month beginning after the effective date of
11 this subsection.”.

12 **21.** Page 1403, line 5: after that line insert:

13 “(1xx) DENTIST LICENSURE. The treatment of section 447.04 (1) (a) 4., (b), (c), and
14 (d) of the statutes first applies to applications for licensure that are received on the
15 effective date of this subsection.”.

16 **22.** Page 1420, line 19: after that line insert:

17 “(15xx) DENTAL CARE ACCESS. The treatment of sections 20.235 (1) (d), 20.435
18 (4) (b) and (5) (fL), 49.45 (2) (a) 25. and (24h), 49.46 (2) (b) 1m., 250.13, and 250.15
19 (2) (d) of the statutes, the renumbering and amendment of section 250.15 (1) of the
20 statutes, and the creation of section 250.15 (1) (d) of the statutes take effect on July
21 1, 2002.”.

22 **23.** Page 1423, line 11: after that line insert:

23 “(3xx) REGULATION OF DENTISTS AND DENTAL HYGIENISTS. The treatment of
24 sections 447.01 (10) and (12), 447.02 (1) (c), (2) (d) and (e), and (3), 447.03 (2) (intro.),

1 (a), and (b) and (3) (g), 447.04 (1) (a) 4., (b), (c), and (d), 447.06 (title), (1), (2) (a), (b),
2 (c), (d), and (e), (2m) (title), (3), (4), (5) (title), (6) (title), (d), and (e), and (7), and
3 447.065 (title), (1), (2), and (3) of the statutes and SECTIONS 9123 (13xzz) and 9343
4 (1xx) of this act take effect on July 1, 2002.”

5 (END)