

2009 DRAFTING REQUEST

Bill

Received: **01/13/2009**

Wanted: **As time permits**

For: **Jennifer Shilling (608) 266-5780**

This file may be shown to any legislator: **NO**

May Contact:

Subject: **Occupational Reg. - prof lic**

Submit via email: **YES**

Requester's email: **Rep.Shilling@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Received By: **csundber**

Identical to LRB:

By/Representing: **Nathan Houdek**

Drafter: **csundber**

Addl. Drafters:

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Temporary licensure of volunteer dentists

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 01/22/2009	jdyer 01/23/2009		_____			State
/1	csundber 01/29/2009	jdyer 01/30/2009	mduchek 01/23/2009	_____	cduerst 01/23/2009		State
/2	csundber 02/10/2009	jdyer 02/11/2009	mduchek 02/02/2009	_____	cduerst 02/02/2009		State
/3			phenry	_____	sbasford	cduerst	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			02/11/2009 _____		02/11/2009	02/27/2009	

FE Sent For: "13" @ Intro. 2/27/09 <END>

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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/1		2 1/30 jld	mduchek 01/23/2009	_____	cduerst 01/23/2009		

FE Sent For:

MD ND PH

<END>

2/2

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/?

csundber

1/23 jld

MD

MDKS

1/23

FE Sent For:

<END>

Sundberg, Christopher

From: Houdek, Nathan
Sent: Monday, January 12, 2009 4:38 PM
To: Sundberg, Christopher
Subject: Bill draft request - temporary licensure for volunteer/charity dental care

Attachments: Iowa Code 2003 Section 153_19 Temp Permit Aug 08.htm

Hi Chris,

Per our phone conversation, Rep. Shilling [✓] would like to request a draft for legislation that would create a temporary "charity care" license for dentists and dental hygienists that is substantially equivalent to the current licensure by credentials and initial licensure processes in Wisconsin. More specifically, the legislation will be drafted to require dentists and dental hygienists meet all criteria with the exception of the state jurisprudence exam to receive the temporary licensure status.

The purpose of this temporary license is to allow dentists and dental hygienists who are currently licensed in other states to volunteer their clinical services at a Wisconsin charity dental care event for up to 10 days in a calendar year. [✓]This is designed to help facilitate the use of volunteer dentists and dental hygienists who routinely travel to different states to assist with charitable care projects in those states.

Here is an example of the statutory language in Iowa relating to this same issue:



Iowa Code 2003
Section 153_19 ...

As with the Iowa code, the Wisconsin Dental Examining Board would have discretion over approval of this temporary license, including renewal policy and any related fees.

Let me know if you have any questions.

Thanks,

- Nathan

Nathan Houdek
Office of Representative Jennifer Shilling
95th Assembly District
phone 608.266.5780
toll-free 888.534.0095
fax 608.282.3695

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153.19 Temporary permit -- fees.

1. The board may, in its discretion, issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene in a specific location or locations and for a specified period of time if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the permit, which shall be substantially equivalent to those required for licensure under this chapter. The board shall determine in each instance those eligible for this permit, whether or not examinations shall be given, and the type of examinations. None of the requirements for regular licensure under this chapter are mandatory for a temporary permit except as specifically designated by the board. The issuance of a temporary permit shall not in any way indicate that the permit holder is necessarily eligible for regular licensure, nor is the board in any way obligated to so license the person.

2. A temporary permit shall be issued for a period determined by the board and may be renewed at the discretion of the board. The fee for a temporary permit and the fee for renewal shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the permits. The board may revoke a temporary permit at any time, without a hearing, for reasons deemed sufficient by the board.

3. If the board revokes a temporary permit, it shall promptly notify the permit holder by registered mail, at the last known address of the permit holder, and the temporary permit shall be revoked and of no further force and effect three days after the giving of the notice to the permit holder.

Section History: Recent form

2002 Acts, ch 1108, §15



In: 1/22/09 Wanted: Fri 1/30/09

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1475/2 *runner*

CTS: A....

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL

X

Gen

- 1 AN ACT ...; **relating to:** authorizing temporary permits to practice dentistry or
- 2 dental hygiene without compensation. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may practice dentistry or dental hygiene unless the person is licensed by the Dental Examining Board (board) to practice dentistry or dental hygiene. ✓ This bill authorizes the board ✓ to issue a permit to practice dentistry or dental hygiene, without compensation, for a period of not more than 10 days, and in a specified area, if the person is licensed to practice dentistry or dental hygiene in another state. ✓ The board must determine that the person's services are needed, and that the person is qualified, but may not require an examination on state statutes and rules relating to dentistry or dental hygiene. Under the bill, the board may renew a permit and may charge a fee for issuance or renewal. ✓

in a year

in this state

ten

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

- 3 SECTION 1. 447.02 (3) of the statutes is created to read:
- 4 447.02 (3) (a) The examining board may issue a permit authorizing the practice
- 5 in this state, without compensation, of dentistry or dental hygiene to an applicant

1 who is licensed to practice dentistry or dental hygiene in another state, if all of the
2 following apply: ✓

3 1. The examining board ✓ determines that the applicant's services are needed in
4 this state. ✓

5 2. The examining board ✓ determines that the applicant is qualified, except that
6 the examining board may not require the applicant to pass an examination of state
7 statutes and rules relating to dentistry or dental hygiene. ✓

8 (b) A permit under this subsection ✓ shall authorize the practice of dentistry or
9 dental hygiene in a specified area of the state for a period of time not more than 10
10 days ✓ in a year and may be renewed by the examining board. The examining board
11 may require an applicant to pay a fee based on the administrative cost to the
12 examining board of issuing permits and renewals under this subsection. ✓

13 SECTION 2. ✓ 447.03 (1) (intro.) of the statutes is amended to read:

14 447.03 (1) DENTISTS. (intro.) ✓ Except as provided under sub. (3) and s. ss.
15 250.042 (4) (b) and 447.03 (3), ✓ no person may do any of the following unless he or she
16 is licensed to practice dentistry under this chapter: (2)

17 SECTION 3. 447.03 (2) (intro.) ✓ of the statutes is amended to read:

18 447.03 (2) DENTAL HYGIENISTS. (intro.) Except as provided under sub. (3) and
19 s. 447.03 (3), ✓ no person may do any of the following unless he or she is licensed to
20 practice dental hygiene under this chapter:

(END)

(2)

Sundberg, Christopher

From: Houdek, Nathan
Sent: Thursday, January 29, 2009 3:35 PM
To: Sundberg, Christopher
Subject: Revisions to LRB 1475/1

Hi Chris,

Can you please make the following revisions to LRB 1475/1:

Revision 1 - beginning on Page 2, Line 7, please add the followed language

(1) Under section 447.02(3)(a)2. The examining board determines that the applicant is qualified and meets the same criteria as is currently required for the state's process for licensure by endorsement, except that the examining board may not require the applicant to pass an examination of state statutes and rules relating to dentistry or dental hygiene.

NOTE: The intent is to prevent loosening of licensure requirements for resident dental care providers, while ensuring that charity care events are connected with licensed providers who meet the same high standards they would have to meet if they moved to this state to practice dentistry for a living.

Revision 2 - Page 2, Line 5 and 6, delete the language "are needed in this state" and make the following language change

(2) Under section 447.02(3)(a)1. The examining board determines that the applicant's services will benefit the welfare of Wisconsin residents.

NOTE: The reason for changing this wording is that we could probably do many charity care events without the dental providers from other states – their help is not necessarily “needed” in order for a successful event that will treat a lot of needy people - but it will be beneficial to the residents of Wisconsin if more providers are able to work and provide care.

Revision 3 - We want to make it clear in the statute that no fee will be charged to a dental provider for obtaining a temporary license under this section.

Specifically, please replace the last sentence in section 447.02(3)(b) on Page 2, Lines 12-14 with something along the lines of: Given that no compensation can be paid to a dentist or dental hygienist who obtains a limited license under this section, the examining board may not require an applicant to pay a fee based on the administrative cost to the examining board of issuing permits and renewals under this subsection.

Thanks, and let me know if you have any questions.

- Nathan

Nathan Houdek
Office of Representative Jennifer Shilling
95th Assembly District
phone 608.266.5780
toll-free 888.534.0095



In: 1/29/09

State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRB-1475/17
CTS:jld:md
DWR

SOON

2009 BILL

Do not

Regen

and satisfies current criteria for obtaining a permanent license in this state based on licensure in another state. The board

1 AN ACT to amend 447.03 (1) (intro.) and 447.03 (2) (intro.); and to create 447.02
2 (3) of the statutes; relating to: authorizing temporary permits to practice
3 dentistry or dental hygiene without compensation.

Analysis by the Legislative Reference Bureau

will improve the welfare of residents of

Under current law, no person may practice dentistry or dental hygiene unless the person is licensed by the Dental Examining Board (board) to practice dentistry or dental hygiene. This bill authorizes the board to issue a permit to practice dentistry or dental hygiene, without compensation, for a period of not more than ten days in a year and in a specified area, if the person is licensed to practice dentistry or dental hygiene in another state. The board must determine that the person's services are needed in this state and that the person is qualified, but may not require an examination on state statutes and rules relating to dentistry or dental hygiene. Under the bill, the board may renew a permit and may charge a fee for issuance or renewal.

but not

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 447.02 (3) of the statutes is created to read:

BILL

1 447.02 (3) (a) The examining board may issue a permit authorizing the practice
2 in this state, without compensation, of dentistry or dental hygiene to an applicant
3 who is licensed to practice dentistry or dental hygiene in another state, if all of the
4 following apply:

and satisfies the criteria specified under s. 447.04 (1)(b) 1. to 3.

5 1. The examining board determines that the applicant's services are needed in
6 this state *will improve the welfare of Wisconsin residents*

7 2. The examining board determines that the applicant is qualified, except that
8 the examining board may not require the applicant to pass an examination of state
9 statutes and rules relating to dentistry or dental hygiene.

10 (b) A permit under this subsection shall authorize the practice of dentistry or
11 dental hygiene in a specified area of the state for a period of time not more than 10
12 days in a year and may be renewed by the examining board. The examining board
13 may *not* require an applicant to pay a fee based on the administrative cost to the
14 examining board of issuing permits and renewals under this subsection. *for the issuance or renewal of*

15 SECTION 2. 447.03 (1) (intro.) of the statutes is amended to read: *a permit*
16 447.03 (1) DENTISTS. (intro.) Except as provided under sub. (3) and s. ss.
17 250.042 (4) (b) and 447.02 (3), no person may do any of the following unless he or she
18 is licensed to practice dentistry under this chapter:

19 SECTION 3. 447.03 (2) (intro.) of the statutes is amended to read:
20 447.03 (2) DENTAL HYGIENISTS. (intro.) Except as provided under sub. (3) and
21 s. 447.02 (3), no person may do any of the following unless he or she is licensed to
22 practice dental hygiene under this chapter:

23 (END)

d-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1475/2dn
CTS:.....

date

↑
jld

Representative Shilling:

Please review this draft carefully to ensure it is consistent with your intent and note the following:

In s. 447.02(3)(a)1.,

* 1. On page 2, line 6, for grammatical reasons, I have used "improve" rather than "benefit." Okay?

3) e and e In s. 447.02(3)(b),

* 2. On page 2, line 13-14, I have not included the phrase "Given that no compensation can be paid to a dentist or dental hygienist who obtains a limited license under this section, ..." This language has no legal effect, but instead states a reason for the policy of not charging a fee. Okay?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1475/2dn
CTS:jld:md

February 2, 2009

Representative Shilling:

Please review this draft carefully to ensure it is consistent with your intent and note the following:

1. In s. 447.02 (3) (a) 1., for grammatical reasons, I have used "improve" rather than "benefit." Okay?
2. In s. 447.02 (3) (b), I have not included the phrase "Given that no compensation can be paid to a dentist or dental hygienist who obtains a limited license under this section," This language has no legal effect, but instead states a reason for the policy of not charging a fee. Okay?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Sundberg, Christopher

From: Houdek, Nathan
Sent: Thursday, February 05, 2009 6:26 PM
To: Sundberg, Christopher
Subject: Revision to LRB 1475

Hi Chris

Can you please me the following change to LRB 1475/2:

Add language to ensure that dental providers who are licensed under this new temporary licensure provision are exempted from continuing education credit requirements.

Under current law, a new licensee in WI (whether by initial licensure or licensure by endorsement) doesn't have to prove CE for the initial time they get their license – CE only has to be done and approved at the time they renew their license at the end of the two year licensure period (every October of the odd numbered years for dentists and dental hygienists). The concern is that if a dentist from out of state gets a temp license for this program (which is good for only 10 days) and then comes back next year and gets another temp license, that might trigger the CE requirement as a "licensure renewal". We want to make sure that doesn't happen.

Thanks, and let me know if you have any questions.

- Nathan

Nathan Houdek
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95th Assembly District
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toll-free 888.534.0095
fax 608.282.3695

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2009 BILL

Regen

- 1 AN ACT *to amend* 447.03 (1) (intro.) and 447.03 (2) (intro.); and *to create* 447.02
2 (3) of the statutes; **relating to:** authorizing temporary permits to practice
3 dentistry or dental hygiene without compensation.

Analysis by the Legislative Reference Bureau

Under current law, no person may practice dentistry or dental hygiene unless the person is licensed by the Dental Examining Board (board) to practice dentistry or dental hygiene. This bill authorizes the board to issue a permit to practice dentistry or dental hygiene, without compensation, for a period of not more than ten days in a year and in a specified area, if the person is licensed to practice dentistry or dental hygiene in another state. The board must determine that the person's services will improve the welfare of residents of this state and that the person is qualified and satisfies current criteria for obtaining a permanent license in this state based on licensure in another state. The board may not require an examination on state statutes and rules relating to dentistry or dental hygiene. Under the bill, the board may renew a permit but may not charge a fee for issuance or renewal.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1475/3ins
CTS:.....

1 **Insert 2-24:**

2 **SECTION 1.** 447.055 (1) (a) [✓] of the statutes is amended to read:

3 447.055 (1) (a) Except as provided in subs. (3) and (4), a person is not eligible
4 for renewal of a license to practice dental hygiene, other than a permit issued under
5 s. 447.02 (3), [✓] unless the person has taught, prepared, attended, or otherwise
6 completed, during the 2-year period immediately preceding the renewal date
7 specified under s. 440.08 (2) (a), 12 credit hours of continuing education relating to
8 the clinical practice of dental hygiene that is sponsored or recognized by a local, state,
9 regional, national, or international dental, dental hygiene, dental assisting, or
10 medical-related professional organization.

11 History: 2005 a. 318; 2007 a. 31; 2007 a. 20 s. 9121 (6) (a).

11 **SECTION 2.** 447.056 (1) (intro.) [✓] of the statutes is amended to read:

12 447.056 (1) (intro.) Except as provided in subs. (2) to (4), a person is not eligible
13 for renewal of a license to practice dentistry, other than a permit issued under s.
14 447.02 (3), [✓] unless the person has taught, attended, or otherwise completed, during
15 the 2-year period immediately preceding the renewal date specified under s. 440.08
16 (2) (a), 30 credit hours of continuing education related to the practice of dentistry or
17 the practice of medicine, including not less than 25 credit hours of instruction in
18 clinical dentistry or clinical medicine. Not more than 4 of the 30 hours may be from
19 teaching. Continuing education does not satisfy the requirements under this
20 subsection unless the continuing education is one of the following:

History: 2007 a. 31.

Duerst, Christina

From: Houdek, Nathan
Sent: Friday, February 27, 2009 9:41 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1475/3 Topic: Temporary licensure of volunteer dentists

Please Jacket LRB 09-1475/3 for the ASSEMBLY.

RUSH!