



**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 573**

February 25, 2014 – Offered by Senator ELLIS.

1 **AN ACT to amend** 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (a), 447.07 (3) (b),
2 447.07 (3) (e), 447.07 (3) (f), 447.07 (3) (m), 447.07 (5) and 447.07 (7); and **to**
3 **create** 440.03 (13) (b) 38m., 440.08 (2) (a) 46y., 447.01 (10), 447.02 (2) (f), (g) and
4 (h) and 447.058 of the statutes; **relating to:** regulation of mobile dentistry
5 programs and granting rule-making authority.

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

6 **SECTION 1.** 440.03 (13) (b) 38m. of the statutes is created to read:
7 440.03 (13) (b) 38m. Mobile dentistry program registrant.

8 **SECTION 2.** 440.08 (2) (a) 46y. of the statutes is created to read:
9 440.08 (2) (a) 46y. Mobile dentistry program registration: October 1 of each
10 odd-numbered year.

11 **SECTION 3.** 447.01 (10) of the statutes is created to read:

1 447.01 (10) “Mobile dentistry program registrant” means a person registered
2 under s. 447.058.

3 **SECTION 4.** 447.02 (2) (f), (g) and (h) of the statutes are created to read:

4 447.02 (2) (f) A requirement that a mobile dentistry program registrant
5 establish procedures for a patient treated in the mobile dentistry program to access
6 his or her patient records.

7 (g) Standards of conduct for the operation of a mobile dentistry program in this
8 state, the provision of dental services through a mobile dentistry program, and the
9 use of portable dental equipment.

10 (h) A definition of “mobile dentistry program” and the activities that constitute
11 the operation of a mobile dentistry program for purposes of the registration
12 requirement under s. 447.058.

13 **SECTION 5.** 447.058 of the statutes is created to read:

14 **447.058 Mobile dentistry program registration.** (1) REGISTRATION
15 REQUIRED. No person may own or operate a mobile dentistry program in this state
16 unless the person is registered under this section. A person that wishes to own or
17 operate more than one mobile dentistry program in this state shall apply for a
18 separate registration under this section for each mobile dentistry program the
19 person owns or operates.

20 (2) REGISTRATION. (a) The examining board may grant a registration under this
21 section to a person who does all of the following:

22 1. Submits an application for registration to the department on a form provided
23 by the department. The application shall include the person’s name and tax
24 identification number, the person’s business address and telephone number, and any
25 other information the department or the examining board requires.

1 2. Pays the fee specified in s. 440.05 (1).

2 3. Satisfies any other requirements established by the examining board by
3 rule.

4 (b) A mobile dentistry program registrant shall submit an application for
5 renewal, and the applicable renewal fee determined by the department under s.
6 440.03 (9) (a), to the department on a form provided by the department on or before
7 the applicable renewal date specified under s. 440.08 (2) (a).

8 **SECTION 6.** 447.07 (1) of the statutes is amended to read:

9 447.07 (1) The examining board may, without further notice or process, limit,
10 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the
11 registration of a mobile dentistry program registrant, who fails, within 60 days after
12 the mailing of written notice to the dentist's ~~or~~, dental hygienist's, or registrant's
13 last-known address, to renew ~~his or her~~ the license or, certificate, or registration.

14 **SECTION 7.** 447.07 (3) (intro.) of the statutes is amended to read:

15 447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
16 examining board may make investigations and conduct hearings in regard to any
17 alleged action of any dentist or dental hygienist, of a mobile dentistry program
18 registrant, or of any other person it has reason to believe is engaged in or has engaged
19 in the practice of dentistry or dental hygiene, or the operation of a mobile dentistry
20 program, in this state, and may, on its own motion, or upon complaint in writing,
21 reprimand any dentist or dental hygienist who is licensed or certified under this
22 chapter, or any mobile dentistry program registrant, or deny, limit, suspend, or
23 revoke his or her license or certificate, or the registration of the mobile dentistry
24 program registrant, if it finds that the dentist ~~or~~, dental hygienist, or mobile
25 dentistry program registrant has done any of the following:

1 **SECTION 8.** 447.07 (3) (a) of the statutes is amended to read:

2 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of
3 conduct established by the examining board under s. 447.02 (2) (g).

4 **SECTION 9.** 447.07 (3) (b) of the statutes is amended to read:

5 447.07 (3) (b) Made any false statement or given any false information in
6 connection with an application for a license ~~or~~, certificate, or registration or for
7 renewal or reinstatement of a license ~~or~~, certificate, or or registration, or received a
8 license ~~or~~, certificate, or registration through error.

9 **SECTION 10.** 447.07 (3) (e) of the statutes is amended to read:

10 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a
11 crime, the circumstances of which substantially relate to the practice of dentistry or
12 dental hygiene or the operation of a mobile dentistry program.

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

14 447.07 (3) (f) Violated this chapter or any federal or state statute or rule ~~which~~
15 that relates to the practice of dentistry or dental hygiene, or the operation of a mobile
16 dentistry program.

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

18 447.07 (3) (m) Made a substantial misrepresentation in the course of practice,
19 or in the operation of a mobile dentistry program, that was relied upon by a client.

20 **SECTION 13.** 447.07 (5) of the statutes is amended to read:

21 447.07 (5) The examining board may reinstate a license ~~or~~, certificate, or
22 registration that has been voluntarily surrendered or revoked on terms and
23 conditions that it considers appropriate. This subsection does not apply to a license
24 or registration that is revoked under s. 440.12.

25 **SECTION 14.** 447.07 (7) of the statutes is amended to read:

1 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,
2 suspension, or revocation of a license ~~or~~ certificate, or registration under sub. (3), the
3 examining board may assess against an applicant, licensee ~~or~~ certificate holder, or
4 mobile dentistry program registrant a forfeiture of not more than \$5,000 for each
5 violation enumerated under sub. (3).

6 **SECTION 15. Nonstatutory provisions.**

7 (1) At the same time the dentistry examining board files with the legislative
8 reference bureau under section 227.20 of the statutes a rule satisfying the
9 requirements under section 447.02 (2) (f), (g), and (h) of the statutes, as created by
10 this act, the dentistry examining board shall send a notice to the legislative reference
11 bureau for publication in the Wisconsin Administrative Register that states the date
12 on which the treatments to the statutes described under SECTION 16 (intro.) of this
13 act will take effect as provided in SECTION 16 (intro.) of this act.

14 **SECTION 16. Effective dates.** This act takes effect on the 1st day of the 3rd
15 month beginning after the legislative reference bureau receives the notice under
16 SECTION 15 (1) of this act, except as follows:

17 (1) The treatment of sections 447.01 (10) and 447.02 (2) (f), (g), and (h) of the
18 statutes and SECTION 15 (1) of this act take effect on the day after publication.

19 (END)