

**2015 DRAFTING REQUEST**

**Bill**

Received: 3/23/2015 Received By: mgallagh  
For: Roger Roth (608) 266-0718 Same as LRB: -3188  
May Contact: By/Representing: Matt  
Subject: Occupational Reg. - prof lic Drafter: mgallagh  
Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Roth@legis.wisconsin.gov  
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov  
michael.duchek@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Licensure of owners of dental practices.

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 4/6/2015	eweiss 4/10/2015	_____			
/P1	mgallagh 5/8/2015	eweiss 5/11/2015	_____	lparisi 4/10/2015		
/P2	mgallagh 9/9/2015	eweiss 9/9/2015	_____	lparisi 5/11/2015		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mgallagh 9/9/2015	kfollett 9/9/2015	_____	sbasford 9/9/2015		State
/2			_____	lparisi 9/9/2015	mbarman 9/10/2015	State

FE Sent For:

*act  
intro*

<END>

## Gallagher, Michael

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**From:** Henkel, Matt  
**Sent:** Wednesday, March 11, 2015 12:56 PM  
**To:** Gallagher, Michael  
**Subject:** dental bill draft request

Mike, I saw you were the drafter for SB 573 last session and Senator Roth is interested in a bill to achieve something similar.

We're looking to have a similar bill drafted to address a disparity that exists between dental practices owned by dentists and those owned by non-dentists. From our understanding, the Dental Examining Board currently has no statutory authority to reprimand or discipline non-dentist owned practices and instead the case can only be referred to a District Attorney. We believe the simplest solution is to allow the Dental Examining Board to handle violations on the WI Dental Practice Act internally.

We'd like to draft legislation that would require non-dentist owners of dental practices to be registered with the Dentistry Examining Board and to give the DEB specific disciplinary authority over these owners, thus applying the same protections to the public regardless of whether the owner of the practice is a dentist or not.

If you have any questions, please don't hesitate to call or email.

-Matt

Matt Henkel  
Office of Senator Roger Roth  
Room 306 South, State Capitol  
(608) 266-0718



Thanks

LRB-2050  
MPG:.....  
emw

157

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

S.A. ✓  
Xref ✓

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*Gen.*  
**AN ACT ...; relating to:** regulation of persons who own dental practices and granting rule-making authority.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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STET 4  
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STET 6

SECTION 1. 440.03 (13) (b) <sup>20m.</sup> 21m. of the statutes is created to read:

440.03 (13) (b) <sup>20m.</sup> 20m. Dental practice registrant.

SECTION 2. 440.08 (2) (a) <sup>25m.</sup> 46y. of the statutes is created to read:

440.08 (2) (a) <sup>25m.</sup> 25m. Dental practice registration: October 1 of each odd-numbered year.

SECTION 3. 447.01 <sup>(5m)</sup> 10 of the statutes is created to read:

447.01 (5m) "Dental practice registrant" means a person registered under s. 447.059.

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SECTION 4. 447.02 (2) (k):

of the statutes is created  
to read

447.02 (2) (k) Standards of conduct for the operation of a dental practice in this state.

4

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

2 e 9

**447.059 Dental practice registration.** (1) REGISTRATION REQUIRED. No person may own or operate a dental practice in this state unless the person is registered under this section. A person that wishes to own or operate more than one dental practice in this state shall apply for a separate registration under this section for each dental practice the person owns or operates.

\*\*\*\*NOTE: Do you want to include a definition of "dental practice" or require that the board define the term in its rules?

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

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

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

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

(b) A dental practice registrant shall submit an application for renewal, and the applicable renewal fee determined by the department under s. 440.03 (9) (a), to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a).

22

1 (3) EXCEPTIONS TO REGISTRATION REQUIREMENT. No registration is required under  
2 this section for any of the following:

3 (a) A dentist who is licensed under this chapter.

4 (b) A mobile dentistry program registrant, unless the mobile dentistry program  
5 registrant owns or operates a dental practice other than the mobile dentistry  
6 program.

\*\*\*\*NOTE: Is this exclusion for mobile dentistry program registrants consistent  
with your intent?

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

8 447.07 (1) The examining board may, without further notice or process, limit,  
9 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
10 registration of a dental practice registrant, who fails, within 60 days after the  
11 mailing of written notice to the dentist's or, dental hygienist's, or registrant's  
12 last-known address, to renew his or her the license or, certificate, or registration.

13 SECTION 7. 447.07 (1) of the statutes, as affected by 2013 Wisconsin Act 244,  
14 is amended to read: *repeated and recreated* and 2015 Wisconsin Act ... (this act)

15 447.07 (1) The examining board may, without further notice or process, limit,  
16 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
17 registration of a mobile dentistry program registrant or a dental practice registrant,  
18 who fails, within 60 days after the mailing of written notice to the dentist's, dental  
19 hygienist's, or registrant's last-known address, to renew the license, certificate, or  
20 registration.

NOTE: NOTE: Sub. (1) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

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

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

21 SECTION 8. 447.07 (3) (intro.) of the statutes is amended to read:  
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emp:  
2013

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

12           **SECTION 9.** 447.07 (3) (intro.) of the statutes, as affected by 2013 Wisconsin Act

13           244, is amended to read: *and 2015 Wisconsin Act... (this act)*

14           447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
 15 examining board may make investigations and conduct hearings in regard to any  
 16 alleged action of any dentist or dental hygienist, of a mobile dentistry program  
 17 registrant or a dental practice registrant, or of any other person it has reason to  
 18 believe is engaged in or has engaged in the practice of dentistry or dental hygiene,  
 19 or the operation of a mobile dentistry program or a dental practice, in this state, and  
 20 may, on its own motion, or upon complaint in writing, reprimand any dentist or  
 21 dental hygienist who is licensed or certified under this chapter, or any mobile  
 22 dentistry program registrant or dental practice registrant, or deny, limit, suspend,  
 23 or revoke his or her license or certificate, or the registration of the mobile dentistry  
 24 program registrant or dental practice registrant, if it finds that the dentist, dental

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repeated and recreated

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1 hygienist, ~~or~~ mobile dentistry program registrant, or dental practice registrant has  
2 done any of the following:

NOTE: NOTE: Sub. (3) (intro.) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

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

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

SECTION 10. 447.07 (3) (a) of the statutes is amended to read:

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

SECTION 11. 447.07 (3) (a) of the statutes, as affected by 2013 Wisconsin Act

244, is amended to read:

447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of

conduct established by the examining board under s. 447.02 (2) (g) or (k).

NOTE: NOTE: Par. (a) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

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

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

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

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

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

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

SECTION 14. 447.07 (3) (e) of the statutes, as affected by 2013 Wisconsin Act

244, is amended to read:

and 2015 Wisconsin Act ..... (this act)

repealed and recreated

plain

comp: 2&CR

comp: 2&CR



1 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
2 crime, the circumstances of which substantially relate to the practice of dentistry or  
3 dental hygiene or the operation of a mobile dentistry program or a dental practice.

plain

NOTE: NOTE: Par. (e) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

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

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

6 SECTION 15. 447.07 (3) (f) of the statutes is amended to read:

7 447.07 (3) (f) Violated this chapter or any federal or state statute or rule which  
8 that relates to the practice of dentistry or dental hygiene, or the operation of a dental  
9 practice.

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10 SECTION 16. 447.07 (3) (f) of the statutes, as affected by 2013 Wisconsin Act 244,  
11 is amended to read: <sup>repealed and recreated</sup> and 2015 Wisconsin Act A.....A (this act)

12 447.07 (3) (f) (f) Violated this chapter or any federal or state statute or rule that  
13 relates to the practice of dentistry or dental hygiene, or the operation of a mobile  
14 dentistry program or a dental practice.

plain

NOTE: NOTE: Par. (f) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

(f) Violated this chapter or any federal or state statute or rule that relates to the practice of dentistry or dental hygiene, or the operation of a mobile dentistry program.

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

17 SECTION 17. 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 dental practice, that was relied upon by a client.

imp:  
recr

20 SECTION 18. 447.07 (3) (m) of the statutes, as affected by 2013 Wisconsin Act  
21 244, is amended to read: <sup>repealed and recreated</sup> and 2015 Wisconsin Act A.....A (this act)

22 447.07 (3) (m) (m) Made a substantial misrepresentation in the course of  
23 practice, or in the operation of a mobile dentistry program or a dental practice, that  
24 was relied upon by a client.

plain

NOTE: NOTE: Par. (m) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

1 (m) Made a substantial misrepresentation in the course of practice, or in the operation of a mobile dentistry program, that was relied upon by a client.  
History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

2 SECTION 19. 447.07 (5) of the statutes is amended to read:

3 447.07 (5) The examining board may reinstate a license ~~or~~, certificate, or  
4 registration that has been voluntarily surrendered or revoked on terms and  
5 conditions that it considers appropriate. This subsection does not apply to a license  
6 or registration that is revoked under s. 440.12.

7 SECTION 20. 447.07 (7) of the statutes is amended to read:

8 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
9 suspension, ~~or~~ revocation of a license ~~or~~, certificate, or registration under sub. (3), the  
10 examining board may assess against an applicant, licensee ~~or~~, certificate holder, or  
11 dental practice registrant a forfeiture of not more than \$5,000 for each violation  
12 enumerated under sub. (3).

Comp: R&C

13 SECTION 21. 447.07 (7) of the statutes, as affected by 2013 Wisconsin Act 244,  
14 is amended <sup>repealed and recreated</sup> to read: <sup>13</sup> and 2015 Wisconsin Act ... <sup>(this act)</sup>

15 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
16 suspension, or revocation of a license, certificate, or registration under sub. (3), the  
17 examining board may assess against an applicant, licensee, certificate holder, or  
18 mobile dentistry program registrant, or dental practice registrant <sup>plain</sup> a forfeiture of not  
19 more than \$5,000 for each violation enumerated under sub. (3).

NOTE: NOTE: Sub. (7) is amended by 2013 Wis. Act 244 effective the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice from the dentistry examining board under section 15 (1) of Act 244 to read:NOTE:

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

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237; 2013 a. 244.

23 SECTION 22. Effective dates. This act takes effect on the day after publication,  
24 except as follows:

1 (1) REGISTRATION REQUIREMENT. The treatment of section 447.059 (1), as created  
2 by this act, takes effect on the first day of the 7th month beginning after publication.

\*\*\*\*NOTE: This delayed effective date delays the registration requirement for six months to give current owners of dental practices time to apply for and receive a registration. Okay?

3 (2) DELAYED MOBILE DENTISTRY PROVISIONS. The treatment of section 447.07 (1)  
4 (by SECTION 7), (3) (intro.) (by SECTION 9), (a) (by SECTION 11), (e) (by SECTION 14), (f)  
5 (by SECTION 16) and (m) (by SECTION 18), and (7) (by SECTION 21) take effect on the  
6 1st day of the 3rd month beginning after the legislative reference bureau receives the  
7 notice under SECTION 15 (1) of 2013 Wisconsin Act 244.

\*\*\*\*NOTE: This delayed effective date provision is necessary in order to account for the delayed treatment of certain provisions in 2013 Wisconsin Act 244.

8 (END)

↑ or on the ~~date~~ <sup>day</sup> after publication, whichever is later.

## Gallagher, Michael

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**From:** Henkel, Matt  
**Sent:** Tuesday, May 05, 2015 7:45 AM  
**To:** Gallagher, Michael  
**Subject:** Re: LRB -2050/P1 Topic: Licensure of owners of dental practices

Leave as is then. Thanks for the clarification.

On May 5, 2015, at 7:37 AM, Gallagher, Michael <[Michael.Gallagher@legis.wisconsin.gov](mailto:Michael.Gallagher@legis.wisconsin.gov)> wrote:

Matt: In the statutes, "person" essentially catches all entities and individuals. When we mean only individuals, we use the word "individual." I think it would be confusing to say "person or entity," given the definition of "person" under 990.01 (26), and could lead to misinterpretation. I could say "entity or other person," but, again, I think that is confusing because in that case person means only an individual but we're using the word "person" instead of "individual."

If you want, I'll change it to "entity or individual" if that is the intent. Let me know.

Thanks.

Mike

**Michael P. Gallagher**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**From:** Henkel, Matt  
**Sent:** Monday, May 04, 2015 4:23 PM  
**To:** Gallagher, Michael  
**Subject:** LRB -2050/P1 Topic: Licensure of owners of dental practices

Mike, getting back to you on your notes on the dental licensure bill.

Note 1:

Page 2 line 12 – after person add "or entity" – to help capture non-person owners and avoid confusion, though I see that the definition of "person" in 990.01(26) includes more than just individuals.

Page 2 Line 13 – also add "entity" and remove "that wishes" so it reads "A person or entity that owns or operates more than one dental practice"

Finally, do not define "dental practice" or explicitly require the board to define the term in its rules.

Note 2:

Page 3 line 10-13 – The exclusion of mobile dentistry program registrants is OK.

Note 3:

Page 7 line 16-17 – The delayed effective date is OK.

Note 4:

Page 8 line 18-22 – The delayed effective date is OK.

Matt Henkel  
Office of Senator Roger Roth  
Room 306 South, State Capitol  
(608) 266-0718



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1/22

INSERT A

INSERT

D-Note

Regen.

S.A. ✓  
KREF

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); to repeal  
 3 and recreate 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (a), 447.07 (3) (e), 447.07  
 4 (3) (f), 447.07 (3) (m) and 447.07 (7); and to create 440.03 (13) (b) 20m., 440.08  
 5 (2) (a) 25m., 447.01 (5m), 447.02 (2) (k) and 447.059 of the statutes; relating  
 6 to: regulation of persons who own dental practices and granting rule-making  
 7 authority.

that or separate

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

8 SECTION 1. 440.03 (13) (b) 20m. of the statutes is created to read:  
 9 440.03 (13) (b) 20m. Dental practice registrant.

1 SECTION 2. 440.08 (2) (a) 25m. of the statutes is created to read:

2 440.08 (2) (a) 25m. Dental practice registration: October 1 of each  
3 odd-numbered year.

4 SECTION 3. 447.01 (5m) of the statutes is created to read:

5 447.01 (5m) "Dental practice registrant" means a person registered under s.  
6 447.059.

7 SECTION 4. 447.02 (2) (k) of the statutes is created to read:

8 447.02 (2) (k) Standards of conduct for the operation of a dental practice in this  
9 state.

10 SECTION 5. 447.059 of the statutes is created to read:

11 447.059 Dental practice registration. (1) REGISTRATION REQUIRED. No  
12 person may own or operate a dental practice in this state unless the person is  
13 registered under this section. A person that wishes to own or operate more than one  
14 dental practice in this state shall apply for a separate registration under this section  
15 for each dental practice the person owns or operates.

\*\*\*\*NOTE: Do you want to include a definition of "dental practice" or require that  
the board define the term in its rules?

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

18 1. Submits an application for registration to the department on a form provided  
19 by the department. The application shall include the person's name and tax  
20 identification number, the person's business address and telephone number, and any  
21 other information the department or the examining board requires.

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

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

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

7           **(3) EXCEPTIONS TO REGISTRATION REQUIREMENT.** No registration is required under  
8 this section for any of the following:

9           (a) A dentist who is licensed under this chapter.

10          (b) A mobile dentistry program registrant, unless the mobile dentistry program  
11 registrant owns or operates a dental practice other than the mobile dentistry  
12 program.

\*\*\*\*NOTE: Is this exclusion for mobile dentistry program registrants consistent  
with your intent?

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

14          447.07 (1) The examining board may, without further notice or process, limit,  
15 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
16 registration of a dental practice registrant, who fails, within 60 days after the  
17 mailing of written notice to the dentist's ~~or~~, dental hygienist's, or registrant's  
18 last-known address, to renew his or her the license or, certificate, or registration.

19          **SECTION 7.** 447.07 (1) of the statutes, as affected by 2013 Wisconsin Act 244 and  
20 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

21          447.07 (1) The examining board may, without further notice or process, limit,  
22 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
23 registration of a mobile dentistry program registrant or a dental practice registrant,



1 who fails, within 60 days after the mailing of written notice to the dentist's, dental  
2 hygienist's, or registrant's last-known address, to renew the license, certificate, or  
3 registration.

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

5 447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
6 examining board may make investigations and conduct hearings in regard to any  
7 alleged action of any dentist or dental hygienist, of a dental practice registrant, or  
8 of any other person it has reason to believe is engaged in or has engaged in the  
9 practice of dentistry or dental hygiene, or the operation of a dental practice, in this  
10 state, and may, on its own motion, or upon complaint in writing, reprimand any  
11 dentist or dental hygienist who is licensed or certified under this chapter, or any  
12 dental practice registrant, or deny, limit, suspend, or revoke his or her license or  
13 certificate, or the registration of the dental practice registrant, if it finds that the  
14 dentist ~~or~~, dental hygienist, or dental practice registrant has done any of the  
15 following:

16 **SECTION 9.** 447.07 (3) (intro.) of the statutes, as affected by 2013 Wisconsin Act  
17 244 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

18 447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
19 examining board may make investigations and conduct hearings in regard to any  
20 alleged action of any dentist or dental hygienist, of a mobile dentistry program  
21 registrant or a dental practice registrant, or of any other person it has reason to  
22 believe is engaged in or has engaged in the practice of dentistry or dental hygiene,  
23 or the operation of a mobile dentistry program or a dental practice, in this state, and  
24 may, on its own motion, or upon complaint in writing, reprimand any dentist or  
25 dental hygienist who is licensed or certified under this chapter, or any mobile

1 dentistry program registrant or dental practice registrant, or deny, limit, suspend,  
2 or revoke his or her license or certificate, or the registration of the mobile dentistry  
3 program registrant or dental practice registrant, if it finds that the dentist, dental  
4 hygienist, mobile dentistry program registrant, or dental practice registrant has  
5 done any of the following:

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

7 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of  
8 conduct established by the examining board under s. 447.02 (2) (k).

9 **SECTION 11.** 447.07 (3) (a) of the statutes, as affected by 2013 Wisconsin Act 244  
10 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

11 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of  
12 conduct established by the examining board under s. 447.02 (2) (g) or (k).

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

14 447.07 (3) (b) Made any false statement or given any false information in  
15 connection with an application for a license ~~or~~, certificate, or registration or for  
16 renewal or reinstatement of a license ~~or~~, certificate, or registration, or received a  
17 license ~~or~~, certificate, or registration through error.

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

19 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
20 crime, the circumstances of which substantially relate to the practice of dentistry or  
21 dental hygiene or the operation of a dental practice.

22 **SECTION 14.** 447.07 (3) (e) of the statutes, as affected by 2013 Wisconsin Act 244  
23 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

1           447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
2 crime, the circumstances of which substantially relate to the practice of dentistry or  
3 dental hygiene or the operation of a mobile dentistry program or a dental practice.

4           **SECTION 15.** 447.07 (3) (f) of the statutes is amended to read:

5           447.07 (3) (f) Violated this chapter or any federal or state statute or rule which  
6 that relates to the practice of dentistry or dental hygiene, or the operation of a dental  
7 practice.

8           **SECTION 16.** 447.07 (3) (f) of the statutes, as affected by 2013 Wisconsin Act 244  
9 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

10           447.07 (3) (f) Violated this chapter or any federal or state statute or rule that  
11 relates to the practice of dentistry or dental hygiene, or the operation of a mobile  
12 dentistry program or a dental practice.

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

14           447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
15 or in the operation of a dental practice, that was relied upon by a client.

16           **SECTION 18.** 447.07 (3) (m) of the statutes, as affected by 2013 Wisconsin Act  
17 244 and 2015 Wisconsin Act .... (this act), is repealed and recreated 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 or a dental practice, that was relied  
20 upon by a client.

21           **SECTION 19.** 447.07 (5) of the statutes is amended to read:

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

1 SECTION 20. 447.07 (7) of the statutes is amended to read:

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

7 SECTION 21. 447.07 (7) of the statutes, as affected by 2013 Wisconsin Act 244  
8 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

9 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
10 suspension, or revocation of a license, certificate, or registration under sub. (3), the  
11 examining board may assess against an applicant, licensee, certificate holder, mobile  
12 dentistry program registrant, or dental practice registrant a forfeiture of not more  
13 than \$5,000 for each violation enumerated under sub. (3).

Insert 7-15



14 SECTION 22. **Effective dates.** This act takes effect on the day after publication,  
15 except as follows:

16 (1) **REGISTRATION REQUIREMENT.** The treatment of section 447.059 (1), as created  
17 by this act, takes effect on the first day of the 7th month beginning after publication.

\*\*\*\*NOTE: This delayed effective date delays the registration requirement for six months to give current owners of dental practices time to apply for and receive a registration. Okay?

18 (2) **DELAYED MOBILE DENTISTRY PROVISIONS.** The repeal and recreation of section  
19 447.07 (1), (3) (intro.), (a), (e), (f), and (m), and (7) takes effect on the first day of the  
20 3rd month beginning after the legislative reference bureau receives the notice under  
21 SECTION 15 (1) of 2013 Wisconsin Act 244, or on the day after publication, whichever  
22 is later.

\*\*\*\*NOTE: This delayed effective date provision is necessary in order to account for the delayed treatment of certain provisions in 2013 Wisconsin Act 244.

(END)

D-Note

1

INSERT A

This bill requires persons that own or operate dental practices in Wisconsin to be registered by the Dentistry Examining Board (board). A person must receive a separate registration for each dental practice the person owns or operates. The bill requires the board to promulgate rules establishing standards of conduct for the operation of a dental practice in Wisconsin. No registration is required under the bill for licensed dentists or for mobile dentistry programs subject to separate regulation by the board.

END INSERT A

INSERT 7-13

2           **SECTION 1. Nonstatutory provisions.**

3           (1) MOBILE DENTISTRY PROGRAMS. If this act takes effect before 2013 Wisconsin  
4 Act 244, other than as specified in section 16 (1) of that act, a person who owns or  
5 operates a mobile dentistry program, as determined by the dentistry examining  
6 board, is not required to be registered under section 447.059 (1) of the statutes, as  
7 created by this act, for that mobile dentistry program.

END INSERT 7-13

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

LRB-2050/P2dn  
MPG:emw:ew

— Date —

Representative Roth:

In this redraft, I included a nonstatutory provision specifying that mobile dentistry programs are not required to be registered under this proposal if it goes into effect before the relevant provisions of 2013 Wisconsin Act 244, which creates mobile dentistry program registration requirements. The effective date of 2013 Wisconsin Act 244 is contingent upon the Dentistry Examining Board promulgating rules governing mobile dentistry programs and, therefore, might not take effect before this proposal, depending on when those rules get promulgated. Please let me know if you have any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
(608) 267-7511  
michael.gallagher@legis.wisconsin.gov

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

LRB-2050/P2dn  
MPG:emw:ew

May 11, 2015

Representative Roth:

In this redraft, I included a nonstatutory provision specifying that mobile dentistry programs are not required to be registered under this proposal if it goes into effect before the relevant provisions of 2013 Wisconsin Act 244, which creates mobile dentistry program registration requirements. The effective date of 2013 Wisconsin Act 244 is contingent upon the Dentistry Examining Board promulgating rules governing mobile dentistry programs and, therefore, might not take effect before this proposal, depending on when those rules get promulgated. Please let me know if you have any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
(608) 267-7511  
michael.gallagher@legis.wisconsin.gov



## Gallagher, Michael

---

**From:** Henkel, Matt  
**Sent:** Wednesday, August 26, 2015 3:37 PM  
**To:** Gallagher, Michael  
**Subject:** Draft update: LRB -2050/P2 Topic: Licensure of owners of dental practices.

And finally, I think we are down to the final change.

On page 3 under (3) Exceptions to Registration Requirement please add:

(c) A hospital, a federally qualified health center, or an affiliate of a hospital or health care system.

This line should be sufficient to include both non-profit and for-profit entities, correct?

I appreciate all the help.

-Matt

---

**From:** Henkel, Matt  
**Sent:** Monday, August 17, 2015 3:33 PM  
**To:** Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>  
**Subject:** FW: Draft review: LRB -2050/P2 Topic: Licensure of owners of dental practices.

Mike, after looking over the draft I've got a couple more questions.

- 1) On page 2, line 11, is there a statutory definition for "operate"?
- 2) Could we include a provision to explicitly allow for non-dentist owned practices? A concern was raised that there could be room for a rule that would prohibit these.

Thanks!

-Matt

---

**From:** LRB.Legal  
**Sent:** Monday, May 11, 2015 1:33 PM  
**To:** Sen.Roth  
**Subject:** Draft review: LRB -2050/P2 Topic: Licensure of owners of dental practices.

**Following is the PDF version of draft LRB -2050/P2 and drafter's note.**



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1

S.A. ✓  
Xref ✓

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); **to repeal**  
3 **and recreate** 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (a), 447.07 (3) (e), 447.07  
4 (3) (f), 447.07 (3) (m) and 447.07 (7); and **to create** 440.03 (13) (b) 20m., 440.08  
5 (2) (a) 25m., 447.01 (5m), 447.02 (2) (k) and 447.059 of the statutes; **relating**  
6 **to:** regulation of persons that own or operate dental practices and granting  
7 rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

This bill requires persons that own or operate dental practices in Wisconsin to be registered by the Dentistry Examining Board (board). A person must receive a separate registration for each dental practice the person owns or operates. The bill requires the board to promulgate rules establishing standards of conduct for the operation of a dental practice in Wisconsin. No registration is required under the bill for licensed dentists or for mobile dentistry programs subject to separate regulation by the board.

EE-S →

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

**SECTION 1**

1           **SECTION 1.** 440.03 (13) (b) 20m. of the statutes is created to read:

2           440.03 (13) (b) 20m. Dental practice registrant.

3           **SECTION 2.** 440.08 (2) (a) 25m. of the statutes is created to read:

4           440.08 (2) (a) 25m. Dental practice registration: October 1 of each  
5 odd-numbered year.

6           **SECTION 3.** 447.01 (5m) of the statutes is created to read:

7           447.01 (5m) “Dental practice registrant” means a person registered under s.  
8 447.059.

9           **SECTION 4.** 447.02 (2) (k) of the statutes is created to read:

10          447.02 (2) (k) Standards of conduct for the operation of a dental practice in this  
11 state.

12          **SECTION 5.** 447.059 of the statutes is created to read:

13          **447.059 Dental practice registration. (1) REGISTRATION REQUIRED.** No  
14 person may own or operate a dental practice in this state unless the person is  
15 registered under this section. A person shall apply for a separate registration under  
16 this section for each dental practice the person owns or operates.

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

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

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

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

1 (b) A dental practice registrant shall submit an application for renewal, and  
2 the applicable renewal fee determined by the department under s. 440.03 (9) (a), to  
3 the department on a form provided by the department on or before the applicable  
4 renewal date specified under s. 440.08 (2) (a).

5 (3) EXCEPTIONS TO REGISTRATION REQUIREMENT. No registration is required under  
6 this section for any of the following:

7 (a) A dentist who is licensed under this chapter.

8 (b) A mobile dentistry program registrant, unless the mobile dentistry program  
9 registrant owns or operates a dental practice other than the mobile dentistry  
10 program.

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

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

17 SECTION 7. 447.07 (1) of the statutes, as affected by 2013 Wisconsin Act 244 and  
18 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

19 447.07 (1) The examining board may, without further notice or process, limit,  
20 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
21 registration of a mobile dentistry program registrant or a dental practice registrant,  
22 who fails, within 60 days after the mailing of written notice to the dentist's, dental  
23 hygienist's, or registrant's last-known address, to renew the license, certificate, or  
24 registration.

25 SECTION 8. 447.07 (3) (intro.) of the statutes is amended to read:

(c) A hospital, a federally qualified health center, or an affiliate  
of a hospital or health care system as determined by the

examining board

**SECTION 8**

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

12                 **SECTION 9.** 447.07 (3) (intro.) of the statutes, as affected by 2013 Wisconsin Act  
13          244 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

14           447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
15           examining board may make investigations and conduct hearings in regard to any  
16           alleged action of any dentist or dental hygienist, of a mobile dentistry program  
17           registrant or a dental practice registrant, or of any other person it has reason to  
18           believe is engaged in or has engaged in the practice of dentistry or dental hygiene,  
19           or the operation of a mobile dentistry program or a dental practice, in this state, and  
20           may, on its own motion, or upon complaint in writing, reprimand any dentist or  
21           dental hygienist who is licensed or certified under this chapter, or any mobile  
22           dentistry program registrant or dental practice registrant, or deny, limit, suspend,  
23           or revoke his or her license or certificate, or the registration of the mobile dentistry  
24           program registrant or dental practice registrant, if it finds that the dentist, dental

1 hygienist, mobile dentistry program registrant, or dental practice registrant has  
2 done any of the following:

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

4 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of  
5 conduct established by the examining board under s. 447.02 (2) (k).

6 **SECTION 11.** 447.07 (3) (a) of the statutes, as affected by 2013 Wisconsin Act 244  
7 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

8 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of  
9 conduct established by the examining board under s. 447.02 (2) (g) or (k).

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

11 447.07 (3) (b) Made any false statement or given any false information in  
12 connection with an application for a license ~~or~~, certificate, or registration or for  
13 renewal or reinstatement of a license ~~or~~, certificate, or registration, or received a  
14 license ~~or~~, certificate, or registration through error.

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

16 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
17 crime, the circumstances of which substantially relate to the practice of dentistry or  
18 dental hygiene or the operation of a dental practice.

19 **SECTION 14.** 447.07 (3) (e) of the statutes, as affected by 2013 Wisconsin Act 244  
20 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

21 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
22 crime, the circumstances of which substantially relate to the practice of dentistry or  
23 dental hygiene or the operation of a mobile dentistry program or a dental practice.

24 **SECTION 15.** 447.07 (3) (f) of the statutes is amended to read:

1           447.07 (3) (f) Violated this chapter or any federal or state statute or rule which  
2 that relates to the practice of dentistry or dental hygiene, or the operation of a dental  
3 practice.

4           **SECTION 16.** 447.07 (3) (f) of the statutes, as affected by 2013 Wisconsin Act 244  
5 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

6           447.07 (3) (f) Violated this chapter or any federal or state statute or rule that  
7 relates to the practice of dentistry or dental hygiene, or the operation of a mobile  
8 dentistry program or a dental practice.

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

10           447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
11 or in the operation of a dental practice, that was relied upon by a client.

12           **SECTION 18.** 447.07 (3) (m) of the statutes, as affected by 2013 Wisconsin Act  
13 244 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

14           447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
15 or in the operation of a mobile dentistry program or a dental practice, that was relied  
16 upon by a client.

17           **SECTION 19.** 447.07 (5) of the statutes is amended to read:

18           447.07 (5) The examining board may reinstate a license ~~or~~, certificate, or  
19 registration that has been voluntarily surrendered or revoked on terms and  
20 conditions that it considers appropriate. This subsection does not apply to a license  
21 or registration that is revoked under s. 440.12.

22           **SECTION 20.** 447.07 (7) of the statutes is amended to read:

23           447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
24 suspension, or revocation of a license ~~or~~, certificate, or registration under sub. (3), the  
25 examining board may assess against an applicant, licensee ~~or~~, certificate holder, or

1 dental practice registrant a forfeiture of not more than \$5,000 for each violation  
2 enumerated under sub. (3).

3 **SECTION 21.** 447.07 (7) of the statutes, as affected by 2013 Wisconsin Act 244  
4 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

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

10 **SECTION 22. Nonstatutory provisions.**

11 (1) MOBILE DENTISTRY PROGRAMS. If this act takes effect before 2013 Wisconsin  
12 Act 244, other than as specified in section 16 (1) of that act, a person who owns or  
13 operates a mobile dentistry program, as determined by the dentistry examining  
14 board, is not required to be registered under section 447.059 (1) of the statutes, as  
15 created by this act, for that mobile dentistry program.

16 **SECTION 23. Effective dates.** This act takes effect on the day after publication,  
17 except as follows:

18 (1) REGISTRATION REQUIREMENT. The treatment of section 447.059 (1), as created  
19 by this act, takes effect on the first day of the 7th month beginning after publication.

20 (2) DELAYED MOBILE DENTISTRY PROVISIONS. The repeal and recreation of section  
21 447.07 (1), (3) (intro.), (a), (e), (f), and (m), and (7) takes effect on the first day of the  
22 3rd month beginning after the legislative reference bureau receives the notice under  
23 SECTION 15 (1) of 2013 Wisconsin Act 244, or on the day after publication, whichever  
24 is later.

25 (END)



## Gallagher, Michael

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**From:** Henkel, Matt  
**Sent:** Wednesday, September 09, 2015 1:16 PM  
**To:** Gallagher, Michael  
**Subject:** RE: Draft update: LRB -2050/P2 Topic: Licensure of owners of dental practices.

I apologize. Everything looked good and I thought we would be ready to roll out but I need to request one final addition.

Could you please add a clause that "no rule drafted by the Board may prohibit a non-dentist from owning a dental practice."

Some groups have expressed concern that while this bill would allow for the operation of non-dentist owned dental practices, via registration with the DEB, the DEB could prohibit them by rule.

Thank you.

-Matt

---

**From:** Gallagher, Michael  
**Sent:** Wednesday, September 09, 2015 7:29 AM  
**To:** Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>  
**Subject:** RE: Draft update: LRB -2050/P2 Topic: Licensure of owners of dental practices.

It will go out today.

Mike

**Michael P. Gallagher**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**From:** Henkel, Matt  
**Sent:** Tuesday, September 08, 2015 3:03 PM  
**To:** Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>  
**Subject:** RE: Draft update: LRB -2050/P2 Topic: Licensure of owners of dental practices.

Just checking in on a possible timeline for LRB 2050. Any idea when we should be expecting it?

Thanks for all the help on it.

-Matt

---

**From:** Gallagher, Michael  
**Sent:** Wednesday, August 26, 2015 4:00 PM  
**To:** Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>  
**Subject:** RE: Draft update: LRB -2050/P2 Topic: Licensure of owners of dental practices.

Matt: I apologize for not getting back to you sooner on your earlier e-mail.

Here are my answers/comments.

- 1) There is no definition for "operate." A court would look to the dictionary definition, which, in this case, is to manage or use or to cause to function. In this situation, it has a strong connotation of control or management. If you think only owners will be registered, we could eliminate the word "operate" and require only owners of dental practices be registered.
- 2) Under the draft, a licensed dentist is not required to have a registration for his or her practice (page 3, line 7). Therefore, the registration requirement only kicks in for a person who is not a licensed dentist. However, a practice could be owned by a dentist who is not licensed in this state, in addition to non-dentists. I could include a requirement that the board may not refuse to register a person because the person is not a dentist. Let me know if you would like me to do that in this redraft.
- 3) I will include this change in the redraft. Yes, the language should include both for profit and not for profit.

Mike

**Michael P. Gallagher**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
(608) 267-7511

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**From:** Henkel, Matt  
**Sent:** Wednesday, August 26, 2015 3:37 PM  
**To:** Gallagher, Michael <[Michael.Gallagher@legis.wisconsin.gov](mailto:Michael.Gallagher@legis.wisconsin.gov)>  
**Subject:** Draft update: LRB -2050/P2 Topic: Licensure of owners of dental practices.

And finally, I think we are down to the final change.

On page 3 under (3) Exceptions to Registration Requirement please add:

(c) A hospital, a federally qualified health center, or an affiliate of a hospital or health care system.

This line should be sufficient to include both non-profit and for-profit entities, correct?

I appreciate all the help.

-Matt

---

**From:** Henkel, Matt  
**Sent:** Monday, August 17, 2015 3:33 PM  
**To:** Gallagher, Michael <[Michael.Gallagher@legis.wisconsin.gov](mailto:Michael.Gallagher@legis.wisconsin.gov)>  
**Subject:** FW: Draft review: LRB -2050/P2 Topic: Licensure of owners of dental practices.

Mike, after looking over the draft I've got a couple more questions.

- 1) On page 2, line 11, is there a statutory definition for "operate"?

- 2) Could we include a provision to explicitly allow for non-dentist owned practices? A concern was raised that there could be room for a rule that would prohibit these.

Thanks!

-Matt

---

**From:** LRB.Legal

**Sent:** Monday, May 11, 2015 1:33 PM

**To:** Sen.Roth

**Subject:** Draft review: LRB -2050/P2 Topic: Licensure of owners of dental practices.

**Following is the PDF version of draft LRB -2050/P2 and drafter's note.**



## 2015 BILL

12

Insert

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); **to repeal**  
3             **and recreate** 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (a), 447.07 (3) (e), 447.07  
4             (3) (f), 447.07 (3) (m) and 447.07 (7); and **to create** 440.03 (13) (b) 20m., 440.08  
5             (2) (a) 25m., 447.01 (5m), 447.02 (2) (k) and 447.059 of the statutes; **relating**  
6             **to:** regulation of persons that own or operate dental practices and granting  
7             rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

This bill requires persons that own or operate dental practices in Wisconsin to be registered by the Dentistry Examining Board (board). A person must receive a separate registration for each dental practice the person owns or operates. The bill requires the board to promulgate rules establishing standards of conduct for the operation of a dental practice in Wisconsin. No registration is required under the bill for licensed dentists or for mobile dentistry programs subject to separate regulation by the board.

**BILL**

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

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

1           SECTION 1. 440.03 (13) (b) 20m. of the statutes is created to read:

2           440.03 (13) (b) 20m. Dental practice registrant.

3           SECTION 2. 440.08 (2) (a) 25m. of the statutes is created to read:

4           440.08 (2) (a) 25m. Dental practice registration: October 1 of each  
5 odd-numbered year.

6           SECTION 3. 447.01 (5m) of the statutes is created to read:

7           447.01 (5m) “Dental practice registrant” means a person registered under s.  
8 447.059.

9           SECTION 4. 447.02 (2) (k) of the statutes is created to read:

10          447.02 (2) (k) Standards of conduct for the operation of a dental practice in this  
11 state.

12          SECTION 5. 447.059 of the statutes is created to read:

13          **447.059 Dental practice registration.** (1) REGISTRATION REQUIRED. No  
14 person may own or operate a dental practice in this state unless the person is  
15 registered under this section. A person shall apply for a separate registration under  
16 this section for each dental practice the person owns or operates.

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

19           1. Submits an application for registration to the department on a form provided  
20 by the department. The application shall include the person’s name and tax

**BILL**

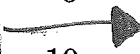
1 identification number, the person’s business address and telephone number, and any  
2 other information the department or the examining board requires.

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

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

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

Insert 3-9



10 **(3) EXCEPTIONS TO REGISTRATION REQUIREMENT.** No registration is required under  
11 this section for any of the following:

12 (a) A dentist who is licensed under this chapter.

13 (b) A mobile dentistry program registrant, unless the mobile dentistry program  
14 registrant owns or operates a dental practice other than the mobile dentistry  
15 program.

16 (c) A hospital, a federally qualified health center, or an affiliate of a hospital  
17 or health care system, as determined by the examining board.

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

19 447.07 (1) The examining board may, without further notice or process, limit,  
20 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
21 registration of a dental practice registrant, who fails, within 60 days after the  
22 mailing of written notice to the dentist’s ~~or~~, dental hygienist’s, or registrant’s  
23 last-known address, to renew his ~~or her~~ the license ~~or~~, certificate, or registration.

24 **SECTION 7.** 447.07 (1) of the statutes, as affected by 2013 Wisconsin Act 244 and  
25 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

**BILL**

1           447.07 (1) The examining board may, without further notice or process, limit,  
2 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the  
3 registration of a mobile dentistry program registrant or a dental practice registrant,  
4 who fails, within 60 days after the mailing of written notice to the dentist's, dental  
5 hygienist's, or registrant's last-known address, to renew the license, certificate, or  
6 registration.

7           **SECTION 8.** 447.07 (3) (intro.) of the statutes is amended to read: ✓

8           447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
9 examining board may make investigations and conduct hearings in regard to any  
10 alleged action of any dentist or dental hygienist, of a dental practice registrant, or  
11 of any other person it has reason to believe is engaged in or has engaged in the  
12 practice of dentistry or dental hygiene, or the operation of a dental practice, in this  
13 state, and may, on its own motion, or upon complaint in writing, reprimand any  
14 dentist or dental hygienist who is licensed or certified under this chapter, or any  
15 dental practice registrant, or deny, limit, suspend, or revoke his or her license or  
16 certificate, or the registration of the dental practice registrant, if it finds that the  
17 dentist or dental hygienist, or dental practice registrant has done any of the  
18 following:

19           **SECTION 9.** 447.07 (3) (intro.) of the statutes, as affected by 2013 Wisconsin Act  
20 244 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

21           447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
22 examining board may make investigations and conduct hearings in regard to any  
23 alleged action of any dentist or dental hygienist, of a mobile dentistry program  
24 registrant or a dental practice registrant, or of any other person it has reason to  
25 believe is engaged in or has engaged in the practice of dentistry or dental hygiene,

**BILL**

1 or the operation of a mobile dentistry program or a dental practice, in this state, and  
2 may, on its own motion, or upon complaint in writing, reprimand any dentist or  
3 dental hygienist who is licensed or certified under this chapter, or any mobile  
4 dentistry program registrant or dental practice registrant, or deny, limit, suspend,  
5 or revoke his or her license or certificate, or the registration of the mobile dentistry  
6 program registrant or dental practice registrant, if it finds that the dentist, dental  
7 hygienist, mobile dentistry program registrant, or dental practice registrant has  
8 done any of the following:

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

10 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of  
11 conduct established by the examining board under s. 447.02 (2) (k).

12 **SECTION 11.** 447.07 (3) (a) of the statutes, as affected by 2013 Wisconsin Act 244  
13 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

14 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of  
15 conduct established by the examining board under s. 447.02 (2) (g) or (k).

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

17 447.07 (3) (b) Made any false statement or given any false information in  
18 connection with an application for a license ~~or~~, certificate, or registration or for  
19 renewal or reinstatement of a license ~~or~~, certificate, or registration, or received a  
20 license ~~or~~, certificate, or registration through error.

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

22 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a  
23 crime, the circumstances of which substantially relate to the practice of dentistry or  
24 dental hygiene or the operation of a dental practice.



**BILL****SECTION 14**

1           **SECTION 14.** 447.07 (3) (e) of the statutes, as affected by 2013 Wisconsin Act 244  
2 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

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

6           **SECTION 15.** 447.07 (3) (f) of the statutes is amended to read:

7           447.07 (3) (f) Violated this chapter or any federal or state statute or rule ~~which~~  
8 that relates to the practice of dentistry or dental hygiene, or the operation of a dental  
9 practice.

10          **SECTION 16.** 447.07 (3) (f) of the statutes, as affected by 2013 Wisconsin Act 244  
11 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

12          447.07 (3) (f) Violated this chapter or any federal or state statute or rule that  
13 relates to the practice of dentistry or dental hygiene, or the operation of a mobile  
14 dentistry program or a dental practice.

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

16          447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
17 or in the operation of a dental practice, that was relied upon by a client.

18          **SECTION 18.** 447.07 (3) (m) of the statutes, as affected by 2013 Wisconsin Act  
19 244 and 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

20          447.07 (3) (m) Made a substantial misrepresentation in the course of practice,  
21 or in the operation of a mobile dentistry program or a dental practice, that was relied  
22 upon by a client.

23          **SECTION 19.** 447.07 (5) of the statutes is amended to read:

24          447.07 (5) The examining board may reinstate a license ~~or~~, certificate, or  
25 registration that has been voluntarily surrendered or revoked on terms and

**BILL**

1 conditions that it considers appropriate. This subsection does not apply to a license  
2 or registration that is revoked under s. 440.12.

3 **SECTION 20.** 447.07 (7) of the statutes is amended to read:

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

9 **SECTION 21.** 447.07 (7) of the statutes, as affected by 2013 Wisconsin Act 244  
10 and 2015 Wisconsin Act ... (this act), is repealed and recreated to read:

11 447.07 (7) In addition to or in lieu of a reprimand or denial, limitation,  
12 suspension, or revocation of a license, certificate, or registration under sub. (3), the  
13 examining board may assess against an applicant, licensee, certificate holder, mobile  
14 dentistry program registrant, or dental practice registrant a forfeiture of not more  
15 than \$5,000 for each violation enumerated under sub. (3).

16 **SECTION 22. Nonstatutory provisions.**

17 (1) MOBILE DENTISTRY PROGRAMS. If this act takes effect before 2013 Wisconsin  
18 Act 244, other than as specified in section 16 (1) of that act, a person who owns or  
19 operates a mobile dentistry program, as determined by the dentistry examining  
20 board, is not required to be registered under section 447.059 (1) of the statutes, as  
21 created by this act, for that mobile dentistry program.

22 **SECTION 23. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:

24 (1) REGISTRATION REQUIREMENT. The treatment of section 447.059 (1), as created  
25 by this act, takes effect on the first day of the 7th month beginning after publication.



**2015-2016 DRAFTING INSERT  
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LEGISLATIVE REFERENCE BUREAU**

LRB-2050/2ins  
MPG:emw

1

**INSERT 3-9**

2           (c) The examining board may not promulgate a rule that prohibits a person who  
3 is not a dentist from owning or operating a dental practice in this state consistent  
4 with this section.

**END INSERT 3-9**

**Basford, Sarah**

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**From:** Henkel, Matt  
**Sent:** Thursday, September 10, 2015 10:42 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2050/2

Please Jacket LRB -2050/2 for the SENATE.