



State of Wisconsin
2019 - 2020 LEGISLATURE

0543/P2
LRB-104711
MED:amn

2019 BILL

Do not gen

1 AN ACT to amend 36.61 (1) (b), 36.61 (3) (a), 36.61 (5) (b) 1., 36.61 (8) (c) 3., 146.81
2 (1) (c), 146.89 (1) (r) 1., 146.89 (1) (r) 5., 146.89 (3) (b) 8., 146.89 (3m) (intro.),
3 146.997 (1) (d) 3., 155.01 (7), 252.14 (1) (ar) 3., 257.01 (5) (a), 257.01 (5) (b),
4 447.02 (1) (a), 447.02 (1) (b), 447.02 (2) (a), 447.02 (3) (a) (intro.), 447.02 (3) (a)
5 2., 447.02 (3) (b), 447.02 (5), 447.03 (3) (c), 447.05, 447.06 (1), 447.06 (2) (a) 3.,
6 447.06 (2) (b), 447.06 (2) (c) (intro.), 447.06 (2) (c) 2. (intro.), 447.065, 447.07 (1),
7 447.07 (3) (intro.), 447.07 (3) (e) to (h), 447.40 (intro.), 447.40 (6), 448.03 (2) (a),
8 448.21 (1) (a), 450.03 (1) (e), 450.10 (3) (a) 4., 462.02 (2) (d), 462.04, 463.10 (5),
9 463.12 (5), 632.87 (4), 895.48 (1m) (a) (intro.), 895.48 (1m) (a) 2. and 941.315 (5);
10 and to create 15.405 (6) (am), 36.61 (1) (ak), 440.03 (13) (b) 20m., 440.08 (2) (a)
11 25m., 447.01 (6g), 447.01 (6r), 447.02 (1) (g), 447.03 (1m), 447.03 (3) (am),
12 447.04 (1m), 447.057, 447.06 (1m) and 447.06 (3) of the statutes; relating to:
13 licensure of dental therapists; extending the time limit for emergency rule
14 procedures; providing an exemption from emergency rule procedures;

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of the budget.

1 providing an exemption from rule-making procedures; and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill provides for the licensure of dental therapists, who are health care practitioners who may engage in the limited practice of dentistry.

Under current law, dentists and dental hygienists are licensed by the Dentistry Examining Board to practice dentistry and dental hygiene, respectively. This bill provides for the licensure of a third type of dental practitioner, dental therapists. Under the bill, the board must grant a dental therapist license to an individual who satisfies certain criteria, including completion of a dental therapy program and passage of required examinations.

Dental therapists may provide dental therapy services only under the general supervision of a dentist with whom the dental therapist has a collaborative management agreement that addresses various aspects of the dental therapist's practice. Supervision by a dentist requires the dentist's prior knowledge and consent, but does not require the presence of the dentist at the time a task or procedure is being performed or prior examination or diagnosis of a patient by a dentist prior to the provision of dental therapy services by a dental therapist. Dental therapists are, subject to the terms of a collaborative management agreement, limited to providing services, treatments, and procedures that are specified in the bill, as well as additional services, treatments, or procedures specified by the board by rule. Dental therapists must complete 12 hours of continuing education each biennium.

The bill subjects dental therapists to, or covers dental therapists under, various other laws, including the health care records law, the volunteer health care provider program, the health care worker protection law, and the emergency volunteer health care practitioner law. The bill also provides for loan forgiveness for dental therapists under the health care provider loan assistance program.

Finally, the bill requires, effective when the first individual becomes licensed as a dental therapist in this state, that two dental therapists be added to the board.

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

*In addition,
dental
therapists
may only
until July 1,
2024, practice
in federally
defined
dental health
shortage
areas.*

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

SECTION 1. 15.405 (6) (am) of the statutes is created to read:

15.405 (6) (am) Two dental therapists who are licensed under ch. 447.

SECTION 2. 36.61 (1) (ak) of the statutes is created to read:

*SAFETY AND PROFESSIONAL SERVICES (CAPS)
PROFESSIONAL LICENSURE (SMALL CAPS)
Licensure of dental therapists (B+I)*

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1 36.61 (1) (ak) "Dental therapist" means an individual licensed under s. 447.04
2 (1m).

3 **SECTION 3.** 36.61 (1) (b) of the statutes is amended to read:

4 36.61 (1) (b) "Health care provider" means a dental therapist, dental hygienist,
5 physician assistant, nurse-midwife, or nurse practitioner.

6 **SECTION 4.** 36.61 (3) (a) of the statutes is amended to read:

7 36.61 (3) (a) The board shall enter into a written agreement with the health
8 care provider. In the agreement, the health care provider shall agree to practice at
9 least 32 clinic hours per week for 3 years in one or more eligible practice areas in this
10 state or in a rural area, except that a health care provider in the expanded loan
11 assistance program under sub. (8) who is not a dental therapist or dental hygienist
12 may only agree to practice at a public or private nonprofit entity in a health
13 professional shortage area.

14 **SECTION 5.** 36.61 (5) (b) 1. of the statutes is amended to read:

15 36.61 (5) (b) 1. The degree to which there is an extremely high need for medical
16 care in the eligible practice area, health professional shortage area, or rural area in
17 which an eligible applicant who is not a dental therapist or dental hygienist desires
18 to practice and the degree to which there is an extremely high need for dental care
19 in the dental health shortage area or rural area in which an eligible applicant who
20 is a dental therapist or dental hygienist desires to practice.

21 **SECTION 6.** 36.61 (8) (c) 3. of the statutes is amended to read:

22 36.61 (8) (c) 3. Practice at a public or private nonprofit entity in a health
23 professional shortage area, if the health care provider is not a dental therapist or
24 dental hygienist, or in a dental health shortage area, if the health care provider is
25 a dental therapist or dental hygienist.

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1 **SECTION 7.** 146.81 (1) (c) of the statutes is amended to read:

2 146.81 (1) (c) A dentist or dental therapist licensed under ch. 447.

3 **SECTION 8.** 146.89 (1) (r) 1. of the statutes is amended to read:

4 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist, dental
5 therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or
6 nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant
7 under ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist
8 under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

9 **SECTION 9.** 146.89 (1) (r) 5. of the statutes is amended to read:

10 146.89 (1) (r) 5. An individual who holds a valid, unexpired license,
11 certification, or registration issued by another state or territory that authorizes or
12 qualifies the individual to perform acts that are substantially the same as those acts
13 that an individual who is described in subds. 1. to 4., except a dentist, dental
14 therapist, or dental hygienist, is licensed or certified to perform and who performs
15 acts that are within the scope of that license, certification, or registration.

16 **SECTION 10.** 146.89 (3) (b) 8. of the statutes is amended to read:

17 146.89 (3) (b) 8. Dental services, including tooth extractions and other
18 procedures done under local anesthesia only and any necessary suturing related to
19 the extractions, performed by a dentist or dental therapist who is a volunteer health
20 provider; and dental hygiene services, performed by a dental hygienist who is a
21 volunteer health provider.

22 **SECTION 11.** 146.89 (3m) (intro.) of the statutes is amended to read:

23 146.89 (3m) (intro.) A volunteer health care provider who is a dentist or dental
24 therapist may provide dental services or a volunteer health care provider who is a

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1 dental hygienist may provide dental hygiene services, to persons who are recipients
2 of Medical Assistance, if all of the following apply:

3 **SECTION 12.** 146.997 (1) (d) 3. of the statutes is amended to read:

4 146.997 (1) (d) 3. A dentist or dental therapist licensed under ch. 447.

5 **SECTION 13.** 155.01 (7) of the statutes is amended to read:

6 155.01 (7) "Health care provider" means a nurse licensed or permitted under
7 ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed
8 under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical
9 therapist, physical therapist assistant, occupational therapist, or occupational
10 therapy assistant licensed under ch. 448, a person practicing Christian Science
11 treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch.
12 455, a partnership thereof, a corporation or limited liability company thereof that
13 provides health care services, a cooperative health care association organized under
14 s. 185.981 that directly provides services through salaried employees in its own
15 facility, or a home health agency, as defined in s. 50.49 (1) (a).

16 **SECTION 14.** 252.14 (1) (ar) 3. of the statutes is amended to read:

17 252.14 (1) (ar) 3. A dentist or dental therapist licensed under ch. 447.

18 **SECTION 15.** 257.01 (5) (a) of the statutes is amended to read:

19 257.01 (5) (a) An individual who is licensed as a physician, a physician
20 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
21 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist or dental
22 therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a
23 veterinarian or certified as a veterinary technician under ch. 89, or certified as a
24 respiratory care practitioner under ch. 448.

25 **SECTION 16.** 257.01 (5) (b) of the statutes is amended to read:

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1 257.01 (5) (b) An individual who was at any time within the previous 10 years,
2 but is not currently, licensed as a physician, a physician assistant, or a podiatrist
3 under ch. 448, licensed as a registered nurse, licensed practical nurse or
4 nurse-midwife, under ch. 441, licensed as a dentist or dental therapist under ch. 447,
5 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a
6 veterinary technician under ch. 89, or certified as a respiratory care practitioner
7 under ch. 448, if the individual's license or certification was never revoked, limited,
8 suspended, or denied renewal.

9 **SECTION 17.** 440.03 (13) (b) 20m. of the statutes is created to read:

10 440.03 (13) (b) 20m. Dental therapist.

11 **SECTION 18.** 440.08 (2) (a) 25m. of the statutes is created to read:

12 440.08 (2) (a) 25m. Dental therapist: October 1 of each odd-numbered year.

13 **SECTION 19.** 447.01 (6g) of the statutes is created to read:

14 447.01 (6g) "Dental therapist" means an individual who practices dental
15 therapy.

16 **SECTION 20.** 447.01 (6r) of the statutes is created to read:

17 447.01 (6r) "Dental therapy" means the limited practice of dentistry, consisting
18 of the services, treatments, and procedures specified in s. 447.06 (3) (b).

19 **SECTION 21.** 447.02 (1) (a) of the statutes is amended to read:

20 447.02 (1) (a) Governing the reexamination of an applicant who fails an
21 examination specified in s. 447.04 (1) (a) 5., (1m) (a) 5., or (2) (a) 5. The rules may
22 specify additional educational requirements for those applicants and may specify the
23 number of times an applicant may be examined.

24 **SECTION 22.** 447.02 (1) (b) of the statutes is amended to read:

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1 447.02 (1) (b) Governing the standards and conditions for the use of radiation
2 and ionizing equipment in the practice of dentistry or dental therapy.

3 **SECTION 23.** 447.02 (1) (g) of the statutes is created to read:

4 447.02 (1) (g) Specifying services, treatments, or procedures, in addition to
5 those specified under s. 447.06 (3) (b) 1. to 28., that are included within the practice
6 of dental therapy.

7 **SECTION 24.** 447.02 (2) (a) of the statutes is amended to read:

8 447.02 (2) (a) The conditions for supervision and the degree of supervision
9 required under ss. 447.03 (3) (a), (am), (b) and (d) 2. and 447.065.

10 **SECTION 25.** 447.02 (3) (a) (intro.) of the statutes is amended to read:

11 447.02 (3) (a) (intro.) The examining board may issue a permit authorizing the
12 practice in this state, without compensation, of dentistry, dental therapy, or dental
13 hygiene to an applicant who is licensed to practice dentistry, dental therapy, or dental
14 hygiene in another state, if all of the following apply:

15 **SECTION 26.** 447.02 (3) (a) 2. of the statutes is amended to read:

16 447.02 (3) (a) 2. The examining board determines that the applicant is qualified
17 and satisfies the criteria specified under s. 447.04 (1) (b) 1. to 3., except that the
18 examining board may not require the applicant to pass an examination of state
19 statutes and rules relating to dentistry, dental therapy, or dental hygiene.

20 **SECTION 27.** 447.02 (3) (b) of the statutes is amended to read:

21 447.02 (3) (b) A permit under this subsection shall authorize the practice of
22 dentistry, dental therapy, or dental hygiene in a specified area of the state for a period
23 of time not more than 10 days in a year and may be renewed by the examining board.
24 The examining board may not require an applicant to pay a fee for the issuance or
25 renewal of a permit under this subsection.

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1 **SECTION 28.** 447.02 (5) of the statutes is amended to read:

2 447.02 (5) Except as provided in ss. 447.058 and 447.063, nothing in this
3 chapter may be construed as authorizing the examining board to regulate business
4 or administrative support functions or services, that do not constitute the practice
5 of dentistry, dental therapy, or dental hygiene, provided to a business that provides
6 dental or dental hygiene services.

7 **SECTION 29.** 447.03 (1m) of the statutes is created to read:

8 447.03 (1m) DENTAL THERAPISTS. Except as provided under sub. (3) and s.
9 447.02 (3), no person may do any of the following unless he or she is licensed to
10 practice dental therapy under this chapter:

11 (a) Practice or offer to practice dental therapy.

12 (b) Represent himself or herself to the public as a dental therapist or use, in
13 connection with his or her name, any title or description that may convey the
14 impression that he or she is a dental therapist.

15 **SECTION 30.** 447.03 (3) (am) of the statutes is created to read:

16 447.03 (3) (am) A dental therapy student who practices dental therapy under
17 the supervision of a dentist in an infirmary, clinic, hospital or other institution
18 connected or associated for training purposes with an accredited dental therapy
19 school.

20 **SECTION 31.** 447.03 (3) (c) of the statutes is amended to read:

21 447.03 (3) (c) An individual licensed to practice dentistry, dental therapy, or
22 dental hygiene in another state or country who practices dentistry, dental therapy,
23 or dental hygiene in a program of dental education or research at the invitation of
24 a group of dentists or practices dentistry, dental therapy, or dental hygiene under the

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1 jurisdiction of the army, navy, air force, U.S. public health service, or veterans
2 bureau.

3 **SECTION 32.** 447.04 (1m) of the statutes is created to read:

4 **447.04 (1m) DENTAL THERAPISTS.** (a) The examining board shall grant a license
5 to practice dental therapy to an individual who does all of the following:

6 1. Submits an application for the license to the department on a form provided
7 by the department.

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

9 3. Submits evidence satisfactory to the examining board that he or she has done
10 one of the following:

11 a. Graduated from an accredited dental therapy education program.

12 b. Graduated from a dental therapy education program that was not accredited
13 at the time of graduation, but was accredited or approved by a state dental licensing
14 board, was certified as a community health aide program dental therapy education
15 program under U.S. Indian health service standards, or is otherwise approved by the
16 examining board as being substantially comparable to an accredited program.

17 4. Submits evidence satisfactory to the examining board that he or she has
18 passed a national board dental therapy examination and a dental therapy clinical
19 examination administered by a regional testing service that has been approved by
20 the examining board to administer clinical examinations for dental professionals.
21 If a national board examination or a regional testing service examination for dental
22 therapy does not exist, the examining board shall accept evidence of passing an
23 alternative examination administered by another entity or testing service that is
24 approved by the examining board.

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1 5. Passes an examination administered by the examining board on the statutes
2 and rules relating to dental therapy.

3 5m. Submits evidence satisfactory to the examining board that he or she has
4 current proficiency in cardiopulmonary resuscitation, including the use of an
5 automated external defibrillator achieved through instruction provided by an
6 individual, organization, or institution of higher education approved under s. 46.03
7 (38) to provide such instruction.

8 6. Completes any other requirements established by the examining board by
9 rule that are comparable to and no more restrictive than the requirements
10 established by the board for dentists under sub. (1) (a) 6. and dental hygienists under
11 sub. (2) (a) 6.

12 (b) The examining board may grant a license to practice dental therapy to an
13 individual who is licensed or certified in good standing to practice dental therapy in
14 another state or territory of the United States or in another country, or by the U.S.
15 Indian health service community health aide program, if the applicant complies with
16 all of the following requirements:

17 1. Meets the requirements for licensure established by the examining board by
18 rule. The board shall establish requirements under this subdivision that are
19 comparable to and no more restrictive than the requirements established by the
20 board for dentists under sub. (1) (b) 1. and dental hygienists under sub. (2) (b) 1.

21 2. Submits evidence satisfactory to the examining board that the person has
22 current proficiency in cardiopulmonary resuscitation, including the use of an
23 automated external defibrillator achieved through instruction provided by an
24 individual, organization, or institution of higher education qualified to provide such
25 instruction. The examining board shall consult with the department of health

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1 services to determine whether an individual, organization, or institution of higher
2 education is qualified to provide instruction under this subdivision.

3 3. Presents the license or certification to the examining board and pays the fee
4 specified under s. 440.05 (2).

5 **SECTION 33.** 447.05 of the statutes is amended to read:

6 **447.05 Expiration and renewal.** Renewal applications shall be submitted
7 to the department on a form provided by the department on or before the applicable
8 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
9 renewal fee determined by the department under s. 440.03 (9) (a). The examining
10 board may not renew a license to practice dentistry unless the applicant for renewal
11 attests that he or she has complied with s. 447.056, that he or she has current
12 proficiency in cardiopulmonary resuscitation, including and that he or she has
13 current proficiency in the use of an automated external defibrillator achieved
14 through instruction provided by an individual, organization, or institution of higher
15 education approved under s. 46.03 (38) to provide such instruction. The examining
16 board may not renew a license to practice dental therapy unless the applicant for
17 renewal attests that he or she has complied with s. 447.057 and any rules
18 promulgated under s. 447.057, that he or she has current proficiency in
19 cardiopulmonary resuscitation, and that he or she has current proficiency in the use
20 of an automated external defibrillator achieved through instruction provided by an
21 individual, organization, or institution of higher education approved under s. 46.03
22 (38) to provide such instruction. The examining board may not renew a license to
23 practice dental hygiene unless the applicant for renewal attests that he or she has
24 complied with s. 447.055 and any rules promulgated by the examining board under
25 s. 447.055, that he or she has a current certification in cardiopulmonary

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1 resuscitation, and that he or she has current proficiency in the use of an automated
2 external defibrillator achieved through instruction provided by an individual,
3 organization, or institution of higher education approved under s. 46.03 (38) to
4 provide such instruction.

5 **SECTION 34.** 447.057 of the statutes is created to read:

6 **447.057 Continuing education; dental therapists.** (1) (a) Except as
7 provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice
8 dental therapy, other than a permit issued under s. 447.02 (3), unless the person has
9 taught, prepared, attended, or otherwise completed, during the 2-year period
10 immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit
11 hours of continuing education relating to the clinical practice of dental therapy that
12 is sponsored or recognized by a local, state, regional, national, or international
13 dental, dental therapy, dental hygiene, dental assisting, or medical-related
14 professional organization.

15 (b) Continuing education required under par. (a) may include training in all of
16 the following:

17 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the
18 credit hours required under par. (a) may be satisfied by such training.

19 2. Infection control. Not less than 2 of the credit hours required under par. (a)
20 must be satisfied by such training.

21 (d) After consultation with the department of health services, the examining
22 board may promulgate rules requiring that continuing education credit hours under
23 par. (a) include courses in specific clinical subjects.

24 (2) The credit hours required under sub. (1) (a) may be satisfied by independent
25 study, correspondence, or Internet programs or courses.

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1 (3) Subsection (1) (a) does not apply to an applicant for renewal of a license that
2 expires on the first renewal date after the date on which the examining board
3 initially granted the license.

4 (4) A person may substitute credit hours of college level courses related to the
5 practice of dental therapy for the credit hours required under sub. (1) (a). For
6 purposes of this subsection, one credit hour of a college level course is equivalent to
7 6 credit hours of continuing education.

8 (5) For purposes of sub. (1) (a), one hour of teaching or preparing a continuing
9 education program is equivalent to one credit hour of continuing education, but a
10 person who teaches or prepares a continuing education program may obtain credit
11 for the program only once.

12 (6) The examining board may require applicants for renewal of a license to
13 practice dental therapy to submit proof of compliance with the requirements of this
14 section.

15 **SECTION 35.** 447.06 (1) of the statutes is amended to read:

16 447.06 (1) No contract of employment entered into between a dentist or dental
17 therapist and any other party under which the dentist or dental therapist renders
18 dental services may require the dentist or dental therapist to act in a manner which
19 that violates the professional standards for dentistry or dental therapy set forth in
20 this chapter. Nothing in this subsection limits the ability of the other party to control
21 the operation of the dental practice in a manner in accordance with the professional
22 standards for dentistry or dental therapy set forth in this chapter.

23 **SECTION 36.** 447.06 (1m) of the statutes is created to read:

24 447.06 (1m) No contract of employment entered into between a dental
25 therapist and any other party under which the dental therapist is employed to

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1 practice dental therapy may require a dental therapist to meet a minimum quota for
2 the number of patients seen or the number of procedures performed.

3 **SECTION 37.** 447.06 (2) (a) 3. of the statutes is amended to read:

4 447.06 (2) (a) 3. For a school for the education of dentists, dental therapists,
5 or dental hygienists.

6 **SECTION 38.** 447.06 (2) (b) of the statutes is amended to read:

7 447.06 (2) (b) A dental hygienist may practice dental hygiene or perform
8 remediable procedures under par. (a) 1. only as authorized by a dentist or dental
9 therapist who is licensed to practice dentistry or dental therapy under this chapter
10 and who is present in the facility in which those practices or procedures are
11 performed, except as provided in par. (c).

12 **SECTION 39.** 447.06 (2) (c) (intro.) of the statutes is amended to read:

13 447.06 (2) (c) (intro.) A dental hygienist may practice dental hygiene or perform
14 remediable procedures under par. (a) 1. if a dentist or dental therapist who is licensed
15 to practice dentistry or dental therapy under this chapter is not present in the facility
16 in which those practices or procedures are performed only if all of the following
17 conditions are met:

18 **SECTION 40.** 447.06 (2) (c) 2. (intro.) of the statutes is amended to read:

19 447.06 (2) (c) 2. (intro.) The dentist or dental therapist who made the written
20 or oral prescription has examined the patient at least once during the 12-month
21 period immediately preceding:

22 **SECTION 41.** 447.06 (3) of the statutes is created to read:

23 447.06 (3) (a) In this subsection:

24 1. "Collaborative management agreement" means an agreement under par. (d).

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1 2. "Qualifying dentist" means a dentist who is licensed in this state and who
2 is actively practicing in this state.

3 (b) The scope of practice of a dental therapist shall, subject to the terms of a
4 collaborative management agreement, be limited to providing the following services,
5 treatments, and procedures:

6 1. Oral evaluation and assessment of dental disease and formulation of an
7 individualized treatment plan.

8 2. Identification of oral and systemic conditions requiring evaluation or
9 treatment by dentists, physicians, or other health care providers and managing
10 referrals.

11 3. Comprehensive charting of the oral cavity.

12 4. Oral health instruction and disease prevention education, including
13 nutritional counseling and dietary analysis.

14 5. Exposure and evaluation of radiographic images.

15 6. Dental prophylaxis, including subgingival scaling and polishing procedures.

16 7. Dispensing and administration via the oral or topical route of nonnarcotic
17 analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed
18 health care provider.

19 8. Application of topical preventive or prophylactic agents, including fluoride
20 varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure
21 sealants.

22 9. Pulp vitality testing.

23 10. Application of desensitizing medications or resins.

24 11. Fabrication of athletic mouth guards and soft occlusal guards.

25 12. Changing of periodontal dressings.

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- 1 13. Administration of local anesthetic and nitrous oxide.
- 2 14. Simple extraction of erupted primary teeth.
- 3 15. Nonsurgical extraction of periodontally diseased permanent teeth with
4 tooth mobility of +3 to +4 to the extent authorized in the dental therapist's
5 collaborative management agreement, except that "dental therapy" does not include
6 the extraction of a tooth that is unerupted, impacted, or fractured or that needs to
7 be sectioned for removal.
- 8 16. Emergency palliative treatment of dental pain limited to the procedures in
9 this paragraph.
- 10 17. Preparation and placement of direct restoration in primary and permanent
11 teeth.
- 12 18. Fabrication and placement of single-tooth temporary crowns.
- 13 19. Preparation and placement of preformed crowns on primary teeth.
- 14 20. Indirect and direct pulp capping on permanent teeth.
- 15 21. Indirect pulp capping on primary teeth.
- 16 22. Intraoral suture placement and removal.
- 17 23. Minor adjustment and repair of removable prostheses.
- 18 24. Placement and removal of space maintainers.
- 19 25. Pulpotomy on primary teeth.
- 20 26. Tooth reimplantation and stabilization.
- 21 27. Recementing of a permanent crown.
- 22 28. Any additional services, treatments, or procedures specified in the rules
23 promulgated under s. 447.02 (1) (g).
- 24 (c) 1. A dental therapist licensed under this chapter may provide dental
25 therapy services only under the general supervision of a qualifying dentist with

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1 whom the dental therapist has entered into a collaborative management agreement.
2 For purposes of this subdivision, general supervision of a dental therapist by a
3 dentist requires that a task or procedure be performed by a dental therapist with the
4 prior knowledge and consent of the dentist, but does not require the presence of the
5 dentist in the office or on the premises at the time a task or procedure is being
6 performed by the dental therapist and does not require prior examination or
7 diagnosis of a patient by the dentist before the dental therapist provides dental
8 therapy services to the patient.

9 2. A supervising dentist shall accept responsibility for all services performed
10 by a dental therapist pursuant to a collaborative management agreement. If services
11 needed by a patient are beyond the dental therapist's scope of practice or
12 authorization under the collaborative management agreement, the dental therapist
13 shall, to the extent required under the collaborative management agreement,
14 consult with the supervising dentist as needed to arrange for those services to be
15 provided by a dentist or another qualified health care professional.

16 (d) 1. Prior to providing any dental therapy services, a dental therapist shall
17 enter into a written collaborative management agreement with a qualifying dentist
18 who will serve as a supervising dentist under par. (c). The agreement must be signed
19 by the dental therapist and the qualifying dentist and address all of the following:

20 a. The practice settings where services may be provided and the patient
21 populations that may be served.

22 b. Any conditions or limitations on the services that may be provided by the
23 dental therapist, the level of supervision required, and any circumstances requiring
24 consultation prior to performing services.

25 c. Age-specific and procedure-specific practice protocols.

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- 1 d. Dental record-keeping procedures.
- 2 e. Plans for managing dental or medical emergencies.
- 3 f. A quality assurance plan for monitoring care provided by the dental
- 4 therapist.
- 5 g. Protocols for administering and dispensing medications.
- 6 h. Criteria or protocols relating to the provision of care to patients with specific
- 7 medical conditions, treatments, or medications.
- 8 i. Policies relating to supervision of dental hygienists and other staff.
- 9 j. A plan for the referral of patients to other dental or health care professionals
- 10 or clinics when services needed are beyond the scope of practice or authorization of
- 11 the dental therapist.
- 12 k. Whether and to what extent the dental therapist may perform services
- 13 described in par. (b) 15.
- 14 2. a. A collaborative management agreement shall be limited to covering one
- 15 qualifying dentist and one dental therapist.
- 16 b. A dental therapist may enter into multiple collaborative management
- 17 agreements.
- 18 c. No dentist may have collaborative management agreements with more than
- 19 5 dental therapists at any time.

20 **SECTION 42.** 447.065 of the statutes is amended to read:

21 **447.065 Delegation of remediable procedures and dental practices. (1)**

22 A dentist or dental therapist who is licensed to practice dentistry under this chapter
 23 may delegate to an individual who is not licensed under this chapter only the
 24 performance of remediable procedures, and only if all of the following conditions are
 25 met:

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1 (a) The unlicensed individual performs the remediable procedures in
2 accordance with a treatment plan approved by the dentist or dental therapist.

3 (b) The dentist or dental therapist is on the premises when the unlicensed
4 individual performs the remediable procedures.

5 (c) The unlicensed individual's performance of the remediable procedures is
6 subject to inspection by the dentist or dental therapist.

7 (2) Subject to the requirements under s. 447.06 (2), a dentist or dental therapist
8 who is licensed to ~~practice dentistry~~ under this chapter may delegate to a dental
9 hygienist who is licensed to practice dental hygiene under this chapter the
10 performance of remediable procedures and the administration of oral systemic
11 premedications, local anesthesia, nitrous oxide inhalation analgesia, and
12 subgingival sustained release chemotherapeutic agents, to the extent the dentist or
13 dental therapist has the authority to perform the activity personally.

14 (3) A dentist or dental therapist who delegates to another individual the
15 performance of any practice or remediable procedure is responsible for that
16 individual's performance of that delegated practice or procedure.

17 **SECTION 43.** 447.07 (1) of the statutes is amended to read:

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

24 **SECTION 44.** 447.07 (3) (intro.) of the statutes is amended to read:

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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, dental therapist, or dental hygienist, of a mobile
4 dentistry program registrant, or of any other person it has reason to believe is
5 engaged in or has engaged in the practice of dentistry, dental therapy, or dental
6 hygiene, or the operation of a mobile dentistry program, in this state, and may, on
7 its own motion, or upon complaint in writing, reprimand any dentist, dental
8 therapist, or dental hygienist who is licensed or certified under this chapter, or any
9 mobile dentistry program registrant, or deny, limit, suspend, or revoke his or her
10 license or certificate, or the registration of the mobile dentistry program registrant,
11 if it finds that the dentist, dental therapist, dental hygienist, or mobile dentistry
12 program registrant has done any of the following:

13 **SECTION 45.** 447.07 (3) (e) to (h) of the statutes are amended to read:

14 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a
15 crime, the circumstances of which substantially relate to the practice of dentistry,
16 dental therapy, or dental hygiene or the operation of a mobile dentistry program.

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

20 (g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry, dental
21 therapy, or dental hygiene while his or her ability was impaired by alcohol or other
22 drugs.

23 (h) Engaged in conduct that indicates a lack of knowledge of, an inability to
24 apply or the negligent application of, principles or skills of dentistry, dental therapy,
25 or dental hygiene.

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1 **SECTION 46.** 447.40 (intro.) of the statutes is amended to read:

2 **447.40 Informed consent.** (intro.) Any dentist or dental therapist who treats
3 a patient shall inform the patient about the availability of reasonable alternate
4 modes of treatment and about the benefits and risks of these treatments. The
5 reasonable dentist standard is the standard for informing a patient under this
6 section. The reasonable dentist standard requires disclosure only of information
7 that a reasonable dentist would know and disclose under the circumstances. The
8 dentist's or dental therapist's duty to inform the patient under this section does not
9 require disclosure of any of the following:

10 **SECTION 47.** 447.40 (6) of the statutes is amended to read:

11 447.40 (6) Information about alternate modes of treatment for any condition
12 the dentist or dental therapist has not included in his or her diagnosis, assessment,
13 or treatment plan at the time the dentist or dental therapist informs the patient.

14 **SECTION 48.** 448.03 (2) (a) of the statutes is amended to read:

15 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
16 permit, registration, certificate or certification granted to practice midwifery under
17 subch. XIII of ch. 440, to practice professional or practical nursing or
18 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
19 dentistry, dental therapy, or dental hygiene under ch. 447, to practice optometry
20 under ch. 449, to practice acupuncture under ch. 451 or under any other statutory
21 provision, or as otherwise provided by statute.

22 **SECTION 49.** 448.21 (1) (a) of the statutes is amended to read:

23 448.21 (1) (a) The practice of dentistry, dental therapy, or dental hygiene within
24 the meaning of ch. 447.

25 **SECTION 50.** 450.03 (1) (e) of the statutes is amended to read:

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1 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
2 permit, registration, certificate, or certification granted to provide home medical
3 oxygen under s. 450.076, to practice professional or practical nursing or
4 nurse-midwifery under ch. 441, to practice dentistry, dental therapy, or dental
5 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
6 optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as
7 otherwise provided by statute.

8 **SECTION 51.** 450.10 (3) (a) 4. of the statutes is amended to read:

9 450.10 (3) (a) 4. A dentist or dental therapist licensed under ch. 447.

10 **SECTION 52.** 462.02 (2) (d) of the statutes is amended to read:

11 462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental therapist licensed
12 under s. 447.04 (1m), a dental hygienist licensed under s. 447.04 (2), or a person
13 under the direct supervision of a dentist.

14 **SECTION 53.** 462.04 of the statutes is amended to read:

15 **462.04 Prescription or order required.** A person who holds a license or
16 limited X-ray machine operator permit under this chapter may not use diagnostic
17 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
18 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
19 under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist
20 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced
21 practice nurse certified under s. 441.16 (2), a physician assistant licensed under s.
22 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist licensed under s.
23 448.53.

24 **SECTION 54.** 463.10 (5) of the statutes is amended to read:

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1 463.10 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist who is
2 licensed under s. 447.03 (1) or to a dental therapist, or physician who tattoos or
3 offers to tattoo a person in the course of the dentist's, dental therapist's, or physician's
4 professional practice.

5 **SECTION 55.** 463.12 (5) of the statutes is amended to read:

6 463.12 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist who is
7 licensed under s. 447.03 (1) or to a dental therapist, or physician who pierces the
8 body of or offers to pierce the body of a person in the course of the dentist's, dental
9 therapist's, or physician's professional practice.

10 **SECTION 56.** 632.87 (4) of the statutes is amended to read:

11 632.87 (4) No policy, plan or contract may exclude coverage for diagnosis and
12 treatment of a condition or complaint by a licensed dentist or dental therapist within
13 the scope of the dentist's or dental therapist's license, if the policy, plan or contract
14 covers diagnosis and treatment of the condition or complaint by another health care
15 provider, as defined in s. 146.81 (1) (a) to (p).

16 **SECTION 57.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

17 895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, physician
18 assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed
19 under ch. 446, dentist or dental therapist licensed under ch. 447, emergency medical
20 services practitioner licensed under s. 256.15, emergency medical responder
21 certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage
22 therapist or bodywork therapist licensed under ch. 460 who renders voluntary health
23 care to a participant in an athletic event or contest sponsored by a nonprofit
24 corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001
25 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s.

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DENTAL THERAPIST
LICENSURE. (a)

1 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability
2 for his or her acts or omissions in rendering that care if all of the following conditions
3 exist:

4 **SECTION 58.** 895.48 (1m) (a) 2. of the statutes is amended to read:

5 895.48 (1m) (a) 2. The physician, podiatrist, athletic trainer, chiropractor,
6 dentist, dental therapist, emergency medical services practitioner, as defined in s.
7 256.01 (5), emergency medical responder, as defined in s. 256.01 (4p), physician
8 assistant, registered nurse, massage therapist or bodywork therapist does not
9 receive compensation for the health care, other than reimbursement for expenses.

10 **SECTION 59.** 941.315 (5) of the statutes is amended to read:

11 941.315 (5) (a) Subsection (2) does not apply to a person to whom nitrous oxide
12 is administered for the purpose of providing medical or dental care, if the nitrous
13 oxide is administered by a physician ~~or~~ dentist, or dental therapist or at the direction
14 or under the supervision of a physician ~~or~~ dentist, or dental therapist.

15 (b) Subsection (3) does not apply to the administration of nitrous oxide by a
16 physician ~~or~~ dentist, or dental therapist, or by another person at the direction or
17 under the supervision of a physician ~~or~~ dentist, or dental therapist, for the purpose
18 of providing medical or dental care.

19 (c) Subsection (3) (c) does not apply to the sale to a hospital, health care clinic
20 or other health care organization or to a physician ~~or~~ dentist, or dental therapist of
21 any object used, designed for use or primarily intended for use in administering
22 nitrous oxide for the purpose of providing medical or dental care.

23 **SECTION 60. Nonstatutory provisions.**

9138 Safety and Professional Services

24 (1) When the first individual becomes licensed as a dental therapist in this
25 state under s. 447.04 (1m), the dentistry examining board shall send a notice to the

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1 legislative reference bureau for publication in the Wisconsin Administrative
2 Register.

3 (2) (a) The dentistry examining board shall promulgate emergency rules under
4 s. 227.24 that are necessary to implement this act. Notwithstanding s. 227.24 (1) (c)
5 and (2), emergency rules promulgated under this paragraph remain in effect for 2
6 years, or until the date on which permanent rules take effect, whichever is sooner.

7 Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide
8 evidence that promulgating a rule under this paragraph as an emergency rule is
9 necessary for the preservation of the public peace, health, safety, or welfare and is
10 not required to provide a finding of emergency for a rule promulgated under this

11 paragraph.
12 (b) The dentistry examining board shall present a statement of scope for
13 permanent and emergency rules required to implement this act to the department
14 of administration under s. 227.135 (2) no later than the 30th day after the effective

15 date of this paragraph. Notwithstanding s. 227.135 (2), if the governor does not
16 disapprove the statement of scope by the 30th day after the statement is presented
17 to the department of administration, the statement is considered to be approved by
18 the governor.

19 (c) The dentistry examining board shall submit a proposed emergency rule
20 required to implement this act to the governor for approval under s. 227.24 (1) (e) 1g.
21 no later than the 150th day after the effective date of this paragraph.
22 Notwithstanding s. 227.24 (1) (e) 1g., if the governor does not reject the proposed

23 emergency rule by the 14th day after the rule is submitted to the governor in final
24 draft form, the rule is considered to be approved by the governor.

the licensure of dental therapists under

subdivision

subdivision

subdivision

subdivision

the licensure of dental therapists under

the licensure of dental therapists under

subdivision

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0543/P2ins
MED:emw

INSERT ~~17/11~~ 18-19

- 1 (e) A dental therapist may practice only in a dental health professional
- 2 shortage area, as defined in s. 36.60 (1) (ad). This paragraph does not apply after
- 3 June 30, 2024.

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SECTION 60

the licensure of dental therapists under

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(d) The dentistry examining board shall submit a proposed permanent rule required to implement this act to the governor for approval under s. 227.185 no later than the 365th day after the effective date of this ^{subdivision} paragraph. Notwithstanding s. 227.185, if the governor does not reject that proposed permanent rule by the 30th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.

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SECTION 61. Effective dates. This act takes effect on the day after publication, except as follows:

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10

(1) The treatment of s. 15.405 (6) (am) takes effect on the date the notice under SECTION 60 (1) of this act is published in the Wisconsin Administrative Register.

11

9138 (1)(a) (END)

DENTAL THERAPIST LICENSURE.

Duchek, Michael

From: Ames, Kyle - DOA
Sent: Tuesday, February 19, 2019 5:14 PM
To: Duchek, Michael
Subject: 0543/P2

Mike:

Please remove the requirement that dental therapists need to provide services in health provider shortage areas.

Then the draft should be good to go. Please let me know if you have any questions.

Kyle



KYLE AMES | Executive Budget and Policy Analyst
Department of Administration
Division of Executive Budget and Finance
Kyle.Ames@wisconsin.gov
Main: (608) 266-2214 |