2019 ASSEMBLY BILL 864

February 7, 2020 - Introduced by Representatives HINTZ, ANDERSON, BROSTOFF, FIELDS, HESSELBEIN, KOLSTE, NEUBAUER, OHNSTAD, POPE, RIEMER, SINICKI, STUBBS, SUBECK and ZAMARRIPA, cosponsored by Senators MILLER and RISER. Referred to Committee on Constitution and Ethics.

AN ACT to amend 447.056 (1) (intro.); and to create 447.01 (1e), 447.01 (11), 447.01 (12m), 447.02 (2) (k) and 447.057 of the statutes; relating to: dentists administering vaccines and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill authorizes dentists to administer vaccines. To administer vaccines under the bill, a dentist must successfully complete 12 hours in a course of study and training approved by the Dentistry Examining Board in vaccination storage, protocols, administration technique, emergency procedures, and record keeping and must also have in effect liability insurance coverage that meets certain requirements.

Under the bill, a dentist may not administer a vaccine to a child under the age of six unless the vaccine is administered pursuant to a prescription order issued within the past 29 days and the dentist successfully completes training that includes administering vaccines to children under the age of six. The bill authorizes dentists to administer vaccines to people age six or older in the following circumstances: 1) if the vaccine is listed in the current immunization schedules recommended by the federal government; or 2) if the vaccine is administered pursuant to a prescription order, vaccination protocol, or standing order.

The bill also requires a dentist who administers a vaccine to update the Wisconsin Immunization Registry established by the Department of Health Services within seven days of administering the vaccine.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 447.01 (1e) of the statutes is created to read:

447.01 (1e) “Administer” means to directly apply a vaccine, whether by injection, ingestion, or any other means, to the body of a patient.

Section 2. 447.01 (11) of the statutes is created to read:

447.01 (11) “Prescription order” has the meaning given in s. 450.01 (21).

Section 3. 447.01 (12m) of the statutes is created to read:

447.01 (12m) “Vaccination protocol” means a written protocol agreed to by a physician and a dentist that establishes procedures and record-keeping and reporting requirements for the administration of a vaccine by a dentist for a period specified in the protocol that may not exceed 2 years.

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

447.02 (2) (k) After consultation with the medical examining board and the board of nursing, criteria for approving courses under s. 447.057 (1) and (2) (a) 2.

Section 5. 447.056 (1) (intro.) of the statutes is amended to read:

447.056 (1) (intro.) Except as provided in subs. (2) to (4), a person is not eligible for renewal of a license to practice dentistry, other than a permit issued under s. 447.02 (3), unless the person has taught, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 30 credit hours of continuing education related to the practice of dentistry or the practice of medicine, including not less than 25 credit hours of instruction in clinical dentistry or clinical medicine. Not more than 4 of the 30 credit hours may
be from teaching. **A dentist may earn continuing education credit hours by completing a course specified in s. 447.057 (1) and (2) (a) 2.** Continuing education does not satisfy the requirements under this subsection unless the continuing education is one of the following:

**SECTION 6.** 447.057 of the statutes is created to read:

447.057 **Administration of vaccines.** (1) A dentist may administer a vaccine only if he or she successfully completes 12 hours in a course of study and training approved by the examining board in vaccination storage, protocols, administration technique, emergency procedures, and record keeping and satisfies the requirements specified in sub. (3) (a).

(2) (a) A dentist may not administer a vaccine under this section to a child who is under the age of 6 unless all of the following apply:

1. The vaccine is administered pursuant to a prescription order issued within the 29 days immediately preceding the day on which the vaccine is administered.

2. The dentist successfully completes a course of instruction approved by the examining board that includes the administration of vaccines to children under the age of 6.

(b) Subject to par. (a), a dentist may administer without a prescription order any vaccine listed in the current immunization schedules recommended by the federal advisory committee on immunization practices and published by the federal centers for disease control and prevention.

(c) Subject to par. (a), a dentist may administer any vaccine not listed in the current immunization schedules recommended by the federal advisory committee on immunization practices and published by the federal centers for disease control and prevention.
prevention if the vaccine is administered pursuant to a prescription order, vaccination protocol, or standing order, as defined in s. 450.01 (21p).

(3) (a) A dentist may not administer a vaccine under this section unless the dentist satisfies each of the following:

1. The dentist has in effect liability insurance that covers the dentist against loss, expense, and liability resulting from errors, omissions, or neglect in the administration of vaccines in an amount that is not less than $1,000,000 for each occurrence and $2,000,000 for all occurrences in any one policy year.

2. The dentist maintains proof that he or she satisfies the requirement specified in subd. 1. and, upon request, provides copies of such proof to the department or the examining board.

(b) A dentist who successfully completes a course of study and training specified in sub. (1) or (2) (a) 2. shall maintain proof of completion and, upon request, provide copies of such proof to the department or the examining board.

(4) A dentist who administers a vaccine to a person under this section shall update the Wisconsin Immunization Registry established by the department of health services within 7 days of administering the vaccine.