



2015 ASSEMBLY BILL 368

September 25, 2015 – Introduced by Representatives STEFFEN, ALLEN, BALLWEG, BARNES, BERNIER, BILLINGS, BRANDTJEN, E. BROOKS, R. BROOKS, DOYLE, EDMING, GENRICH, HINTZ, KATZMA, KOLSTE, KREMER, KULP, T. LARSON, LOUDENBECK, MASON, MILROY, MURPHY, NOVAK, NYGREN, A. OTT, PETRYK, RIEMER, RODRIGUEZ, ROHRKASTE, SARGENT, SPREITZER, STUCK, SUBECK, TAUCHEN, THIESFELDT, TRANEL, VORPAGEL, WACHS and WEATHERSTON, cosponsored by Senators ROTH, COWLES, GUDEX, HANSEN, HARRIS DODD, C. LARSON, LASSA, MOULTON, NASS, OLSEN, RINGHAND, WANGGAARD and WIRCH. Referred to Committee on Small Business Development.

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.

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

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

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

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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).

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

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

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

16 (b) A mobile dentistry program registrant, unless the mobile dentistry program
17 registrant owns or operates a dental practice other than the mobile dentistry
18 program.

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

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

22 447.07 (1) The examining board may, without further notice or process, limit,
23 suspend, or revoke the license or certificate of any dentist or dental hygienist, or the
24 registration of a dental practice registrant, who fails, within 60 days after the

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1 mailing of written notice to the dentist's ~~or~~, dental hygienist's, or registrant's
2 last-known address, to renew his ~~or her~~ the license ~~or~~, certificate, or registration.

3 **SECTION 7.** 447.07 (1) of the statutes, as affected by 2013 Wisconsin Act 244 and
4 2015 Wisconsin Act (this act), is repealed and recreated to read:

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

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

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

23 **SECTION 9.** 447.07 (3) (intro.) of the statutes, as affected by 2013 Wisconsin Act
24 244 and 2015 Wisconsin Act (this act), is repealed and recreated 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 or dental hygienist, of a mobile dentistry program
4 registrant or a dental practice registrant, or of any other person it has reason to
5 believe is engaged in or has engaged in the practice of dentistry or dental hygiene,
6 or the operation of a mobile dentistry program or a dental practice, in this state, and
7 may, on its own motion, or upon complaint in writing, reprimand any dentist or
8 dental hygienist who is licensed or certified under this chapter, or any mobile
9 dentistry program registrant or dental practice registrant, or deny, limit, suspend,
10 or revoke his or her license or certificate, or the registration of the mobile dentistry
11 program registrant or dental practice registrant, if it finds that the dentist, dental
12 hygienist, mobile dentistry program registrant, or dental practice registrant has
13 done any of the following:

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

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

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

19 447.07 (3) (a) Engaged in unprofessional conduct or violated the standards of
20 conduct established by the examining board under s. 447.02 (2) (g) or (k).

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

22 447.07 (3) (b) Made any false statement or given any false information in
23 connection with an application for a license ~~or~~, certificate, or registration or for
24 renewal or reinstatement of a license ~~or~~, certificate, or registration, or received a
25 license ~~or~~, certificate, or registration through error.

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

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

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

7 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a
8 crime, the circumstances of which substantially relate to the practice of dentistry or
9 dental hygiene or the operation of a mobile dentistry program or a dental practice.

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

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

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

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

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

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

22 **SECTION 18.** 447.07 (3) (m) of the statutes, as affected by 2013 Wisconsin Act
23 244 and 2015 Wisconsin Act (this act), is repealed and recreated to read:

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1 447.07 (3) (m) Made a substantial misrepresentation in the course of practice,
2 or in the operation of a mobile dentistry program or a dental practice, that was relied
3 upon by a client.

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

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

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

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

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

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

22 **SECTION 22. Nonstatutory provisions.**

23 (1) MOBILE DENTISTRY PROGRAMS. If this act takes effect before 2013 Wisconsin
24 Act 244, other than as specified in section 16 (1) of that act, a person who owns or
25 operates a mobile dentistry program, as determined by the dentistry examining

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1 board, is not required to be registered under section 447.059 (1) of the statutes, as
2 created by this act, for that mobile dentistry program.

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

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

7 (2) **DELAYED MOBILE DENTISTRY PROVISIONS.** The repeal and recreation of section
8 447.07 (1), (3) (intro.), (a), (e), (f), and (m), and (7) takes effect on the first day of the
9 3rd month beginning after the legislative reference bureau receives the notice under
10 SECTION 15 (1) of 2013 Wisconsin Act 244, or on the day after publication, whichever
11 is later.

12 (END)