CHAPTER 447
DENTISTRY EXAMINING BOARD

447.01 Definitions. In this chapter:
(1) “Accredited” means accredited by the American Dental Association commission on dental accreditation or its successor agency.
(1e) “Administer” means to directly apply a vaccine to the body of a patient by any means.
(1m) “Community rehabilitation program” means a nonprofit entity, county, municipality, or state or federal agency that directly provides, or facilitates the provision of, vocational rehabilitation services to individuals who have disabilities to maximize the employment opportunities, including career advancement, of such individuals.
(2) “Dental disease” means any pain, injury, deformity, physical illness or departure from complete dental health or the proper condition of the human oral cavity or any of its parts.
(3) “Dental hygiene” means the performance of educational, preventive or therapeutic dental services. “Dental hygiene” includes any of the following:
(a) Removing supragingival or subgingival calculus deposits, subgingival cement or extrinsic stains from a natural or restored surface of or a fixed replacement for a human tooth.
(b) Deep scaling or root planing a human tooth.
(c) Conditioning a human tooth surface in preparation for the placement of a sealant and placing a sealant.
(d) Conducting a substantive medical or dental history interview or preliminary examination of a dental patient’s oral cavity or surrounding structures, including the preparation of a case history or recording of clinical findings.
(e) Conducting an oral screening without the written prescription of a dentist.
(f) Participating in the development of a dental patient’s dental hygiene treatment plan.
(g) Any other practice specified in the rules promulgated under s. 447.02 (1) (d).
(4) “Dental hygiene student” means an individual who is enrolled in and in regular attendance at an accredited dental hygiene school.
(5) “Dental hygienist” means an individual who practices dental hygiene.
(6) “Dental student” means an individual who is enrolled in and in regular attendance at an accredited dental school.
(7) “Dentist” means an individual who practices dentistry.

447.02 Dentistry examining board. (1) The examining board may promulgate rules:
(a) Governing the reexamination of an applicant who fails an examination specified in s. 447.04 (1) (a) 5. or (2) (a) 5. The rules may specify additional educational requirements for those applicants and may specify the number of times an applicant may be examined.
(b) Governing the standards and conditions for the use of radiation and ionizing equipment in the practice of dentistry.
(c) Subject to ch. 553 and s. 447.06 (1), governing dental franchising.
(d) Specifying practices, in addition to the practices specified under s. 447.01 (3) (a) to (f), that are included within the practice of dental hygiene.
(e) Providing for the granting of temporary licenses under this chapter.
(f) Governing compliance with continuing education requirements under s. 447.056.
(2) The examining board shall promulgate rules specifying all of the following:
   (a) The conditions for supervision and the degree of supervision required under ss. 447.03 (3) (a), (b) and (d) 2, and 447.065.
   (b) The standards, conditions and any educational requirements that are in addition to the requirements specified in s. 447.04 (1) that must be met by a dentist to be permitted to induce general anesthesia or conscious sedation in connection with the practice of dentistry.
   (c) Whether an individual is required to be licensed under this chapter to remove plaque or materia alba accretions with mechanical devices.
   (d) The oral systemic premedications and subgingival sustained release chemotherapeutic agents that may be administered by a dental hygienist licensed under this chapter under s. 447.06 (2) (e) 1. and 3.
   (e) The educational requirements for administration of local anesthesia by a dental hygienist licensed under this chapter under s. 447.06 (2) (e) 2.
   (f) A requirement that a mobile dentistry program registrant establish procedures for a patient treated in the mobile dentistry program to access his or her patient records.
   (g) Standards of conduct for the operation of a mobile dentistry program in this state, the provision of dental services through a mobile dentistry program, and the use of portable dental equipment.
   (h) A definition of “mobile dentistry program” and the activities that constitute the operation of a mobile dentistry program for purposes of the registration requirement under s. 447.058.
   (i) Provisions implementing s. 447.40.
   (j) The educational requirements for a dental hygienist licensed under this chapter to administer nitrous oxide inhalation analgesia under s. 447.06 (2) (e) 4.

(3) (a) The examining board may issue a permit authorizing the practice in this state, without compensation, of dentistry or dental hygiene to an applicant who is licensed to practice dentistry or dental hygiene in another state, if all of the following apply:
   1. The examining board determines that the applicant’s services will improve the welfare of Wisconsin residents.
   2. The examining board determines that the applicant is qualified, and satisfies the criteria specified under s. 447.04 (1) (b) 1. to 3., except that the examining board may not require the applicant to pass an examination of state statutes and rules relating to dentistry or dental hygiene.
   (b) A permit under this subsection shall authorize the practice of dentistry or dental hygiene in a specified area of the state for a period of time not more than 10 days in a year and may be renewed by the examining board. The examining board may not require an applicant to pay a fee for the issuance or renewal of a permit under this subsection.
   (c) Any of the following individuals who do not engage in the practice of dentistry or dental hygiene, provided to a business that provides dental or dental hygiene services, produce patient health care records, as defined in s. 146.81 (4).

(5) Except as provided in ss. 447.058 and 447.063, nothing in this chapter may be construed as authorizing the examining board to regulate business or administrative support functions or services, that do not constitute the practice of dentistry or dental hygiene, provided to a business that provides dental or dental hygiene services.
447.035 Certification; expanded function dental auxiliaries. (1) In this section, “auxiliary” means an expanded function dental auxiliary.

(2) Notwithstanding s. 447.03 (1) and (2), a certification to practice as an auxiliary granted under s. 447.04 (3) shall permit the holder to perform all of the following as delegated and supervised by a dentist:

(a) Placement and finishing of restoration material after the dentist prepares a tooth for restoration.
(b) Application of sealants.
(c) Coronal polishing.
(d) Impressions.
(e) Temporizations.
(f) Packing cord.
(g) Removal of cement from crowns.
(h) Adjustment of dentures and other removable oral appliances.
(i) Removal of sutures and dressings.
(k) Application of topical fluoride, fluoride varnish, or similar dental topical agent.

(3) (a) The examining board shall, subject to paras. (b) and (c), promulgate rules for the certification and practice of auxiliaries.

(b) The rules promulgated under par. (a) shall do all of the following:

1. Require an applicant to the accredited instructional program described in subd. 2. to demonstrate in his or her application that the individual satisfies one of the following criteria in order to be permitted to enroll in the instructional program:
   a. Has completed at least 1,000 hours practicing as a dental assistant and holds the certified dental assistant credential issued by the Dental Assisting National Board, Inc., or its successor.
   b. Has completed at least 2,000 hours practicing as a dental assistant, as verified by the supervising licensed dentist.

2. Require an applicant for certification under s. 447.04 (3) to demonstrate to the satisfaction of the examining board that the applicant has successfully completed an accredited instructional program that provides training in practice as an auxiliary and requires no fewer than 70 hours of classroom instruction.

3. Require a dentist who delegates a procedure to an auxiliary certified under s. 447.04 (3) to remain on the premises where the auxiliary is performing the procedure until the procedure is complete and the dentist has verified that the procedure has been performed successfully.

4. Require each auxiliary to maintain current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction.

(c) The rules promulgated under par. (a) may not permit an auxiliary to perform any of the following:

1. Cutting of hard or soft tissue.
2. Diagnosis.
3. Treatment planning.

447.04 Licensure; certification. (1) DENTISTS. (a) The examining board shall grant a license to practice dentistry to an individual who does all of the following:

1. Submits an application for the license to the department on a form provided by the department.
2. Pays the fee specified in s. 440.05 (1).
3. Submits evidence satisfactory to the examining board that he or she has graduated from an accredited dental school.
4. Submits evidence satisfactory to the examining board that he or she has passed the national dental examination and the examination of a dental testing service approved by the examining board.
5. Passes an examination administered by the examining board on the statutes and rules relating to dentistry.

(b) Except as provided in par. (c), the examining board may grant a license to practice dentistry to an individual who is licensed in good standing to practice dentistry in another state or territory of the United States or in another country if the applicant complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule.
2. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction.

(c) The examining board shall grant a license to practice dentistry to an individual who is licensed in good standing to practice dentistry in another jurisdiction upon presentation of the license and who does all of the following:

1. Pays the fee specified in s. 440.05 (2).
2. Submits evidence satisfactory to the examining board that the applicant has been offered employment as a full–time faculty member at a school of dentistry in this state.
3. Makes responses during any interview that the examining board may require that demonstrate, to the satisfaction of the examining board, that the applicant is competent to practice dentistry.
4. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction.

(2) DENTAL HYGIENISTS. (a) The examining board shall grant a license to practice dental hygiene to an individual who does all of the following:

1. Submits an application for the license to the department on a form provided by the department.
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2. Pays the fee specified in s. 440.05 (1).
3. Submits evidence satisfactory to the examining board that he or she has graduated from an accredited dental hygiene school.
4. Submits evidence satisfactory to the examining board that he or she has passed the national dental hygiene examination and the examination of a dental hygiene testing service approved by the examining board.
5. Passes an examination administered by the examining board on the statutes and rules relating to dental hygiene.

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

(b) The examining board may grant a license to practice dental hygiene to an individual who is licensed in good standing to practice dental hygiene in another state or territory of the United States or in another country if the applicant complies with all of the following requirements:
1. Meets the requirements for licensure established by the examining board by rule.
2. Submits evidence satisfactory to the examining board that the person has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.
3. Presents the license to the examining board and pays the fee specified under s. 440.05 (2).

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

447.05 Expiration and renewal. (1) (a) Except as provided in par. (b), renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).
(b) A certification to practice as an expanded function dental auxiliary granted under s. 447.04 (3) is permanent unless revoked and not subject to periodic renewal.

(2) The examining board may not renew a license to practice dentistry unless the applicant for renewal attests that he or she has complied with s. 447.056, that he or she has current proficiency in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(3) The examining board may not renew a license to practice dental hygiene unless the applicant for renewal attests that he or she has complied with s. 447.055 and any rules promulgated by the examining board under s. 447.055, that he or she has a current certification in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

447.055 Continuing education; dental hygienists. (1) (a) 1. Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental hygiene, other than a permit issued under s. 447.02 (3), unless the person has taught, prepared, attended, or otherwise completed, during the 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit hours of continuing education relating to the clinical practice of dental hygiene that is sponsored or recognized by a local, state, regional, national, or international professional organization.
2. Notwithstanding subd. 1., the examining board may promulgate a rule requiring not more than 20 nor less than 12 credit hours of continuing education for eligibility for renewal of a license to practice dental hygiene.
(b) Continuing education required under par. (a) may include training in all of the following:
1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the credit hours required under par. (a) may be satisfied by such training.
2. Infection control. Not less than 2 of the credit hours required under par. (a) must be satisfied by such training.
(d) The examining board may promulgate rules requiring that continuing education credit hours under par. (a) include courses in specific clinical subjects.
(2) The credit hours required under sub. (1) (a) may be satisfied by independent study, correspondence, or Internet programs or courses.
(3) Subsection (1) (a) does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.
(4) A person may substitute credit hours of college level courses related to the practice of dental hygiene for the credit hours required under sub. (1) (a). For purposes of this subsection, one
credit hour of a college level course is equivalent to 6 credit hours of continuing education.

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

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

History: 2005 a. 318; 2007 a. 31; 2007 a. 29, s. 9121 (6) (a); 2009 a. 10; 2017 a. 331.

447.056 Continuing education; dentists. (1) 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 hours may be from teaching. Continuing education does not satisfy the requirements under this subsection unless the continuing education is one of the following:

(a) Sponsored or recognized by a local, state, national, or international dental or medical professional organization.

(b) A college-level course that is offered by a postsecondary institution accredited by the American Dental Association commission on dental accreditation or a successor agency, or by another recognized accrediting body.

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

(3) Credit hours completed before the 2-year period immediately preceding renewal of a license to practice dentistry may not be applied to fulfill the credit hours required under sub. (1).

(4) The examining board may waive the continuing education requirements under sub. (1) if it finds that exceptional circumstances such as prolonged illness, disability, or other similar circumstances have prevented a person licensed to practice dentistry from meeting the requirement.

(5) A person who is licensed to practice dentistry shall keep a written record detailing each continuing education credit completed in compliance with sub. (1) and shall maintain a written record for not less than 6 years after the person completes each credit. The examining board may require applicants for renewal of a license to practice dentistry to submit proof of compliance with the requirements of this section.

History: 2007 a. 31; 2009 a. 10.

447.058 Mobile dentistry program registration. (1) Registration required. No person may own or operate a mobile dentistry program in this state unless the person is registered under this section. A person that wishes to own or operate more than one mobile dentistry program in this state shall apply for a separate registration under this section for each mobile dentistry program the person owns or operates.

(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).

(b) A mobile dentistry program 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).

History: 2005 a. 318; 2007 a. 31; 2007 a. 29, s. 9121 (6) (a); 2009 a. 10; 2017 a. 331.

447.059 Administering certain vaccines. (1) A dentist may administer without a prescription order a vaccine against SARS-CoV-2 coronavirus or influenza only if he or she satisfies all of the following:

(a) The dentist successfully completes 8 hours in a course of study and training approved by the examining board in vaccination storage, protocols, administration technique, emergency procedures, and record keeping.

(b) 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 against SARS-CoV-2 coronavirus and influenza 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.

(c) The dentist maintains proof of completing a course of study and training specified in par. (a) and satisfying the requirement specified in par. (b).

(2) A dentist may not administer a vaccine under sub. (1) to a child who is under the age of 6 unless all of the following apply:

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

(b) The dentist successfully completes a course of instruction approved by the examining board that includes the administration of vaccines against SARS-CoV-2 coronavirus and influenza to children under the age of 6.

(c) The dentist maintains proof of completing a course of instruction specified in par. (b).

(3) Upon request, a dentist shall provide copies of proof required under subs. (1) (c) and (2) (c) to the department or the examining board.

(4) A dentist who administers a vaccine under sub. (1) shall update the Wisconsin Immunization Registry established by the department of health services within 7 days of administering the vaccine.

History: 2007 a. 31; 2009 a. 10; 2017 a. 331.

447.06 Practice limitations. (1) No contract of employment entered into between a dentist and any other party under which the dentist renders dental services may require the dentist to act in a manner which violates the professional standards for dentistry set forth in this chapter. Nothing in this subsection limits the ability of the other party to control the operation of the dental practice in a manner in accordance with the professional standards for dentistry set forth in this chapter.

(1g) No contract of employment entered into between a dentist and any other party under which the dentist is employed to practice dentistry may require a dentist to meet a minimum quota for the number of patients seen or the number of procedures performed.

(1r) No contract of employment entered into between a dental hygienist and any other party under which the dental hygienist is employed to practice dental hygiene may require a dental hygienist to meet a minimum quota for the number of patients seen or the number of procedures performed.

(2) (a) A hygienist may practice dental hygiene or perform remediable procedures only as an employee or as an independent contractor and only as follows:
1. In a dental office.
2. For a school board, a governing body of a private school, as defined in s. 115.001 (3d), or a governing body of a tribal school, as defined in s. 115.001 (15m).
3. For a school for the education of dentists or dental hygienists.
4. For a state or federal prison, county jail or other federal, state, county or municipal correctional or detention facility, or a facility established to provide care for terminally ill patients.
5. For a local health department, as defined in s. 250.01 (4).
6. For a charitable institution open to the general public or to members of a religious sect or order.
7. For a nonprofit home health care agency.
8. For a nonprofit dental care program serving primarily indigent, economically disadvantaged or migrant worker populations.
9. At a facility, as defined in s. 50.01 (1m), an adult family home certified under s. 50.032 or licensed under s. 50.033, an adult day care center, as defined in s. 49.45 (47) (a), a community rehabilitation program, a hospital, as defined in s. 50.33 (2), or a facility that is primarily operated to provide outpatient medical services.
10. A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. only as authorized by a dentist who is licensed to practice dentistry under this chapter and who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).
11. A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. if a dentist who is licensed to practice dentistry under this chapter is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:
   1. The dental hygiene practices or remediable procedures are performed under a written or oral prescription.
   2. The dentist who made the written or oral prescription has examined the patient at least once during the 12-month period immediately preceding:
      a. The date on which the written or oral prescription was made; and
      b. The date on which the dental hygiene practices or remediable procedures are performed.
   3. The written or oral prescription specifies the procedures and the dental hygienist may perform the treatments and care of the patient or, if applicable, the patient’s parent or legal guardian.
   4. A dental hygienist may not diagnose a dental disease or ailment, determine any treatment or any regimen of any treatment outside of the scope of dental hygiene, prescribe or order medication or perform any procedure that involves the intentional cutting of soft or hard tissue of the mouth by any means. (d) A dental hygienist may not authorize a dental laboratory or dental laboratory technician to construct a removable prosthetic device without a prescription of a dentist who authorizes a dental laboratory or dental laboratory technician to construct a removable prosthetic device shall mark the device with the patient’s first and last name. Except as provided in sub. (2), the following exceptions apply to the identification of removable prosthetic devices:
   1. The first, middle and last name initials of the patient may be substituted for the first and last name of the patient if, in the professional judgment of the dentist, it is impracticable to mark the first and last name of the patient.
   2. The name and the initials of the patient may be omitted if each of those forms of identification is medically contraindicated.

447.063 Preservation and transfer of patient health care records. (1) A person who manages or controls a business that offers dental or dental hygiene services, including management or control of a business through which the person allows another person to offer dental or dental hygiene services, shall preserve patient health care records, as defined in s. 146.81 (4), for an amount of time determined by the examining board by rule. (2) A person who manages or controls a business that offers dental or dental hygiene services, including management or control of a business through which the person allows another person to offer dental or dental hygiene services, shall, upon request of a patient or person authorized by the patient, as defined in s. 146.81 (5), transfer the patient health care records, as defined in s. 146.81 (4), of the patient to another person that the patient or person authorized by the patient specifies to receive the patient health care records.


447.065 Delegation of remediable procedures and dental practices. (1) A dentist who is licensed to practice dentistry under this chapter may delegate to an individual who is not licensed under this chapter only the performance of remediable procedures, and only if all of the following conditions are met:
   1. The unlicensed individual performs the remediable procedures in accordance with a treatment plan approved by the dentist.
   2. The dentist is on the premises when the unlicensed individual performs the remediable procedures.
   3. The unlicensed individual’s performance of the remediable procedures is subject to inspection by the dentist.


447.067 Identification of removable prosthetic devices. (1) Except as provided in sub. (2), a dentist who constructs a removable prosthetic device shall mark the device with the patient’s first and last name. Except as provided in sub. (2), the following exceptions apply to the identification required under sub. (1):
   1. The first, middle and last name initials of the patient may be substituted for the first and last name of the patient if, in the professional judgment of the dentist, it is impracticable to mark the first and last name of the patient.
   2. The name and the initials of the patient may be omitted if each of those forms of identification is medically contraindicated.

History: 1993 a. 103.

447.07 Disciplinary proceedings. (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.

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, dental hygienist, or expanded function dental auxiliary 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, expanded function dental auxiliary, or mobile dentistry program registrant has done any of the following:

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

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

(c) Been adjudicated mentally incompetent by a court.

(d) Directly or indirectly sent, for a purpose other than shade verification, impressions or measurements to a dental laboratory without a written work authorization on a form approved by the examining board and signed by the authorizing dentist, or directly or indirectly sent a patient, or an agent of a patient, to a dental laboratory for any purpose other than for shade verification. The examining board or its agents or employees may inspect dental offices and the work authorization records of dental laboratories to determine compliance with this paragraph.

(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, the practice of an expanded function dental auxiliary, or the operation of a mobile dentistry program.

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

(g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry or dental hygiene or as an expanded function dental auxiliary while his or her ability was impaired by alcohol or other drugs.

(h) Engaged in conduct that indicates a lack of knowledge of, an inability to apply or the negligent application of, principles or skills of dentistry or dental hygiene or the practice of an expanded function dental auxiliary.

(i) Obtained or attempted to obtain compensation by fraud or deceit.

(j) Employed, directly or indirectly, any unlicensed or uncertified person to perform any act requiring licensure or certification under this chapter.

(k) Engaged in repeated irregularities in billing a 3rd party for services rendered to a patient. In this paragraph, “irregularities in billing” includes:

1. Reporting charges for the purpose of obtaining a total payment in excess of that usually received for the services rendered.

2. Reporting incorrect treatment dates for the purpose of obtaining payment.

3. Reporting charges for services not rendered.

4. Incorrectly reporting services rendered for the purpose of obtaining payment.

5. Abrogating the copayment provisions of a contract by agreeing to forgive any or all of the patient’s obligation for payment under the contract.

(L) Violated ch. 450 or 961.

(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.

(n) Violated any order of the examining board.

(o) Advertised by using a statement that tends to deceive or mislead the public.

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

(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 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 under sub. (3).


Cross-reference: See also ch. DE 6. Wis. adm. code.
by the examining board to practice dentistry in this state, shall be
eligible to meet for the organization of or to become members of
a county dental society.

(3) If there are not a sufficient number of dentists in a given
county to form a dental society under sub. (1), those residing in the
county may unite with those of adjoining counties and organize a
multicounty or district dental society as a component of the Wis-
sconsin Dental Association. The organizational meeting shall be
held at the time and place agreed upon in writing by a majority of
those eligible to belong.

(4) A county or district dental society may adopt, alter and
enforce articles and bylaws, or a constitution and bylaws for the
admission and expulsion of members, the election of officers and
the management of its affairs, but no instrument or action on the
part of the society is valid if it is inconsistent with the articles,
bylaws or policies of the Wisconsin Dental Association, or if it
violates the autonomy of any other component of the Wisconsin
Dental Association. Any county or district dental society which
incorporates after September 29, 1963, shall file its articles as pro-
vided in ch. 181.

History: 1989 a. 349.

447.13 Service insurance corporations for dental
care. The Wisconsin Dental Association or, in a manner and to
the extent approved by the Wisconsin Dental Association, a
county or district dental society, may establish in one or more
counties a service insurance corporation for dental care under ch.
613.

History: 1975 c. 223; 1989 a. 349.

447.15 Definitions applicable to indemnification and
insurance provisions. In ss. 447.15 to 447.31:

(1) “Dental society” means a county or district dental society
organized or continued under s. 447.12.

(2) “Director or officer” means any of the following:
(a) A natural person who is or was a director or officer of a den-
tal society.
(b) A natural person who, while a director or officer of a dental
society, is or was serving at the dental society’s request as a direc-
tor, officer, partner, trustee, member of any governing or deci-
sion-making committee, employee or agent of another dental
society or corporation, partnership, joint venture, trust or other
enterprise.
(c) A natural person who, while a director or officer of a dental
society, is or was serving an employee benefit plan because his or
her duties to the dental society also imposed duties on, or other-
wise involved services by, the person to the plan or to participants
in or beneficiaries of the plan.
(d) Unless the context requires otherwise, the estate or per-
sonal representative of a director or officer.

(3) “Expenses” include fees, costs, charges, disbursements,
attorney fees and any other expenses incurred in connection with
a proceeding.

(4) “Liability” includes the obligation to pay a judgment, set-
tlement, forfeiture, or fine, including any excise tax assessed with
respect to an employee benefit plan, plus costs, fees, and sur-
charges imposed under ch. 814, and reasonable expenses.

(5) “Party” means a natural person who was or is, or who is
threatened to be made, a named defendant or respondent in a pro-
ceeding.

(6) “Proceeding” means any threatened, pending or com-
pleted civil, criminal, administrative or investigative action, suit,
arbitration or other proceeding, whether formal or informal, to
which involves foreign, federal, state or local law and which is
brought by or in the right of the dental society or by any other
person.

History: 1987 a. 13; 2003 a. 139.

447.17 Mandatory indemnification. (1) A dental society
shall indemnify a director or officer, to the extent he or she has
been successful on the merits or otherwise in the defense of a pro-
ceeding, for all reasonable expenses incurred in the proceeding if
the director or officer was a party because he or she is a director or
officer of the dental society.

(2) (a) In cases not included under sub. (1), a dental society
shall indemnify a director or officer against liability incurred by
the director or officer in a proceeding to which the director or offi-
cer was a party because he or she is a director or officer of the den-
tal society, unless liability was incurred because the director or
officer breached or failed to perform a duty he or she owes to the
dental society and the breach or failure to perform constitutes any
of the following:

1. A willful failure to deal fairly with the dental society or its
members in connection with a matter in which the director or offi-
cer has a material conflict of interest.
2. A violation of criminal law, unless the director or officer
had reasonable cause to believe his or her conduct was lawful or
no reasonable cause to believe his or her conduct was unlawful.
3. A transaction from which the director or officer derived an
improper personal profit.
4. Willful misconduct.

(b) Determination of whether indemnification is required
under this subsection shall be made under s. 447.19.

(c) The termination of a proceeding by judgment, order, settle-
ment or conviction, or upon a plea of no contest or an equivalent
plea, does not, by itself, create a presumption that indemnification
of the director or officer is not required under this subsection.

(3) A director or officer who seeks indemnification shall make
a written request to the dental society.

(4) (a) Indemnification under this section is not required to the
extent limited by the dental society’s articles, constitution or
bylaws under s. 447.23.

(b) Indemnification under this section is not required if the
director or officer has previously received indemnification or
allowance of expenses from any person, including the dental soci-
ety, in connection with the same proceeding.


447.19 Determination of right to indemnification. Unless otherwise provided by the articles, constitution or bylaws
or by written agreement between the director or officer and the
dental society, the director or officer seeking indemnification
under s. 447.17 (2) shall select one of the following means for
determining his or her right to indemnification:

(1) By majority vote of a quorum of the board of directors con-
sisting of directors not at the time parties to the same or related
proceedings. If a quorum of disinterested directors cannot be
obtained, by majority vote of a committee duly appointed by the
board of directors and consisting solely of 2 or more directors not
at the time parties to the same or related proceedings. Directors
who are parties to the same or related proceedings may participate
in the designation of members of the committee.

(2) By independent legal counsel selected by a quorum of the
board of directors or its committee in the manner prescribed in
sub. (1) or, if unable to obtain such a quorum or committee, by
a majority vote of the full board of directors, including directors
who are parties to the same or related proceedings.

(3) By a panel of 3 arbitrators consisting of one arbitrator selected by those directors entitled under sub. (2) to select inde-
pendent legal counsel, one arbitrator selected by the director or
officer seeking indemnification and one arbitrator selected by the
2 arbitrators previously selected.

(4) By an affirmative vote of a majority of members who are
entitled to vote and who are present in person or represented by
proxy at a meeting at which a quorum is present, if there are mem-
bers having voting rights. Unless the articles, constitution or
bylaws provide otherwise, members holding one-tenth of the
votes entitled to be cast, present in person or represented by proxy,
shall constitute a quorum at a meeting of members. Membership
inged by, or voted under the control of, persons who are at
the time parties to the same or related proceedings, whether as
plaintiffs or defendants or in any other capacity, may not be voted
in making the determination.

(5) By a court under s. 447.27.

(6) By any other method provided for in any additional right
to indemnification permitted under s. 447.25.


447.21 Allowance of expenses as incurred. Upon writ-
ten request by a director or officer who is a party to a proceeding,
a dental society may pay or reimburse his or her reasonable expen-
ses as incurred if the director or officer provides the dental society
with all of the following:

(1) A written affirmation of his or her good faith belief that he
or she has not breached or failed to perform his or her duties to the
dental society.

(2) A written undertaking, executed personally or on his or her
behalf, to repay the allowance and, if required by the dental soci-
ety, to pay reasonable interest on the allowance to the extent that
it is ultimately determined under s. 447.19 that indemnification
under s. 447.17 (2) is not required and that indemnification is not
ordered by a court under s. 447.27 (2) (b). The undertaking under
this subsection shall be an unlimited general obligation of the
director or officer and may be accepted without reference to his
or her ability to repay the allowance. The undertaking may be
secured or unsecured.


447.23 Dental society may limit indemnification. (1) A
dental society’s obligations to indemnify under s. 447.17 may be
limited as follows:

(a) If the dental society is organized before June 13, 1987,
except as provided in s. 447.12 (4), by an amendment to its arti-
cles, constitution or bylaws which becomes effective on or after

(b) If the dental society is organized on or after June 13, 1987,
except as provided in s. 447.12 (4), by its articles, constitution or
bylaws, including any amendments to its articles, constitution or
bylaws.

(2) A limitation under sub. (1) applies if the first alleged act
of a director or officer for which indemnification is sought
occurred while the limitation was in effect.


447.25 Additional rights to indemnification and allow-
ance of expenses. (1) Except as provided in sub. (2), ss.
447.17 and 447.21 do not preclude any additional right to indem-
nification or allowance of expenses that a director or officer may
have under any of the following:

(a) The articles, constitution or bylaws.

(b) A written agreement between the director or officer and the
dental society.

(c) A resolution of the board of directors.

(d) A resolution, after notice, adopted by a majority vote of
members who are entitled to vote.

(2) Regardless of the existence of an additional right under
sub. (1), the dental society may not indemnify a director or officer,
or permit a director or officer to retain any allowance of expenses
unless it is determined by or on behalf of the dental society that the
director or officer did not breach or fail to perform a duty he or she
owes to the dental society which constitutes conduct under s.
447.17 (2) (a) 1., 2., 3. or 4. A director or officer who is a party to
the same or related proceeding for which indemnification or an
allowance of expenses is sought may not participate in a deter-
mination under this subsection.

(3) Sections 447.15 to 447.31 do not affect a dental society’s
power to pay or reimburse expenses incurred by a director or offi-
cer in any of the following circumstances:

(a) As a witness in a proceeding to which he or she is not a party.

(b) As a plaintiff or petitioner in a proceeding because he or she
is or was an employee, agent, director or officer of the dental soci-
ety.


447.27 Court−ordered indemnification. (1) Except as
provided otherwise by written agreement between the director or
officer and the dental society, a director or officer who is a party
to a proceeding may apply for indemnification to the court con-
ducting the proceeding or to another court of competent jurisdic-
tion. Application shall be made for an initial determination by the
court under s. 447.19 (5) or for review by the court of an adverse
determination under s. 447.19 (1), (2), (3), (4) or (6). After receipt
of an application, the court shall give any notice it considers nec-

(2) The court shall order indemnification if it determines any
of the following:

(a) That the director or officer is entitled to indemnification
under s. 447.17 (1) or (2). If the court also determines that the den-
tal society unreasonably refused the director’s or officer’s request
for indemnification, the court shall order the dental society to pay
the director’s or officer’s reasonable expenses incurred to obtain
the court−ordered indemnification.

(b) That the director or officer is fairly and reasonably entitled
to indemnification in view of all the relevant circumstances,
regardless of whether indemnification is required under s. 447.17
(2).


447.29 Indemnification and allowance of expenses of
employees and agents. A dental society may indemnify and
allow reasonable expenses of an employee or agent who is not a
director or officer to the extent provided by the articles, constitu-
tion or bylaws, by general or specific action of the board of direc-
tors or by contract.


447.31 Insurance. A dental society may purchase and main-
tain insurance on behalf of an individual who is an employee,
agent, director or officer of the dental society against liability
asserted against and incurred by the individual in his or her capac-
ity as an employee, agent, director or officer, or arising from his
or her status as an employee, agent, director or officer, regardless
of whether the dental society is required or authorized to indem-
nify or allow expenses to the individual against the same liability
under ss. 447.17, 447.21, 447.25 and 447.29.


447.34 Reliance by directors or officers. Unless the
director or officer has knowledge that makes reliance unwar-
ranted, a director or officer of a county or district dental society
organized or continued under s. 447.12 may, in discharging his or
her duties to the dental society, rely on information, opinions,
reports or statements, any of which may be written or oral, formal
or informal, including financial statements and other financial
data, if prepared or presented by any of the following:

(1) An officer or employee of the dental society whom the
director or officer believes in good faith to be reliable and compe-
tent in the matters presented.

(2) Legal counsel, certified public accountants licensed under
ch. 442, or other persons as to matters the director or officer
believes in good faith are within the person’s professional or
expert competence.

(3) In the case of reliance by a director, a committee of the
board of directors of which the director is not a member if the
director believes in good faith that the committee merits confi-

447.36 **DENTISTRY EXAMINING BOARD**

447.36 Consideration of interests in addition to members’ interests. In discharging his or her duties to a county or district dental society organized or continued under s. 447.12 and in determining what he or she believes to be in the best interests of the dental society, a director or officer may, in addition to considering the effects of any action on members, consider the following:

1. The effects of the action on employees, suppliers and customers of the dental society.
2. The effects of the action on communities in which the dental society operates.
3. Any other factors the director or officer considers pertinent.


447.38 Limited liability of directors and officers.

1. Except as provided in subs. (2) and (3), a director or officer of a county or district dental society organized or continued under s. 447.12 is not liable to the dental society, its members or creditors, or any person asserting rights on behalf of the dental society, its members or creditors, or any other person, for damages, settlements, fees, fines, penalties or other monetary liabilities arising from a breach of, or failure to perform, any duty resulting solely from his or her status as a director or officer, unless the person asserting liability proves that the breach or failure to perform constitutes any of the following:

   a. A willful failure to deal fairly with the dental society or its members in connection with a matter in which the director or officer has a material conflict of interest.
   b. A violation of criminal law, unless the director or officer had reasonable cause to believe his or her conduct was lawful or no reasonable cause to believe his or her conduct was unlawful.
   c. A transaction from which the director or officer derived an improper personal profit.
   d. Willful misconduct.

2. Except as provided in sub. (3), this section does not apply to any of the following:

   a. A civil or criminal proceeding brought by or on behalf of any governmental unit, authority or agency.
   b. A proceeding brought by any person for a violation of state or federal law where the proceeding is brought pursuant to an express private right of action created by state or federal statute.

3. Subsection (2) does not apply to a proceeding brought by a governmental unit, authority or agency in its capacity as a private party or contractor.


447.40 Informed consent. Any dentist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable dentist standard is the standard for informing a patient under this section. The reasonable dentist standard requires disclosure only of information that a reasonable dentist would know and disclose under the circumstances. The dentist’s duty to inform the patient under this section does not require disclosure of any of the following:

1. Detailed technical information that in all probability a patient would not understand.
2. Risks apparent or known to the patient.
3. Extremely remote possibilities that might falsely or detrimentally alarm the patient.
4. Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.
5. Information in cases where the patient is incapable of consenting.
6. Information about alternate modes of treatment for any condition the dentist has not included in his or her diagnosis at the time the dentist informs the patient.

History: 2013 a. 345.