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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2013-14

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on...

State Affairs and Government Operations (AC-SAGO)

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (December 2014)

Assembly

Record of Committee Proceedings

Committee on State Affairs and Government Operations

Assembly Bill 552

Relating to: the definition and practice of dentistry for professional licensing purposes.

By Representatives Jagler, Born, Weatherston, Billings, Petersen, Tittl, A. Ott, Ballweg, Tranel, Murphy, Mason, Riemer, Doyle, Williams, Weininger, Krug, Kestell, Craig, Hintz, Thiesfeldt, Genrich, Kahl, Kerkman, Bernier, Sargent, Wachs, Bernard Schaber, Petryk, Ringhand, Bies, Tauchen, Barca, Kaufert, Endsley, Loudenbeck, C. Taylor and Bewley; cosponsored by Senators Farrow, Petrowski, Lasee, Lassa, Grothman, Kedzie, Hansen, Shilling, Wirsch, Schultz, Olsen, Lehman, Gudex, Moulton and Ellis.

December 09, 2013 Referred to Committee on State Affairs and Government Operations

December 12, 2013 **Public Hearing Held**

Present: (12) Representative Weininger; Representatives Swearingen, Knodl, Ripp, Neylon, Kooyenga, Hutton, Nass, Zamarripa, Ringhand, Kahl and Hulsey.
Absent: (2) Representatives Kleefisch and Kessler.
Excused: (2) Representatives Craig and Sinicki.

Appearances For

- John Jagler - Rep. - 37th ASM district
- Mara Brooks - WI Dental Association
- Julio Rodriguez - WI Dental Association

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- L. Stanley Brysch - WI Dental Association
- Jeff Davis - WI Society of Oral and Maxillofacial Surgeons
- Paul Farrow - Senator - 33rd Senate District

Registrations Against

- None.

Registrations for Information Only

- None.

January 15, 2014

Executive Session Held

Present: (16) Representative Weininger; Representatives Swearingen, Craig, Kleefisch, Knodl, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.

Absent: (0) None.

Excused: (0) None.

Moved by Representative Ringhand, seconded by Representative Knodl that **Assembly Bill 552** be recommended for passage.

Ayes: (16) Representative Weininger; Representatives Swearingen, Craig, Kleefisch, Knodl, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 16, Noes 0

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Committee Clerk

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Testimony in Support of 2013 AB 552

Relating to the Definition and Practice of Dentistry for Licensure Purposes

Testimony by Dr. Julio Rodriguez, WDA President

December 12, 2013 – 225 Northwest Hearing Room

Good morning Chairperson Weininger and members of the Committee. Thank you for the opportunity to testify before you today and to share our reasons for introducing Assembly Bill 552 which, if passed, will update the current Wisconsin Definition of Dentistry by adopting language that is very similar to the model definition that was developed by the American Dental Association in the 1990s. Since the ADA definition was adopted, 22 states have adopted similar definitions.

My name is Julio Rodriguez, I'm a general dentist who currently owns and practices in Brodhead, Wisconsin where I have lived for the last 36 years. I am the current president of the Wisconsin Dental Association which represents over 80% of the more than 3,000 licensed dentists in the state. I'm originally from Peru and my journey to rural Wisconsin to fulfill my dream of being a dentist is a very long and interesting one; but I can tell you that my wife Marissa and I couldn't think of a better and more fulfilling place to live and raise our three children than right here in southwestern Wisconsin.

I would like to thank the many members of this committee who have already signed on as co-sponsors to this proposal and I will keep my testimony brief because I believe this is a pretty simple piece of legislation and I think you are very busy people and I'm sure you have many things you need to get done yet today.

There are three basic reasons we are pursuing this legislation at this time:

First, our current definition has not been updated for decades and the format it uses is heavily based on procedures rather than following the format of many of the other health care professions in our state. Please see the attached comparison of our current definition with those of other Wisconsin health care professions. You can see by this comparison that the definition of most health care professions follows a more general format which is what our proposed definition will do while still keeping the practice of dentistry limited to the human oral cavity or its adjacent or associated tissues and structures, or of the maxillofacial area.

Second, updating this definition will make sure that Wisconsin patients can benefit from the latest dental treatments and technologies as they become available. Having old procedures listed in the definition leads one to think that those are the only procedures and treatments that are allowed and this change will clarify that patients in Wisconsin will not be prohibited from receiving the latest dental treatments that are being taught in the profession.

Third, having an increasing number of states adopt similar definitions across the nation is a positive thing for the profession and for the public's understanding of what dentistry really is. By adopting what is becoming a more universal definition, it provides for greater certainty of the scope of practice if and when dentists need to move from one state to another.

Thank you for your time and attention to this issue, we hope you support its passage out of this committee and its continued movement through the legislature. We appreciate, Chairman Weininger, your willingness to hold a prompt hearing on this bill. Finally, we welcome the opportunity to answer any questions you may have.

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Practice Definitions

MEDICAL PRACTICES

(9) "Practice of medicine and surgery" means:

- (a) To examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality.
 - (b) To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2).
 - (c) To penetrate, pierce or sever the tissues of a human being.
 - (d) To offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.
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PODIATRY

(3) "Podiatrist" means an individual possessing the degree of doctor of podiatric medicine or doctor of surgical chiropody or equivalent degree as determined by the affiliated credentialing board, and holding a license to practice podiatry or podiatric medicine and surgery granted by the affiliated credentialing board.

CHIROPRACTIC

- (a) To examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in s. 450.01 (10) or surgery; to counsel; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and
 - (b) To employ or apply chiropractic adjustments and the principles or techniques of chiropractic science in the diagnosis, treatment or prevention of any of the conditions described in s. 448.01 (10).
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PHYSICAL THERAPY

(a) "Physical therapy" means, except as provided in par. (b), any of the following:

1. Examining, evaluating, or testing individuals with mechanical, physiological, or developmental impairments, functional limitations related to physical movement and mobility, disabilities, or other movement-related health conditions, in order to determine a diagnosis, prognosis, or plan of therapeutic intervention or to assess the ongoing effects of intervention. In this subdivision, "testing" means using standardized methods or techniques for gathering data about a patient.
 2. Alleviating impairments or functional limitations by instructing patients or designing, implementing, or modifying therapeutic interventions.
 3. Reducing the risk of injury, impairment, functional limitation, or disability, including by promoting or maintaining fitness, health, or quality of life in all age populations.
 4. Engaging in administration, consultation, or research that is related to any activity specified in subs. 1. to 3.
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AUDIOLOGY

"Audiology" means all of the following:

- (a) Applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to hearing, vestibular function, or any abnormal condition related to tinnitus, auditory sensitivity, acuity, function or processing, speech, language or other aberrant behavior resulting from hearing loss.
 - (b) Engaging in the practice of fitting and dealing in hearing aids.
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DENTISTRY

"Dentistry" means the examination, diagnosis, treatment, planning or care of conditions within the human oral cavity or its adjacent tissues and structures. "Dentistry" includes any of the following:

- (a) Examining into the fact, condition or cause of dental health or dental disease or applying principles or techniques of dental science in the diagnosis, treatment or prevention of or prescription for any of the lesions, dental diseases, disorders or deficiencies of the human oral cavity, teeth, investing tissues, maxilla or mandible, or adjacent associated structures.
- (b) Extracting human teeth or correcting their malposition.
- (c) Directly or indirectly, by mail, carrier, person or any other method, furnishing, supplying, constructing, reproducing or repairing prosthetic dentures, bridges, appliances or other structures to be used or worn as substitutes for natural human teeth; or placing such substitutes in the mouth directly or indirectly or adjusting the same; or taking, making or giving advice or assistance or providing facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge or appliance; or taking impressions for or fitting athletic mouthguards.
- (d) Administering anesthetics, either general or local, while performing or claiming to perform dental services.
- (e) Prescribing or administering drugs in the course of or incident to the rendition of dental services, or as part of a representation that dental services have been or will be rendered.
- (f) Engaging in any of the practices, techniques or procedures included in the curricula of accredited dental schools.
- (g) Penetrating, piercing or severing the tissues within the human oral cavity or adjacent associated structures. This paragraph does not apply to care or treatment rendered by a physician, as defined in s. 448.01 (5), acting within the scope of the practice of medicine and surgery, as defined in s. 448.01 (9).
- (h) Developing a treatment plan for a dental patient to treat, operate, prescribe or advise for the patient by any means or instrumentality. Nothing in this paragraph prohibits a dental hygienist from participating in the development of a dental patient's dental hygiene treatment plan.