

# State of Wisconsin



2013 Senate Bill 573

Date of enactment:  
Date of publication\*:

## 2013 WISCONSIN ACT

**AN ACT** to amend 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (a), 447.07 (3) (b), 447.07 (3) (e), 447.07 (3) (f), 447.07 (3) (m), 447.07 (5) and 447.07 (7); and to create 440.03 (13) (b) 38m., 440.08 (2) (a) 46y., 447.01 (10), 447.02 (2) (f), (g) and (h) and 447.058 of the statutes; relating to: regulation of mobile dentistry programs and granting rule-making authority.

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

**SECTION 1.** 440.03 (13) (b) 38m. of the statutes is created to read:

440.03 (13) (b) 38m. Mobile dentistry program registrant.

**SECTION 2.** 440.08 (2) (a) 46y. of the statutes is created to read:

440.08 (2) (a) 46y. Mobile dentistry program registration: October 1 of each odd-numbered year.

**SECTION 3.** 447.01 (10) of the statutes is created to read:

447.01 (10) "Mobile dentistry program registrant" means a person registered under s. 447.058.

**SECTION 4.** 447.02 (2) (f), (g) and (h) of the statutes are created to read:

447.02 (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.

**SECTION 5.** 447.058 of the statutes is created to read:  
**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).

3. Satisfies any other requirements established by the examining board by rule.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(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).

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

447.07 (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 ~~or~~ dental hygienist's, or registrant's last-known address, to renew ~~his or her~~ the license ~~or~~ certificate, or registration.

**SECTION 7.** 447.07 (3) (intro.) of the statutes is amended to read:

447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist or dental hygienist, of a mobile dentistry program registrant, or of any other person it has reason to believe is engaged in or has engaged in the practice of dentistry or dental 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 or dental hygienist 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 ~~or~~ dental hygienist, or mobile dentistry program registrant has done any of the following:

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

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

**SECTION 9.** 447.07 (3) (b) of the statutes is amended to read:

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

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

447.07 (3) (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 or the operation of a mobile dentistry program.

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

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

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

447.07 (3) (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.

**SECTION 13.** 447.07 (5) of the statutes is amended to read:

447.07 (5) The examining board may reinstate a license ~~or~~ 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.

**SECTION 14.** 447.07 (7) of the statutes is amended to read:

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

#### **SECTION 15. Nonstatutory provisions.**

(1) At the same time the dentistry examining board files with the legislative reference bureau under section 227.20 of the statutes a rule satisfying the requirements under section 447.02 (2) (f), (g), and (h) of the statutes, as created by this act, the dentistry examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register that states the date on which the treatments to the statutes described under SECTION 16 (intro.) of this act will take effect as provided in SECTION 16 (intro.) of this act.

**SECTION 16. Effective dates.** This act takes effect on the 1st day of the 3rd month beginning after the legislative reference bureau receives the notice under SECTION 15 (1) of this act, except as follows:

(1) The treatment of sections 447.01 (10) and 447.02 (2) (f), (g), and (h) of the statutes and SECTION 15 (1) of this act take effect on the day after publication.