



State of Wisconsin
2017 - 2018 LEGISLATURE

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2017 SENATE BILL 784

February 7, 2018 - Introduced by Senators CRAIG and KAPENGA, cosponsored by Representatives FELZKOWSKI, SWEARINGEN, TITTL, QUINN, VANDERMEER, TAUCHEN, MURSAU, BORN, STAFSHOLT, HORLACHER and HUTTON. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT to amend** 36.61 (1) (b), 36.61 (3) (a), 36.61 (5) (b) 1., 36.61 (8) (c) 3., 146.81
2 (1) (c), 146.89 (1) (r) 1., 146.89 (1) (r) 5., 146.89 (3) (b) 8., 146.89 (3m) (intro.),
3 146.997 (1) (d) 3., 155.01 (7), 252.14 (1) (ar) 3., 257.01 (5) (a), 257.01 (5) (b),
4 447.02 (1) (b), 447.02 (2) (a), 447.02 (3) (a) (intro.), 447.02 (3) (a) 2., 447.02 (3)
5 (b), 447.02 (5), 447.03 (3) (c), 447.05, 447.06 (1), 447.06 (2) (a) 3., 447.06 (2) (b),
6 447.06 (2) (c) (intro.), 447.06 (2) (c) 2. (intro.), 447.07 (1), 447.07 (3) (intro.),
7 447.07 (3) (e) to (h), 447.40 (intro.), 447.40 (6), 448.03 (2) (a), 448.21 (1) (a),
8 450.03 (1) (e), 450.10 (3) (a) 4., 462.02 (2) (d), 462.04, 463.10 (5), 463.12 (5),
9 632.87 (4), 895.48 (1m) (a) (intro.), 895.48 (1m) (a) 2. and 941.315 (5); and **to**
10 **create** 15.405 (6) (am), 36.61 (1) (ak), 440.03 (13) (b) 20m., 440.08 (2) (a) 25m.,
11 447.01 (6g), 447.01 (6r), 447.02 (1) (g), 447.03 (1m), 447.03 (3) (am), 447.04 (1m),

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1 447.057, 447.06 (1m) and 447.06 (3) of the statutes; **relating to:** licensure of
2 dental therapists and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill provides for the licensure of dental therapists, who are health care practitioners who may engage in the limited practice of dentistry.

Under current law, dentists and dental hygienists are licensed by the Dentistry Examining Board to practice dentistry and dental hygiene, respectively. This bill provides for the licensure of a third type of dental practitioner, dental therapists. Under the bill, the board must grant a dental therapist license to an individual who satisfies certain criteria, including completion of a dental therapy program and passage of required examinations.

Dental therapists may provide dental therapy services only under the general supervision of a dentist with whom the dental therapist has a collaborative management agreement that addresses various aspects of the dental therapist's practice. Supervision by a dentist requires the dentist's prior knowledge and consent, but does not require the presence of the dentist at the time a task or procedure is being performed or prior examination or diagnosis of a patient by a dentist prior to the provision of dental therapy services by a dental therapist. Dental therapists are, subject to the terms of a collaborative management agreement, limited to providing services, treatments, and procedures that are specified in the bill, as well as additional services, treatments, or procedures specified by the board by rule. Dental therapists must complete 12 hours of continuing education each biennium.

The bill subjects dental therapists to, or covers dental therapists under, various other laws, including the health care records law, the volunteer health care provider program, the health care worker protection law, and the emergency volunteer health care practitioner law. The bill also provides for loan forgiveness for dental therapists under the health care provider loan assistance program.

Finally, the bill requires, effective when the first individual becomes licensed as a dental therapist in this state, that two dental therapists be added to the board.

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:

3 **SECTION 1.** 15.405 (6) (am) of the statutes is created to read:

4 15.405 (6) (am) Two dental therapists who are licensed under ch. 447.

5 **SECTION 2.** 36.61 (1) (ak) of the statutes is created to read:

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1 36.61 (1) (ak) “Dental therapist” means an individual licensed under s. 447.04
2 (1m).

3 **SECTION 3.** 36.61 (1) (b) of the statutes is amended to read:

4 36.61 (1) (b) “Health care provider” means a dental therapist, dental hygienist,
5 physician assistant, nurse-midwife, or nurse practitioner.

6 **SECTION 4.** 36.61 (3) (a) of the statutes is amended to read:

7 36.61 (3) (a) The board shall enter into a written agreement with the health
8 care provider. In the agreement, the health care provider shall agree to practice at
9 least 32 clinic hours per week for 3 years in one or more eligible practice areas in this
10 state or in a rural area, except that a health care provider in the expanded loan
11 assistance program under sub. (8) who is not a dental therapist or dental hygienist
12 may only agree to practice at a public or private nonprofit entity in a health
13 professional shortage area.

14 **SECTION 5.** 36.61 (5) (b) 1. of the statutes is amended to read:

15 36.61 (5) (b) 1. The degree to which there is an extremely high need for medical
16 care in the eligible practice area, health professional shortage area, or rural area in
17 which an eligible applicant who is not a dental therapist or dental hygienist desires
18 to practice and the degree to which there is an extremely high need for dental care
19 in the dental health shortage area or rural area in which an eligible applicant who
20 is a dental therapist or dental hygienist desires to practice.

21 **SECTION 6.** 36.61 (8) (c) 3. of the statutes is amended to read:

22 36.61 (8) (c) 3. Practice at a public or private nonprofit entity in a health
23 professional shortage area, if the health care provider is not a dental therapist or
24 dental hygienist, or in a dental health shortage area, if the health care provider is
25 a dental therapist or dental hygienist.

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1 **SECTION 7.** 146.81 (1) (c) of the statutes is amended to read:

2 146.81 (1) (c) A dentist or dental therapist licensed under ch. 447.

3 **SECTION 8.** 146.89 (1) (r) 1. of the statutes is amended to read:

4 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist, dental
5 therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or
6 nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant
7 under ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist
8 under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

9 **SECTION 9.** 146.89 (1) (r) 5. of the statutes is amended to read:

10 146.89 (1) (r) 5. An individual who holds a valid, unexpired license,
11 certification, or registration issued by another state or territory that authorizes or
12 qualifies the individual to perform acts that are substantially the same as those acts
13 that an individual who is described in subds. 1. to 4., except a dentist, dental
14 therapist, or dental hygienist, is licensed or certified to perform and who performs
15 acts that are within the scope of that license, certification, or registration.

16 **SECTION 10.** 146.89 (3) (b) 8. of the statutes is amended to read:

17 146.89 (3) (b) 8. Dental services, including tooth extractions and other
18 procedures done under local anesthesia only and any necessary suturing related to
19 the extractions, performed by a dentist or dental therapist who is a volunteer health
20 provider; and dental hygiene services, performed by a dental hygienist who is a
21 volunteer health provider.

22 **SECTION 11.** 146.89 (3m) (intro.) of the statutes is amended to read:

23 146.89 (3m) (intro.) A volunteer health care provider who is a dentist or dental
24 therapist may provide dental services or a volunteer health care provider who is a

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1 dental hygienist may provide dental hygiene services, to persons who are recipients
2 of Medical Assistance, if all of the following apply:

3 **SECTION 12.** 146.997 (1) (d) 3. of the statutes is amended to read:

4 146.997 (1) (d) 3. A dentist or dental therapist licensed under ch. 447.

5 **SECTION 13.** 155.01 (7) of the statutes is amended to read:

6 155.01 (7) "Health care provider" means a nurse licensed or permitted under
7 ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed
8 under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical
9 therapist, physical therapist assistant, occupational therapist, or occupational
10 therapy assistant licensed under ch. 448, a person practicing Christian Science
11 treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch.
12 455, a partnership thereof, a corporation or limited liability company thereof that
13 provides health care services, a cooperative health care association organized under
14 s. 185.981 that directly provides services through salaried employees in its own
15 facility, or a home health agency, as defined in s. 50.49 (1) (a).

16 **SECTION 14.** 252.14 (1) (ar) 3. of the statutes is amended to read:

17 252.14 (1) (ar) 3. A dentist or dental therapist licensed under ch. 447.

18 **SECTION 15.** 257.01 (5) (a) of the statutes is amended to read:

19 257.01 (5) (a) An individual who is licensed as a physician, a physician
20 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
21 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist or dental
22 therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a
23 veterinarian or certified as a veterinary technician under ch. 89, or certified as a
24 respiratory care practitioner under ch. 448.

25 **SECTION 16.** 257.01 (5) (b) of the statutes is amended to read:

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1 257.01 (5) (b) An individual who was at any time within the previous 10 years,
2 but is not currently, licensed as a physician, a physician assistant, or a podiatrist
3 under ch. 448, licensed as a registered nurse, licensed practical nurse or
4 nurse-midwife, under ch. 441, licensed as a dentist or dental therapist under ch. 447,
5 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a
6 veterinary technician under ch. 89, or certified as a respiratory care practitioner
7 under ch. 448, if the individual's license or certification was never revoked, limited,
8 suspended, or denied renewal.

9 **SECTION 17.** 440.03 (13) (b) 20m. of the statutes is created to read:

10 440.03 (13) (b) 20m. Dental therapist.

11 **SECTION 18.** 440.08 (2) (a) 25m. of the statutes is created to read:

12 440.08 (2) (a) 25m. Dental therapist: October 1 of each odd-numbered year.

13 **SECTION 19.** 447.01 (6g) of the statutes is created to read:

14 447.01 (6g) "Dental therapist" means an individual who practices dental
15 therapy.

16 **SECTION 20.** 447.01 (6r) of the statutes is created to read:

17 447.01 (6r) "Dental therapy" means the limited practice of dentistry, consisting
18 of the services, treatments, and procedures specified in s. 447.06 (3) (b).

19 **SECTION 21.** 447.02 (1) (b) of the statutes is amended to read:

20 447.02 (1) (b) Governing the standards and conditions for the use of radiation
21 and ionizing equipment in the practice of dentistry or dental therapy.

22 **SECTION 22.** 447.02 (1) (g) of the statutes is created to read:

23 447.02 (1) (g) Specifying services, treatments, or procedures, in addition to
24 those specified under s. 447.06 (3) (b) 1. to 26., that are included within the practice
25 of dental therapy.

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1 **SECTION 23.** 447.02 (2) (a) of the statutes is amended to read:

2 447.02 (2) (a) The conditions for supervision and the degree of supervision
3 required under ss. 447.03 (3) (a), (am), (b) and (d) 2. and 447.065.

4 **SECTION 24.** 447.02 (3) (a) (intro.) of the statutes is amended to read:

5 447.02 (3) (a) (intro.) The examining board may issue a permit authorizing the
6 practice in this state, without compensation, of dentistry, dental therapy, or dental
7 hygiene to an applicant who is licensed to practice dentistry, dental therapy, or dental
8 hygiene in another state, if all of the following apply:

9 **SECTION 25.** 447.02 (3) (a) 2. of the statutes is amended to read:

10 447.02 (3) (a) 2. The examining board determines that the applicant is qualified
11 and satisfies the criteria specified under s. 447.04 (1) (b) 1. to 3., except that the
12 examining board may not require the applicant to pass an examination of state
13 statutes and rules relating to dentistry, dental therapy, or dental hygiene.

14 **SECTION 26.** 447.02 (3) (b) of the statutes is amended to read:

15 447.02 (3) (b) A permit under this subsection shall authorize the practice of
16 dentistry, dental therapy, or dental hygiene in a specified area of the state for a period
17 of time not more than 10 days in a year and may be renewed by the examining board.
18 The examining board may not require an applicant to pay a fee for the issuance or
19 renewal of a permit under this subsection.

20 **SECTION 27.** 447.02 (5) of the statutes, as created by 2017 Wisconsin Act 116,
21 is amended to read:

22 447.02 (5) Except as provided in ss. 447.058 and 447.063, nothing in this
23 chapter may be construed as authorizing the examining board to regulate business
24 or administrative support functions or services, that do not constitute the practice

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1 of dentistry, dental therapy, or dental hygiene, provided to a business that provides
2 dental or dental hygiene services.

3 **SECTION 28.** 447.03 (1m) of the statutes is created to read:

4 447.03 (1m) DENTAL THERAPISTS. Except as provided under sub. (3) and s.
5 447.02 (3), no person may do any of the following unless he or she is licensed to
6 practice dental therapy under this chapter:

7 (a) Practice or offer to practice dental therapy.

8 (b) Represent himself or herself to the public as a dental therapist or use, in
9 connection with his or her name, any title or description that may convey the
10 impression that he or she is a dental therapist.

11 **SECTION 29.** 447.03 (3) (am) of the statutes is created to read:

12 447.03 (3) (am) A dental therapy student who practices dental therapy under
13 the supervision of a dentist in an infirmary, clinic, hospital or other institution
14 connected or associated for training purposes with an accredited dental therapy
15 school.

16 **SECTION 30.** 447.03 (3) (c) of the statutes is amended to read:

17 447.03 (3) (c) An individual licensed to practice dentistry, dental therapy, or
18 dental hygiene in another state or country who practices dentistry, dental therapy,
19 or dental hygiene in a program of dental education or research at the invitation of
20 a group of dentists or practices dentistry, dental therapy, or dental hygiene under the
21 jurisdiction of the army, navy, air force, U.S. public health service, or veterans
22 bureau.

23 **SECTION 31.** 447.04 (1m) of the statutes is created to read:

24 447.04 (1m) DENTAL THERAPISTS. (a) The examining board shall grant a license
25 to practice dental therapy to an individual who does all of the following:

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- 1 1. Submits an application for the license to the department on a form provided
2 by the department.
- 3 2. Pays the fee specified in s. 440.05 (1).
- 4 3. Submits evidence satisfactory to the examining board that he or she has done
5 one of the following:
- 6 a. Graduated from an accredited dental therapy school.
- 7 b. Completed a dental therapy program administered by an accredited dental
8 or dental hygiene school, if the school certifies to the examining board that the
9 applicant's education substantially conformed to the education standards
10 established by the Commission on Dental Accreditation. This subd. 3. b. applies only
11 with respect to an applicant who submits an application for a dental therapy license
12 before January 1, 2023.
- 13 4. Submits evidence satisfactory to the examining board that he or she has
14 passed a national board dental therapy examination and a dental therapy clinical
15 examination administered by a regional testing service approved by the examining
16 board. If a national board examination or a regional testing service examination for
17 dental therapy does not exist, the examining board shall accept evidence of passing
18 an alternative examination administered by another entity or testing service that is
19 approved by the examining board.
- 20 5. Passes an examination administered by the examining board on the statutes
21 and rules relating to dental therapy.
- 22 5m. Submits evidence satisfactory to the examining board that he or she has
23 current proficiency in cardiopulmonary resuscitation, including the use of an
24 automated external defibrillator achieved through instruction provided by an

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1 individual, organization, or institution of higher education approved under s. 46.03
2 (38) to provide such instruction.

3 6. Completes any other requirements established by the examining board by
4 rule.

5 (b) The examining board may grant a license to practice dental therapy to an
6 individual who is licensed in good standing to practice dental therapy in another
7 state or territory of the United States or in another country if the applicant complies
8 with all of the following requirements:

9 1. Meets the requirements for licensure established by the examining board by
10 rule.

11 2. Submits evidence satisfactory to the examining board that the person has
12 current proficiency in cardiopulmonary resuscitation, including the use of an
13 automated external defibrillator achieved through instruction provided by an
14 individual, organization, or institution of higher education qualified to provide such
15 instruction. The examining board shall consult with the department of health
16 services to determine whether an individual, organization, or institution of higher
17 education is qualified to provide instruction under this subdivision.

18 3. Presents the license to the examining board and pays the fee specified under
19 s. 440.05 (2).

20 **SECTION 32.** 447.05 of the statutes is amended to read:

21 **447.05 Expiration and renewal.** Renewal applications shall be submitted
22 to the department on a form provided by the department on or before the applicable
23 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
24 renewal fee determined by the department under s. 440.03 (9) (a). The examining
25 board may not renew a license to practice dentistry unless the applicant for renewal

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1 attests that he or she has complied with s. 447.056, that he or she has current
2 proficiency in cardiopulmonary resuscitation, including and that he or she has
3 current proficiency in the use of an automated external defibrillator achieved
4 through instruction provided by an individual, organization, or institution of higher
5 education approved under s. 46.03 (38) to provide such instruction. The examining
6 board may not renew a license to practice dental therapy unless the applicant for
7 renewal attests that he or she has complied with s. 447.057, that he or she has
8 current proficiency in cardiopulmonary resuscitation, and that he or she has current
9 proficiency in the use of an automated external defibrillator achieved through
10 instruction provided by an individual, organization, or institution of higher
11 education approved under s. 46.03 (38) to provide such instruction. The examining
12 board may not renew a license to practice dental hygiene unless the applicant for
13 renewal attests that he or she has complied with s. 447.055 and any rules
14 promulgated by the department under s. 447.055, that he or she has a current
15 certification in cardiopulmonary resuscitation, and that he or she has current
16 proficiency in the use of an automated external defibrillator achieved through
17 instruction provided by an individual, organization, or institution of higher
18 education approved under s. 46.03 (38) to provide such instruction.

19 **SECTION 33.** 447.057 of the statutes is created to read:

20 **447.057 Continuing education; dental therapists.** (1) (a) Except as
21 provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice
22 dental therapy, other than a permit issued under s. 447.02 (3), unless the person has
23 taught, prepared, attended, or otherwise completed, during the 2-year period
24 immediately preceding the renewal date specified under s. 440.08 (2) (a), 12 credit
25 hours of continuing education relating to the clinical practice of dental therapy that

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1 is sponsored or recognized by a local, state, regional, national, or international
2 dental, dental therapy, dental hygiene, dental assisting, or medical-related
3 professional organization.

4 (b) Continuing education required under par. (a) may include training in all of
5 the following:

6 1. Basic life support or cardiopulmonary resuscitation. Not more than 2 of the
7 credit hours required under par. (a) may be satisfied by such training.

8 2. Infection control. Not less than 2 of the credit hours required under par. (a)
9 must be satisfied by such training.

10 (d) After consultation with the examining board and with the department of
11 health services, the department may promulgate rules requiring that continuing
12 education credit hours under par. (a) include courses in specific clinical subjects.

13 (2) The credit hours required under sub. (1) (a) may be satisfied by independent
14 study, correspondence, or Internet programs or courses.

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

18 (4) A person may substitute credit hours of college level courses related to the
19 practice of dental therapy for the credit hours required under sub. (1) (a). For
20 purposes of this subsection, one credit hour of a college level course is equivalent to
21 6 credit hours of continuing education.

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

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

4 **SECTION 34.** 447.06 (1) of the statutes is amended to read:

5 447.06 **(1)** No contract of employment entered into between a dentist or dental
6 therapist and any other party under which the dentist or dental therapist renders
7 dental services may require the dentist or dental therapist to act in a manner ~~which~~
8 that violates the professional standards for dentistry or dental therapy set forth in
9 this chapter. Nothing in this subsection limits the ability of the other party to control
10 the operation of the dental practice in a manner in accordance with the professional
11 standards for dentistry or dental therapy set forth in this chapter.

12 **SECTION 35.** 447.06 (1m) of the statutes is created to read:

13 447.06 **(1m)** No contract of employment entered into between a dental
14 therapist and any other party under which the dental therapist is employed to
15 practice dental therapy may require a dental therapist to meet a minimum quota for
16 the number of patients seen or the number of procedures performed.

17 **SECTION 36.** 447.06 (2) (a) 3. of the statutes is amended to read:

18 447.06 **(2)** (a) 3. For a school for the education of dentists, dental therapists,
19 or dental hygienists.

20 **SECTION 37.** 447.06 (2) (b) of the statutes, as affected by 2017 Wisconsin Act 20,
21 is amended to read:

22 447.06 **(2)** (b) A dental hygienist may practice dental hygiene or perform
23 remediable procedures under par. (a) 1. only as authorized by a dentist or dental
24 therapist who is licensed to practice dentistry or dental therapy under this chapter

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1 and who is present in the facility in which those practices or procedures are
2 performed, except as provided in par. (c).

3 **SECTION 38.** 447.06 (2) (c) (intro.) of the statutes, as affected by 2017 Wisconsin
4 Act 20, is amended to read:

5 447.06 (2) (c) (intro.) A dental hygienist may practice dental hygiene or perform
6 remediable procedures under par. (a) 1. if a dentist or dental therapist who is licensed
7 to practice dentistry or dental therapy under this chapter is not present in the facility
8 in which those practices or procedures are performed only if all of the following
9 conditions are met:

10 **SECTION 39.** 447.06 (2) (c) 2. (intro.) of the statutes is amended to read:

11 447.06 (2) (c) 2. (intro.) The dentist or dental therapist who made the written
12 or oral prescription has examined the patient at least once during the 12-month
13 period immediately preceding:

14 **SECTION 40.** 447.06 (3) of the statutes is created to read:

15 447.06 (3) (a) In this subsection:

16 1. "Collaborative management agreement" means an agreement under par. (d).

17 2. "Qualifying dentist" means a dentist who is licensed in this state and who
18 is actively practicing in this state.

19 (b) The scope of practice of a dental therapist shall, subject to the terms of a
20 collaborative management agreement, be limited to providing the following services,
21 treatments, and procedures:

22 1. Oral evaluation and assessment of dental disease and formulation of an
23 individualized treatment plan.

24 2. Evaluating radiographs.

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- 1 3. Identifying oral and systemic conditions requiring evaluation or treatment
- 2 by dentists, physicians, or other health care providers and managing referrals.
- 3 4. Comprehensive charting of the oral cavity.
- 4 5. Oral health instruction and disease prevention education, including
- 5 nutritional counseling and dietary analysis.
- 6 6. Exposing radiographic images.
- 7 7. Dental prophylaxis, including subgingival scaling and polishing procedures.
- 8 8. Dispensing and administering via the oral or topical route nonnarcotic
- 9 analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed
- 10 health care provider.
- 11 9. Applying topical preventive or prophylactic agents, including fluoride
- 12 varnish, antimicrobial agents, and pit and fissure sealants.
- 13 10. Pulp vitality testing.
- 14 11. Applying desensitizing medication or resin.
- 15 12. Fabricating athletic mouth guards.
- 16 13. Changing periodontal dressings.
- 17 14. Administering local anesthetic.
- 18 15. Pulpotomies on primary teeth.
- 19 16. Simple extraction of erupted primary teeth.
- 20 17. Nonsurgical extractions of periodontally diseased permanent teeth with
- 21 tooth mobility of +3 to +4 under general supervision if authorized in advance by the
- 22 supervising dentist, except that “dental therapy” does not include the extraction of
- 23 a tooth that is unerupted, impacted, or fractured or that needs to be sectioned for
- 24 removal.

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1 18. Emergency palliative treatment of dental pain limited to the procedures in
2 this paragraph.

3 19. Preparation and placement of direct restoration in primary and permanent
4 teeth.

5 20. Fabrication and placement of single-tooth temporary crowns.

6 21. Preparation and placement of preformed crowns on primary teeth.

7 22. Indirect and direct pulp capping on permanent teeth.

8 23. Indirect pulp capping on primary teeth.

9 24. Suture removal.

10 25. Minor adjustments and repairs on removable prostheses.

11 26. Placement and removal of space maintainers.

12 27. Any additional services, treatments, or procedures specified in the rules
13 promulgated under s. 447.02 (1) (g).

14 (c) 1. A dental therapist licensed under this chapter may provide dental
15 therapy services only under the general supervision of a qualifying dentist with
16 which the dental therapist has entered into a collaborative management agreement.
17 For purposes of this subdivision, general supervision of a dental therapist by a
18 dentist requires that a task or procedure be performed by a dental therapist with the
19 prior knowledge and consent of the dentist, but does not require the presence of the
20 dentist in the office or on the premises at the time a task or procedure is being
21 performed by the dental therapist and does not require prior examination or
22 diagnosis of a patient by the dentist before the dental therapist provides dental
23 therapy services to the patient.

24 2. A supervising dentist shall accept responsibility for all services performed
25 by a dental therapist pursuant to a collaborative management agreement and for

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1 providing or arranging for services to be provided by a dentist or other qualified
2 health care professional when services needed by a patient are beyond the dental
3 therapist's scope of practice and authorization under the collaborative management
4 agreement.

5 (d) 1. Prior to providing any dental therapy services, a dental therapist shall
6 enter into a written collaborative management agreement with a qualifying dentist
7 who will serve as a supervising dentist under par. (c). The agreement must be signed
8 by the dental therapist and the qualifying dentist and address all of the following:

9 a. The practice settings where services may be provided and the patient
10 populations that may be served.

11 b. Any conditions or limitations on the services that may be provided by the
12 dental therapist, the level of supervision required, and any circumstances requiring
13 consultation prior to performing services.

14 c. Age-specific and procedure-specific practice protocols.

15 d. Dental record-keeping procedures.

16 e. Plans for managing dental or medical emergencies.

17 f. A quality assurance plan for monitoring care provided by the dental
18 therapist.

19 g. Protocols for administering and dispensing medications.

20 h. Criteria or protocols relating to the provision of care to patients with specific
21 medical conditions, treatments, or medications.

22 i. Policies relating to supervision of dental hygienists and other staff.

23 j. A plan for the referral of patients to other dental or health care professionals
24 or clinics when services needed are beyond the scope of practice or authorization of
25 the dental therapist.

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1 2. A collaborative management agreement shall be limited to covering one
2 qualifying dentist and one dental therapist.

3 3. No dentist may have collaborative management agreements with more than
4 5 dental therapists at any time.

5 **SECTION 41.** 447.07 (1) of the statutes is amended to read:

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

12 **SECTION 42.** 447.07 (3) (intro.) of the statutes is amended to read:

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

25 **SECTION 43.** 447.07 (3) (e) to (h) of the statutes are amended to read:

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1 447.07 (3) (e) Subject to ss. 111.321, 111.322, and 111.335, been convicted of a
2 crime, the circumstances of which substantially relate to the practice of dentistry,
3 dental therapy, or dental hygiene or the operation of a mobile dentistry program.

4 (f) Violated this chapter or any federal or state statute or rule that relates to
5 the practice of dentistry, dental therapy, or dental hygiene, or the operation of a
6 mobile dentistry program.

7 (g) Subject to ss. 111.321, 111.322 and 111.34, practiced dentistry, dental
8 therapy, or dental hygiene while his or her ability was impaired by alcohol or other
9 drugs.

10 (h) Engaged in conduct that indicates a lack of knowledge of, an inability to
11 apply or the negligent application of, principles or skills of dentistry, dental therapy,
12 or dental hygiene.

13 **SECTION 44.** 447.40 (intro.) of the statutes is amended to read:

14 **447.40 Informed consent.** (intro.) Any dentist or dental therapist who treats
15 a patient shall inform the patient about the availability of reasonable alternate
16 modes of treatment and about the benefits and risks of these treatments. The
17 reasonable dentist standard is the standard for informing a patient under this
18 section. The reasonable dentist standard requires disclosure only of information
19 that a reasonable dentist would know and disclose under the circumstances. The
20 dentist's or dental therapist's duty to inform the patient under this section does not
21 require disclosure of any of the following:

22 **SECTION 45.** 447.40 (6) of the statutes is amended to read:

23 447.40 (6) Information about alternate modes of treatment for any condition
24 the dentist or dental therapist has not included in his or her diagnosis, assessment,
25 or treatment plan at the time the dentist or dental therapist informs the patient.

SENATE BILL 784**SECTION 46**

1 **SECTION 46.** 448.03 (2) (a) of the statutes is amended to read:

2 448.03 (2) (a) Any person lawfully practicing within the scope of a license,
3 permit, registration, certificate or certification granted to practice midwifery under
4 subch. XIII of ch. 440, to practice professional or practical nursing or
5 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice
6 dentistry, dental therapy, or dental hygiene under ch. 447, to practice optometry
7 under ch. 449, to practice acupuncture under ch. 451 or under any other statutory
8 provision, or as otherwise provided by statute.

9 **SECTION 47.** 448.21 (1) (a) of the statutes is amended to read:

10 448.21 (1) (a) The practice of dentistry, dental therapy, or dental hygiene within
11 the meaning of ch. 447.

12 **SECTION 48.** 450.03 (1) (e) of the statutes is amended to read:

13 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
14 permit, registration, certificate, or certification granted to provide home medical
15 oxygen under s. 450.076, to practice professional or practical nursing or
16 nurse-midwifery under ch. 441, to practice dentistry, dental therapy, or dental
17 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
18 optometry under ch. 449 or to practice veterinary medicine under ch. 89, or as
19 otherwise provided by statute.

20 **SECTION 49.** 450.10 (3) (a) 4. of the statutes is amended to read:

21 450.10 (3) (a) 4. A dentist or dental therapist licensed under ch. 447.

22 **SECTION 50.** 462.02 (2) (d) of the statutes is amended to read:

23 462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental therapist licensed
24 under s. 447.04 (1m), a dental hygienist licensed under s. 447.04 (2), or a person
25 under the direct supervision of a dentist.

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1 **SECTION 51.** 462.04 of the statutes is amended to read:

2 **462.04 Prescription or order required.** A person who holds a license or
3 limited X-ray machine operator permit under this chapter may not use diagnostic
4 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
5 prescription or order of a physician licensed under s. 448.04 (1) (a), a dentist licensed
6 under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist
7 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced
8 practice nurse certified under s. 441.16 (2), a physician assistant licensed under s.
9 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist licensed under s.
10 448.53.

11 **SECTION 52.** 463.10 (5) of the statutes is amended to read:

12 463.10 (5) EXCEPTION. This section does not apply to a dentist who is licensed
13 ~~under s. 447.03 (1) or to a~~, dental therapist, or physician who tattoos or offers to tattoo
14 a person in the course of the dentist's, dental therapist's, or physician's professional
15 practice.

16 **SECTION 53.** 463.12 (5) of the statutes is amended to read:

17 463.12 (5) EXCEPTION. This section does not apply to a dentist who is licensed
18 ~~under s. 447.03 (1) or to a~~, dental therapist, or physician who pierces the body of or
19 offers to pierce the body of a person in the course of the dentist's, dental therapist's,
20 or physician's professional practice.

21 **SECTION 54.** 632.87 (4) of the statutes is amended to read:

22 632.87 (4) No policy, plan or contract may exclude coverage for diagnosis and
23 treatment of a condition or complaint by a licensed dentist or dental therapist within
24 the scope of the dentist's or dental therapist's license, if the policy, plan or contract

SENATE BILL 784**SECTION 54**

1 covers diagnosis and treatment of the condition or complaint by another health care
2 provider, as defined in s. 146.81 (1) (a) to (p).

3 **SECTION 55.** 895.48 (1m) (a) (intro.) of the statutes, as affected by 2017
4 Wisconsin Act 12, is amended to read:

5 895.48 **(1m)** (a) (intro.) Except as provided in par. (b), any physician, physician
6 assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed
7 under ch. 446, dentist or dental therapist licensed under ch. 447, emergency medical
8 services practitioner licensed under s. 256.15, emergency medical responder
9 certified under s. 256.15 (8), registered nurse licensed under ch. 441, or a massage
10 therapist or bodywork therapist licensed under ch. 460 who renders voluntary health
11 care to a participant in an athletic event or contest sponsored by a nonprofit
12 corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001
13 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s.
14 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability
15 for his or her acts or omissions in rendering that care if all of the following conditions
16 exist:

17 **SECTION 56.** 895.48 (1m) (a) 2. of the statutes, as affected by 2017 Wisconsin
18 Act 12, is amended to read:

19 895.48 **(1m)** (a) 2. The physician, podiatrist, athletic trainer, chiropractor,
20 dentist, dental therapist, emergency medical services practitioner, as defined in s.
21 256.01 (5), emergency medical responder, as defined in s. 256.01 (4p), physician
22 assistant, registered nurse, massage therapist or bodywork therapist does not
23 receive compensation for the health care, other than reimbursement for expenses.

24 **SECTION 57.** 941.315 (5) of the statutes is amended to read:

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1 941.315 (5) (a) Subsection (2) does not apply to a person to whom nitrous oxide
2 is administered for the purpose of providing medical or dental care, if the nitrous
3 oxide is administered by a physician ~~or~~, dentist, or dental therapist or at the direction
4 or under the supervision of a physician ~~or~~, dentist, or dental therapist.

5 (b) Subsection (3) does not apply to the administration of nitrous oxide by a
6 physician ~~or~~, dentist, or dental therapist, or by another person at the direction or
7 under the supervision of a physician ~~or~~, dentist, or dental therapist, for the purpose
8 of providing medical or dental care.

9 (c) Subsection (3) (c) does not apply to the sale to a hospital, health care clinic
10 or other health care organization or to a physician ~~or~~, dentist, or dental therapist of
11 any object used, designed for use or primarily intended for use in administering
12 nitrous oxide for the purpose of providing medical or dental care.

SECTION 58. Nonstatutory provisions.

13
14 (1) When the first individual becomes licensed as a dental therapist in this
15 state under section 447.04 (1m) of the statutes, the dentistry examining board shall
16 send a notice to the legislative reference bureau for publication in the Wisconsin
17 Administrative Register.

18 **SECTION 59. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of section 15.405 (6) (am) of the statutes takes effect on the
21 date the notice under SECTION 58 (1) of this act is published in the Wisconsin
22 Administrative Register.

23 **(END)**