



Scott Walker, Governor
Dave Ross, Secretary

**MOBILE DENTISTRY AD HOC COMMITTEE
OF THE
DENTISTRY EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
September 3, 2014**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

**11:30 A.M. OR IMMEDIATELY FOLLOWING THE AJOURNMENT OF THE
DENTISTRY EXAMINING BOARD MEETING**

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1)

B. Legislative and Administrative Rule Matters – Discussion and Consideration

- 1) Proposed Revisions to DE 10 Relating to Mobile Dentistry (5-6)

C. Public Comments

ADJOURNMENT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 21 August 2014	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Dentistry Rules Committee – Mobile Dentistry			
4) Meeting Date: 3 September 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? A. Approval of Agenda B. Administrative Rule Matters – Discussion and Consideration 1. Proposed Revisions to DE 10 relating to mobile dentistry C. Public Comments D. Adjournment	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>21 August 2014</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

State of Wisconsin



2013 Senate Bill 573

Date of enactment: April 8, 2014
Date of publication*: April 9, 2014

2013 WISCONSIN ACT 244

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.

STATEMENT OF SCOPE

DENTISTRY EXAMINING BOARD

Rule No.: DE 10

Relating to: Regulation of Mobile Dentistry Programs

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to implement 2013 Act 244 by doing the following:

- o Create a definition of "mobile dentistry program";
- o Define the activities that constitute the operation of a mobile dentistry program for purposes of the registration requirement;
- o Requirements for obtaining a registration;
- o Requirements for patient access to dental records; and
- o Standards of conduct for the operation of a mobile dentistry program, the provision of dental services through a mobile dentistry program and the use of portable dental equipment.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Under 2013 Act 244, no person may own or operate a mobile dentistry program in Wisconsin unless the person is registered. The Dentistry Examining Board was given specific authority to promulgate rules to regulate mobile dentistry programs as outline in the above objective of the proposed rule.

The alternative to promulgation of rules would be to create confusion as to the definition of a mobile dentistry program, the activities the program may perform, the process for obtaining registration and the standards of conduct which must be followed.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

447.02(2) The examining board shall promulgate rules specifying all of the following:

- (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 mobile dentistry program for purposes of the registration requirement under s. 447.058.

447.058(2)(a) The examining board may grant a registration under this section to a person who does all of the following:

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

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

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5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

200 hours

6. List with description of all entities that may be affected by the proposed rule:

The owners, operators and employees of mobile dentistry programs and their patients will be affected by the proposed rule.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

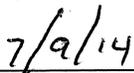
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377



Authorized Signature



Date Submitted