

# State of Wisconsin



2023 Senate Bill 689

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

AN ACT *to amend* 15.405 (6) (b), 36.61 (1) (b), 36.61 (3) (a), 36.61 (5) (b) 1., 36.61 (8) (c) 3., 146.81 (1) (c), 146.89 (1) (r) 1., 146.89 (1) (r) 5., 146.89 (3) (b) 8., 146.89 (3m) (intro.), 146.997 (1) (d) 3., 155.01 (7), 252.14 (1) (ar) 3., 257.01 (5) (a), 257.01 (5) (b), 440.094 (1) (c) 3., 447.02 (1) (a), 447.02 (1) (b), 447.02 (2) (a), 447.02 (3) (a) (intro.), 447.02 (3) (a) 2., 447.02 (3) (b), 447.02 (5), 447.03 (3) (c), 447.06 (1), 447.06 (2) (a) 3., 447.06 (2) (b), 447.06 (2) (c) (intro.), 447.06 (2) (c) 2. (intro.), 447.063, 447.065, 447.07 (1), 447.07 (3) (intro.), 447.07 (3) (e) to (h), 447.40 (intro.), 447.40 (6), 448.03 (2) (a), 448.975 (2) (c) 1., 450.03 (1) (e), 450.10 (3) (a) 4., 462.02 (2) (d), 462.04, 463.10 (5), 463.12 (5), 632.87 (4), 895.48 (1m) (a) (intro.), 895.48 (1m) (a) 2. and 941.315 (5); and *to create* 36.61 (1) (ak), 440.03 (13) (b) 20m., 440.08 (2) (a) 25m., 447.01 (6g), 447.01 (6r), 447.02 (1) (g), 447.02 (3) (a) 3., 447.02 (6), 447.03 (1m), 447.03 (3) (am), 447.04 (1m), 447.05 (2m), 447.057, 447.06 (1m), 447.06 (3) and 447.07 (6) of the statutes; **relating to**: licensure of dental therapists; extending the time limit for emergency rule procedures; providing an exemption from emergency rule procedures; providing an exemption from rule-making procedures; and granting rule-making authority.

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

**SECTION 1.** 15.405 (6) (b) of the statutes is amended to read:

15.405 (6) (b) Three dental hygienists who are licensed under ch. 447. The governor shall, to the extent possible, appoint members under this paragraph so that at least one of the members under this paragraph is an individual who is also a dental therapist licensed under ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist members under this paragraph may participate in the preparation and grading of licensing examinations for dental hygienists.

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

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

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

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

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

36.61 (3) (a) The board shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state or in a rural area, except that a health care provider in the expanded loan

\* 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."

assistance program under sub. (8) who is not a dental therapist or dental hygienist may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

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

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

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

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

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

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

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

146.89 (1) (r) 1. Licensed as a physician under ch. 448, naturopathic doctor under ch. 466, a dentist, dental therapist, or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant under subch. IX of ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch. 448.

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

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

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

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

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

146.89 (3m) (intro.) A volunteer health care provider who is a dentist or dental therapist may provide dental services or a volunteer health care provider who is a dental hygienist may provide dental hygiene services, to persons who are recipients of Medical Assistance, if all of the following apply:

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

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

**SECTION 13.** 155.01 (7) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

155.01 (7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist or dental therapist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, or genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who holds a compact privilege under subch. XI of ch. 448, an occupational therapist or occupational therapy assistant who holds a compact privilege under subch. XII of ch. 448, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

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

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

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

257.01 (5) (a) An individual who is licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448.

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

257.01 (5) (b) An individual who was at any time within the previous 10 years, but is not currently, licensed as a physician, a physician assistant, or a podiatrist under ch. 448, licensed as a naturopathic doctor under ch. 466, licensed as a registered nurse, licensed practical nurse or nurse–midwife, under ch. 441, licensed as a dentist or dental therapist under ch. 447, licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary technician under ch. 89, or certified as a respiratory care practitioner under ch. 448, if the individual’s license or certification was never revoked, limited, suspended, or denied renewal.

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

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

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

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

**SECTION 19.** 440.094 (1) (c) 3. of the statutes is amended to read:

440.094 (1) (c) 3. A dentist or dental therapist licensed under ch. 447.

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

447.01 (6g) “Dental therapist” means an individual who practices dental therapy.

**SECTION 21.** 447.01 (6r) of the statutes is created to read:

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

**SECTION 22.** 447.02 (1) (a) of the statutes is amended to read:

447.02 (1) (a) Governing the reexamination of an applicant who fails an examination specified in s. 447.04 (1) (a) 5., (1m) (e), 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.

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

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

**SECTION 24.** 447.02 (1) (g) of the statutes is created to read:

447.02 (1) (g) Specifying services, treatments, or procedures, in addition to those specified under s. 447.06 (3) (b) 1. to 27., that are included within the practice of dental therapy.

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

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

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

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

**SECTION 27.** 447.02 (3) (a) 2. of the statutes is amended to read:

447.02 (3) (a) 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, dental therapy, or dental hygiene.

**SECTION 28.** 447.02 (3) (a) 3. of the statutes is created to read:

447.02 (3) (a) 3. If the applicant is applying for a permit to practice dental therapy, the applicant graduated from a dental therapy education program approved under s. 447.04 (1m) (c) 1. to 3.

**SECTION 29.** 447.02 (3) (b) of the statutes is amended to read:

447.02 (3) (b) A permit under this subsection shall authorize the practice of dentistry, dental therapy, 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.

**SECTION 30.** 447.02 (5) of the statutes is amended to read:

447.02 (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, dental therapy, or dental hygiene, provided to a business that provides dental or dental hygiene services.

**SECTION 31.** 447.02 (6) of the statutes is created to read:

447.02 (6) The examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the board determines that 50 or more individuals are currently licensed as dental therapists in this state under s. 447.04 (1m). This subsection does not apply on or after the first day of the 6th year beginning after the effective date of this subsection .... [LRB inserts date].

**SECTION 32.** 447.03 (1m) of the statutes is created to read:

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

(a) Practice or offer to practice dental therapy.

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

**SECTION 33.** 447.03 (3) (am) of the statutes is created to read:

447.03 (3) (am) A dental therapy student who practices dental therapy under the supervision of a dentist in an infirmary, clinic, hospital, or other institution connected or associated for training purposes with a dental therapy school accredited by the American Dental Association commission on dental accreditation or its successor agency.

**SECTION 34.** 447.03 (3) (c) of the statutes is amended to read:

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

**SECTION 35.** 447.04 (1m) of the statutes is created to read:

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

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Submits evidence satisfactory to the examining board that he or she has done one of the following:

1. Graduated from an accredited dental therapy education program.

2. Graduated from a dental therapy education program that was not accredited at the time of graduation, but that satisfies all of the following:

a. The program was approved by the Minnesota Board of Dentistry on or before the effective date of this subd. 2. a. .... [LRB inserts date].

b. The program was accredited as of the date the individual applies for a license under this subsection.

3. Graduated from a dental therapy education program located in this state that, at the time of graduation, was not fully accredited but had received initial accreditation. This subdivision applies to a dental therapy education program only during the 4-year period beginning after the program's inception. After that 4-year period has elapsed, an individual may not qualify for a license under this subsection on the basis of graduation from that program unless the program has subsequently become accredited as described in subd. 1. The examining board shall maintain a register of individuals granted a license

on the basis of graduation from a program described in this subdivision.

(d) Submits evidence satisfactory to the examining board that he or she has passed a national board dental therapy examination and a dental therapy clinical examination administered by a regional testing service that has been approved by the examining board to administer clinical examinations for dental professionals. If a national board examination or a regional testing service examination for dental therapy does not exist, the examining board shall accept evidence of passing an alternative examination administered by another entity or testing service that is approved by the examining board.

(e) Passes an examination administered by the examining board on the statutes and rules relating to dental therapy.

(f) 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.

(g) If the individual was licensed or is currently licensed in another state or territory of the United States or in another country, the individual submits information related to his or her licensure in other jurisdictions as required by the examining board.

(h) Completes any other requirements established by the examining board by rule that are comparable to and no more restrictive than the requirements established by the board for dentists under sub. (1) (a) 6. and dental hygienists under sub. (2) (a) 6.

**SECTION 36.** 447.05 (2m) of the statutes is created to read:

447.05 (2m) The examining board may not renew a license to practice dental therapy unless the applicant for renewal attests that he or she has complied with s. 447.057 and any rules promulgated under s. 447.057, 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.

**SECTION 37.** 447.057 of the statutes is created to read:

**447.057 Continuing education; dental therapists.**

(1) (a) Except as provided in subs. (3) and (4), a person is not eligible for renewal of a license to practice dental therapy, 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 therapy that is sponsored or

recognized by a local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, or medical–related professional organization.

(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.

(c) After consultation with the department of health services, 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 therapy 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 therapy to submit proof of compliance with the requirements of this section.

**SECTION 38.** 447.06 (1) of the statutes is amended to read:

447.06 (1) No contract of employment entered into between a dentist or dental therapist and any other party under which the dentist or dental therapist renders dental services may require the dentist or dental therapist to act in a manner ~~which~~ that violates the professional standards for dentistry or dental therapy 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 or dental therapy set forth in this chapter.

**SECTION 39.** 447.06 (1m) of the statutes is created to read:

447.06 (1m) No contract of employment entered into between a dental therapist and any other party under which the dental therapist is employed to practice dental therapy may require a dental therapist to meet a minimum

quota for the number of patients seen or the number of procedures performed.

**SECTION 40.** 447.06 (2) (a) 3. of the statutes is amended to read:

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

**SECTION 41.** 447.06 (2) (b) of the statutes is amended to read:

447.06 (2) (b) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. only as authorized by a dentist or dental therapist who is licensed to practice dentistry or dental therapy under this chapter and who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

**SECTION 42.** 447.06 (2) (c) (intro.) of the statutes is amended to read:

447.06 (2) (c) (intro.) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. if a dentist or dental therapist who is licensed to practice dentistry or dental therapy 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:

**SECTION 43.** 447.06 (2) (c) 2. (intro.) of the statutes is amended to read:

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

**SECTION 44.** 447.06 (3) of the statutes is created to read:

447.06 (3) (a) In this subsection:

1. “Collaborative management agreement” means an agreement under par. (d).

2. “Dental health shortage area” has the meaning given in s. 36.60 (1) (ad).

3. “Direct supervision” means that the dentist is present in the dental office or other practice setting, personally diagnoses the condition to be treated, personally authorizes each procedure, and before dismissal of the patient, evaluates the performance of the allied dental personnel.

4. “General supervision” means that the dentist is not present in the dental office or other practice setting or on the premises at the time tasks or procedures are being performed by the dental therapist, but that the tasks or procedures performed by the dental therapist are being performed with the prior knowledge and consent of the dentist.

5. “Indirect supervision” means that the dentist is present in the dental office or other practice setting, authorizes each procedure, and remains in the office while the procedures are being performed by the allied dental personnel.

6. “Medical Assistance patient” means a patient who is a recipient of services under the Medical Assistance program under subch. IV of ch. 49.

7. “Qualifying dentist” means a dentist who is licensed in this state, who is actively practicing in this state, and who satisfies the requirement under par. (dr).

8. “Uninsured patient” means a patient who lacks dental health coverage, either through a public health care program or private insurance, and has an annual gross family income equal to or less than 200 percent of the federal poverty guidelines.

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

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

2. Identification of oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other health care providers and managing referrals.

3. Comprehensive charting of the oral cavity.

4. Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

5. Exposure and evaluation of radiographic images.

6. Dental prophylaxis, including subgingival scaling and polishing procedures.

7. Dispensing and administration via the oral or topical route of nonnarcotic analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed health care provider.

8. Application of topical preventive or prophylactic agents, including fluoride varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure sealants.

9. Pulp vitality testing.

10. Application of desensitizing medications or resins.

11. Fabrication of athletic mouth guards and soft occlusal guards.

12. Changing of periodontal dressings.

13. Administration of local anesthetic and nitrous oxide.

14. Simple extraction of erupted primary teeth.

15. Nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of +3 to +4 to the extent authorized in the dental therapist’s collaborative management agreement, except for the extraction of a tooth that is unerupted, impacted, or fractured or that needs to be sectioned for removal.

16. Emergency palliative treatment of dental pain limited to the procedures in this paragraph.

17. Preparation and placement of direct restoration in primary and permanent teeth.

18. Fabrication and placement of single-tooth temporary crowns.

19. Preparation and placement of preformed crowns on primary teeth.

20. Indirect and direct pulp capping on permanent teeth.

21. Indirect pulp capping on primary teeth.

22. Intraoral suture placement and removal.

23. Minor adjustment and repair of removable prostheses.

24. Placement and removal of space maintainers.

25. Pulpotomy on primary teeth.

26. Tooth reimplantation and stabilization.

27. Recementing of a permanent crown.

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

(bm) 1. Notwithstanding par. (b) 1. to 28., a dental therapist shall, except as provided in subd. 2., limit his or her practice of dental therapy to providing the services, treatments, and procedures covered by his or her dental therapy education program.

2. If any service, treatment, or procedure under par. (b) 1. to 28. was not covered by a dental therapist’s dental therapy education program, the dental therapist may provide that service, treatment, or procedure if the dental therapist has subsequently received additional dental therapy educational training to provide that service, treatment, or procedure.

(c) 1. Except as provided in subd. 2., a dental therapist licensed under this chapter may provide dental therapy services in this state only under the direct supervision or indirect supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement.

2. a. Once a dental therapist licensed under this chapter has provided dental therapy services for at least 2,000 hours under direct supervision or indirect supervision, the dental therapist may provide dental therapy services in this state under the general supervision of a qualifying dentist with whom the dental therapist has entered into a collaborative management agreement.

b. For purposes of the 2,000 hours requirement under subd. 2. a., hours may include hours of providing dental therapy services in this state under direct supervision or indirect supervision of a qualifying dentist as described in subd. 1. or hours of providing dental therapy services under direct supervision or indirect supervision while licensed as a dental therapist outside this state, but may not include any hours completed prior to graduating from the dental therapy education program.

3. Notwithstanding subsd. 1. and 2., the level of supervision for a dental therapist may be further limited under the terms of a collaborative management agreement under par. (d) 1. b.

4. A supervising dentist shall accept responsibility for all services performed by a dental therapist pursuant to a collaborative management agreement. If services

needed by a patient are beyond the dental therapist's scope of practice or authorization under the collaborative management agreement, the dental therapist shall, to the extent required under the collaborative management agreement, consult with the supervising dentist as needed to arrange for those services to be provided by a dentist or another qualified health care provider.

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

- a. The practice settings where services may be provided and the patient populations that may be served.
- b. Consistent with and subject to pars. (bm) and (c), any conditions or limitations on the services that may be provided by the dental therapist, the level of supervision required, and any circumstances requiring consultation prior to performing services.
- c. Age-specific and procedure-specific practice protocols.
- d. Dental record-keeping procedures.
- e. Plans for managing dental or medical emergencies.
- f. A quality assurance plan for monitoring care provided by the dental therapist.
- g. Protocols for administering and dispensing medications.
- h. Criteria or protocols relating to the provision of care to patients with specific medical conditions, treatments, or medications.
- i. Policies relating to supervision of dental hygienists and other staff.
- j. A plan for the referral of patients to other dental or health care providers or clinics when services needed are beyond the scope of practice or authorization of the dental therapist.
- k. Whether and to what extent the dental therapist may perform services described in par. (b) 15.

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

b. A dental therapist may enter into multiple collaborative management agreements.

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

(dm) A dental therapist may, subject to par. (e), provide dental therapy services only as an employee of one or more of the following that satisfies par. (dr):

1. A dentist with whom the dental therapist has entered into a collaborative management agreement.
2. A dental practice.
3. A school district or the operator of a private school, as defined in s. 115.001 (3r), or a tribal school, as defined in s. 115.001 (15m).

4. The operator of a school for the education of dentists or dental hygienists.

5. A state or federal prison, a county jail, or other federal, state, county, or municipal correctional or detention facility, or a facility established to provide care for terminally ill patients.

6. A local health department, as defined in s. 250.01 (4).

7. A charitable institution open to the general public or to members of a religious sect or order.

8. A nonprofit home health care agency.

9. The operator of a nonprofit dental care program serving primarily indigent, economically disadvantaged, or migrant worker populations.

10. A health care employer, as defined in s. 440.094 (1) (b).

(dr) A dentist may not enter into a collaborative management agreement with a dental therapist unless the dentist directly employs the dental therapist as provided in par. (dm) 1. or the dentist is employed by or contracts with the dental therapist's employer described in par. (dm) 2. to 10.

(e) A dental therapist shall at all times comply with at least one of the following:

1. Limit his or her practice to practicing in one or more dental health shortage areas. If a dental therapist begins practicing in a dental health shortage area, and that area loses its designation as a dental health shortage area while the dental therapist continues to practice in that area, the dental therapist is considered to satisfy this subdivision as long as the dental therapist continues to practice in that area.

2. Practice in one or more settings in which at least 50 percent of the total patient base of the dental therapist consists of patients who are any of the following:

- a. Medical Assistance patients.
- b. Uninsured patients.
- c. Patients receiving dental care at free and charitable clinics.
- d. Patients receiving dental care at federally qualified health centers.
- e. Patients who reside in long-term care facilities.
- f. Veterans.
- g. Patients who are members of a federally recognized Indian tribe or band.
- h. Patients receiving dental care at clinics or facilities located on tribal lands.
- i. Patients with medical disabilities or chronic conditions that create barriers of access to dental care.

**SECTION 45.** 447.063 of the statutes is amended to read:

**447.063 Preservation and transfer of patient health care records.** (1) A person who manages or controls a business that offers dental, dental therapy, or dental hygiene services, including management or control of a business through which the person allows another per-

son to offer dental, dental therapy, 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, dental therapy, or dental hygiene services, including management or control of a business through which the person allows another person to offer dental, dental therapy, 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.

**SECTION 46.** 447.065 of the statutes is amended to read:

**447.065 Delegation of remediable procedures and dental practices.** (1) A dentist or dental therapist 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:

(a) The unlicensed individual performs the remediable procedures in accordance with a treatment plan approved by the dentist or dental therapist.

(b) The dentist or dental therapist is on the premises when the unlicensed individual performs the remediable procedures.

(c) The unlicensed individual's performance of the remediable procedures is subject to inspection by the dentist or dental therapist.

(2) Subject to the requirements under s. 447.06 (2), a dentist or dental therapist who is licensed to ~~practice dentistry~~ under this chapter may delegate to a dental hygienist who is licensed to practice dental hygiene under this chapter the performance of remediable procedures and the administration of oral systemic premedications, local anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release chemotherapeutic agents, to the extent the dentist or dental therapist has the authority to perform the activity personally.

(3) A dentist or dental therapist who delegates to another individual the performance of any practice or remediable procedure is responsible for that individual's performance of that delegated practice or procedure.

**SECTION 47.** 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, dental therapist, 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 therapist's, dental hygienist's, or registrant's last-known address, to renew the license, certificate, or registration.

**SECTION 48.** 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, dental therapist, dental hygienist, or expanded function dental auxiliary, 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, dental therapy, 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, dental therapist, 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 therapist, dental hygienist, expanded function dental auxiliary, or mobile dentistry program registrant has done any of the following:

**SECTION 49.** 447.07 (3) (e) to (h) of the statutes are 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, dental therapy, 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 therapy, 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, dental therapy, 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, dental therapy, or dental hygiene or the practice of an expanded function dental auxiliary.

**SECTION 50.** 447.07 (6) of the statutes is created to read:

447.07 (6) The examining board shall immediately revoke the license to practice dental therapy granted under s. 447.04 (1m) of an individual who qualified for the license on the basis of graduation from a dental therapy education program described in s. 447.04 (1m) (c) 3. if, upon the conclusion of the 4-year period described in s. 447.04 (1m) (c) 3., the program is not accredited as described in s. 447.04 (1m) (c) 1. If the program subsequently becomes accredited, the examining board may allow reinstatement of a revoked license described in this subsection.



**SECTION 51.** 447.40 (intro.) of the statutes is amended to read:

**447.40 Informed consent.** (intro.) Any dentist or dental therapist 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 or dental therapist's duty to inform the patient under this section does not require disclosure of any of the following:

**SECTION 52.** 447.40 (6) of the statutes is amended to read:

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

**SECTION 53.** 448.03 (2) (a) of the statutes is amended to read:

448.03 (2) (a) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice midwifery under subch. XIII of ch. 440, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice chiropractic under ch. 446, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice optometry under ch. 449, to practice as a physician assistant under subch. IX, to practice acupuncture under ch. 451 or under any other statutory provision, to practice naturopathic medicine under ch. 466, or as otherwise provided by statute.

**SECTION 54.** 448.975 (2) (c) 1. of the statutes is amended to read:

448.975 (2) (c) 1. The practice of dentistry, dental therapy, or dental hygiene within the meaning of ch. 447.

**SECTION 55.** 450.03 (1) (e) of the statutes is amended to read:

450.03 (1) (e) Any person lawfully practicing within the scope of a license, permit, registration, certificate, or certification granted to practice as a pharmacy technician under s. 450.068, to provide home medical oxygen under s. 450.076, to practice professional or practical nursing or nurse–midwifery under ch. 441, to practice dentistry, dental therapy, or dental hygiene or as an expanded function dental auxiliary under ch. 447, to practice medicine and surgery under ch. 448, to practice optometry under ch. 449, to practice naturopathic medicine under ch. 466, or to practice veterinary medicine under ch. 89, or as otherwise provided by statute.

**SECTION 56.** 450.10 (3) (a) 4. of the statutes is amended to read:

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

**SECTION 57.** 462.02 (2) (d) of the statutes is amended to read:

462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a dental hygienist licensed under s. 447.04 (2), a person certified as an expanded function dental auxiliary under s. 447.04 (3), or a person under the direct supervision of a dentist.

**SECTION 58.** 462.04 of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

**462.04 Prescription or order required.** A person who holds a license or limited X–ray machine operator permit under this chapter may not use diagnostic X–ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a dental therapist licensed under s. 447.04 (1m), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.974, or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. XI of ch. 448.

**SECTION 59.** 463.10 (5) of the statutes is amended to read:

463.10 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1) or to a~~ dental therapist, or physician who tattoos or offers to tattoo a person in the course of the dentist's, dental therapist's, or physician's professional practice.

**SECTION 60.** 463.12 (5) of the statutes is amended to read:

463.12 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1) or to a~~ dental therapist, or physician who pierces the body of or offers to pierce the body of a person in the course of the dentist's, dental therapist's, or physician's professional practice.

**SECTION 61.** 632.87 (4) of the statutes is amended to read:

632.87 (4) No policy, plan or contract may exclude coverage for diagnosis and treatment of a condition or complaint by a licensed dentist or dental therapist within the scope of the dentist's or dental therapist's license, if the policy, plan or contract covers diagnosis and treatment of the condition or complaint by another health care provider, as defined in s. 146.81 (1) (a) to (p).

**SECTION 62.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist or dental therapist licensed under ch. 447, emergency medical services practitioner licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8), regis-

tered nurse licensed under ch. 441, or a massage therapist or bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

**SECTION 63.** 895.48 (1m) (a) 2. of the statutes is amended to read:

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

**SECTION 64.** 941.315 (5) of the statutes is amended to read:

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

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

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

**SECTION 65. Nonstatutory provisions.**

(1) The dentistry examining board shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the board determines that 50 or more individuals are currently licensed as dental therapists in this state under s. 447.04 (1m).

(2) (a) The dentistry examining board shall promulgate emergency rules under s. 227.24 that are necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this paragraph remain in effect for 2 years, or until the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(b) The dentistry examining board shall present a statement of scope for permanent and emergency rules required to implement this act to the department of administration under s. 227.135 (2) no later than the 30th day after the effective date of this paragraph. Notwithstanding s. 227.135 (2), if the governor does not disapprove the statement of scope by the 30th day after the statement is presented to the department of administration, the statement is considered to be approved by the governor.

(c) The dentistry examining board shall submit a proposed emergency rule required to implement this act to the governor for approval under s. 227.24 (1) (e) 1g. no later than the 150th day after the effective date of this paragraph. Notwithstanding s. 227.24 (1) (e) 1g., if the governor does not reject the proposed emergency rule by the 14th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.

(d) The dentistry examining board shall submit a proposed permanent rule required to implement this act to the governor for approval under s. 227.185 no later than the 365th day after the effective date of this paragraph. Notwithstanding s. 227.185, if the governor does not reject that proposed permanent rule by the 30th day after the rule is submitted to the governor in final draft form, the rule is considered to be approved by the governor.

**SECTION 66. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of s. 15.405 (6) (b) takes effect on the date the notice under s. 447.02 (6) is published in the Wisconsin Administrative Register or on the first day of the 6th year beginning after publication, whichever occurs first.