2017 SENATE BILL 258

May 17, 2017 - Introduced by Senators WANGGAARD, ROTH, BEWLEY, JOHNSON, LASEE, NASS, OLSEN, RINGHAND and SHILLING, cosponsored by Representatives STEFFEN, SPREITZER, ALLEN, BALLWEG, BERCEAU, BERNIER, BILLINGS, BRANDTJEN, R. BROOKS, CONSIDINE, DOYLE, FIELDS, GENRICH, HINTZ, KOLSTE, KRUG, MURPHY, MURSAU, NOVAK, QUINN, RIEMER, ROHRKASTE, SPIROS, SUBECK and TAUCHEN. Referred to Committee on Health and Human Services.

AUTHORS SUBJECT TO CHANGE

1   AN ACT *to create* 447.02 (4), 447.02 (5), 447.06 (1g), 447.06 (1r) and 447.063 of

2   the statutes; **relating to:** preserving and transferring dental patient health

3   care records, contracts for practicing dentistry or dental hygiene, and granting

4   rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires dental practices to preserve patient records for the amount of time determined by the board by rule. It also requires dental practices to transfer patient records if requested by a patient or person authorized by the patient. Also, under the bill, a contract between a dentist or dental hygienist and another party for practicing dentistry or dental hygiene may not require the dentist or dental hygienist to meet a minimum quota for the number of patients seen or procedures performed.

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

5   **SECTION 1.** 447.02 (4) of the statutes is created to read:

6   447.02 **(4)** In the course of investigating a violation of this chapter, the

7   examining board may require, by order or subpoena, that a person who manages or

1 controls a business that offers dental or dental hygiene services, including

2 management or control of a business through which the person allows another

3 person to offer dental or dental hygiene services, produce patient health care records,

4 as defined in s. 146.81 (4).

5 **SECTION 2.** 447.02 (5) of the statutes is created to read:

6 447.02 **(5)** Except as provided in ss. 447.058 and 447.063, nothing in this

7 chapter may be construed as authorizing the examining board to regulate business

8 or administrative support functions or services, that do not constitute the practice

9 of dentistry or dental hygiene, provided to a business that provides dental or dental

10 hygiene services.

11 **SECTION 3.** 447.06 (1g) of the statutes is created to read:

12 447.06 **(1g)** No contract of employment entered into between a dentist and any

13 other party under which the dentist is employed to practice dentistry may require

14 a dentist to meet a minimum quota for the number of patients seen or the number

15 of procedures performed.

16 **SECTION 4.** 447.06 (1r) of the statutes is created to read:

17 447.06 **(1r)** No contract of employment entered into between a dental hygienist

18 and any other party under which the dental hygienist is employed to practice dental

19 hygiene may require a dental hygienist to meet a minimum quota for the number of

20 patients seen or the number of procedures performed.

21 **SECTION 5.** 447.063 of the statutes is created to read:

22 **447.063 Preservation and transfer of patient health care records. (1)**

23 A person who manages or controls a business that offers dental or dental hygiene

24 services, including management or control of a business through which the person

25 allows another person to offer dental or dental hygiene services, shall preserve

1   patient health care records, as defined in s. 146.81 (4), for an amount of time

2   determined by the examining board by rule.

3   **(2)** A person who manages or controls a business that offers dental or dental

4   hygiene services, including management or control of a business through which the

5   person allows another person to offer dental or dental hygiene services, shall, upon

6   request of a patient or person authorized by the patient, as defined in s. 146.81 (5),

7   transfer the patient health care records, as defined in s. 146.81 (4), of the patient to

8   another person that the patient or person authorized by the patient specifies to

9   receive the patient health care records.

10   **(END)**