

# State of Wisconsin



2017 Senate Bill 258

Date of enactment: **November 30, 2017**

Date of publication\*: **December 1, 2017**

## 2017 WISCONSIN ACT 116

**AN ACT to create** 447.02 (4), 447.02 (5), 447.06 (1g), 447.06 (1r) and 447.063 of the statutes; **relating to:** preserving and transferring dental patient health care records, contracts for practicing dentistry or dental hygiene, and granting rule-making authority.

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

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

447.02 (4) In the course of investigating a violation of this chapter, the examining board may require, by order or subpoena, that a person who manages or controls a business that offers dental or dental hygiene services, including management or control of a business through which the person allows another person to offer dental or dental hygiene services, produce patient health care records, as defined in s. 146.81 (4).

**SECTION 2.** 447.02 (5) of the statutes is created 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 or dental hygiene, provided to a business that provides dental or dental hygiene services.

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

447.06 (1g) No contract of employment entered into between a dentist and any other party under which the dentist is employed to practice dentistry may require a

dentist to meet a minimum quota for the number of patients seen or the number of procedures performed.

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

447.06 (1r) No contract of employment entered into between a dental hygienist and any other party under which the dental hygienist is employed to practice dental hygiene may require a dental hygienist to meet a minimum quota for the number of patients seen or the number of procedures performed.

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

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

\* 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."

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.

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