



# Van H. Wanggaard

Wisconsin State Senator

## TESTIMONY ON SENATE BILL 258

Thank you Madam Chair, and committee members for holding a hearing today on Senate Bill 258, which relates to dental patient health care records, and contracts for practicing dentistry. This bill has three main components, all of which clarify Wisconsin law governing dental practices.

As you probably know, patient health care records are generally transferable among providers under federal law. However, the same is not true for dental records. Just like any other health care record, I believe patients should have the right to access and transfer their dental records between dentists and dental practices if they desire. This bill clarifies that whomever has the controlling interest in a dental practice – whether it be a dentist or Dental Support Organization – is ultimately responsible for the production or transfer of records. And that provider must transfer the records upon request of the patient. This also guarantees that the records will be accessible when needed, either by the patient or others in regards to an investigation.

Next, the bill clarifies that the Dentistry Examining Board is prohibited from regulating the administrative and support functions of dental practices, except in regard to patient records and mobile dentistry programs. Since these functions are not the actual practice of dentistry or dental hygiene, they should not be regulated by the Examining Board. This will free up the Dentistry Examining Board to focus its efforts on monitoring practicing dentists.

Finally, the bill prohibits the use of quotas in contracts between a dentist and/or a dental hygienist and a third party that would require the dentist or dental hygienist to see a certain number of patients, or perform a certain amount of a certain procedure. Quality of dental care should not be measured by mere numbers.

This is clarifying, common sense legislation, and I hope you will join me in supporting Senate Bill 258.



# DAVID STEFFEN

STATE REPRESENTATIVE • 4<sup>TH</sup> ASSEMBLY DISTRICT

**Prepared Testimony by Rep. David Steffen before the  
Senate Committee on Health and Human Services  
Senate Bill 258: Patient Records Protection Act  
August 16, 2017**

Chair Vukmir and Committee Members,

Thank you for holding a public hearing on Senate Bill 258 relating to preserving and transferring dental patient health care records and contracts for practicing dentistry or dental hygiene in Wisconsin. SB 258, the Patient Records Protection Act, is a simple, yet significant bipartisan legislative step to ensuring that patients have access to their dental records, regardless of where they receive dental care.

In Wisconsin, dental practices take the form of two structures, dentist-owned practices, and non-dentist owned practices. Companies referred to as Dental Support Organizations (DSOs) perform business and administrative support functions for dental offices. DSOs play an integral role in Wisconsin's dentistry industry by providing these support functions, they do not however, engage in the practice of dentistry. Both of these business models, dentist and non-dentist owned, work together to keep Wisconsin's dentistry industry successful in serving our residents. SB 258 ensures that regardless of where a patient receives treatment, they have access to their dental records. This bill clarifies that the controlling party of a dentist practice must produce dental records, whether they've been requested by the patient or by the Dentistry Examining Board (DEB) during the course of an investigation. This added statutory language will ensure that, regardless of the business structure, in the rare case in which a clinic shuts down, the patient will still be able to access their records.

SB 258 also establishes that the DEB does not have regulatory power over the business and administrative support functions of DSOs, and establishes that the practice of quotas (requiring dentists or dental hygienists to perform a certain number of procedures) is prohibited.

The Patient Records Protection Act is supported by the Wisconsin Dental Association and the Association of Dental Support Organizations, and is key to protecting the fundamental rights of dental patients in Wisconsin.

Thank you for allowing me to submit my testimony in favor of SB 258. I encourage you to support this legislation.

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August 16, 2017

Senate Committee on Health and Human Services  
WDA Testimony in favor of SB 258  
Matt Rossetto, Director of Government Services

Dear Senator Vukmir and committee members,

Thank you for the opportunity to testify in favor of Senate Bill 258, the Patient Records Protection Act. This bipartisan legislation is the result of cooperation between the WDA and the Association of Dental Support Organizations (ADSO). Our two organizations share the goal of providing quality oral health care to the public. That commitment extends to the maintenance of a patient's health care records.

Wisconsin is one of several states that allow non-dentists to own a dental practice. This means that, occasionally, clarification is needed on whether the rules governing dentistry, or the rules governing businesses themselves, are the ones which apply.

Patients should not have to care about whether their practice is owned by a dentist or a non-dentist. This legislation ensures that, regardless of the ownership structure of the practice, patients can and will have access to their records. The legislation creates a clear chain of custody as to who is responsible for the maintenance and production of these records.

SB 258 also addresses the issue of quotas. It explicitly prohibits dentists or hygienists from being required to see a certain number of patients, or to perform a certain number of procedures. Requirements like these, while rare, can endanger patient safety in the name of the bottom line.

Finally, the bill makes clear that the business and administrative functions that are performed by Dental Support Organizations (DSO's) do not constitute the practice of dentistry. As such, they are not subject to regulation by the Dentistry Examining Board.

We appreciate your time, and thank you in advance for your support.



## spring dental group ltd.

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Senator Vukmir

My name is Ned Murphy. I am a general dentist in Racine and the current Wisconsin Dental Association president. Although I am not able to be in Madison today I wish to testify in favor of SB 258.

There have been a few occasions in my years of practice that a dental office will close summarily and provide no means other than a corporate location for patients to seek records or even partially completed prostheses. As a dentist owned and operated business I am required, upon request, to transfer these items or potentially lose my license by the Dental Examining Board. Of course that would close my office doors.

Non-dentist owned dental practice businesses hire dentists AND their license to practice within that business. If the dentist should lose that license by their acts or failure to act, that dental business may continue by hiring another dentist and their license. Or if the business should close dental patients may have lost their ability to continue care uninterrupted and may incur duplicate expense to replace those lost items.

On behalf of dental patients I respectfully ask you to vote in favor of SB 258 and recommend full Senate passage. Thank you.

Ned Murphy DDS

DR. NED J. MURPHY

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