

**2017 DRAFTING REQUEST**

**Bill**

For: **David Steffen (608) 266-5840** Drafter: **kpaczusk**  
 By: **Nicole** Secondary Drafters:  
 Date: **2/10/2017** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Steffen@legis.wisconsin.gov**  
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**  
**michael.gallagher@legis.wisconsin.gov**  
**Konrad.Paczuski@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

dental patient records and influence on dental practice

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 2/13/2017	kfollett 2/13/2017			
/P1	kpaczusk 4/12/2017	eweiss 4/13/2017	rmilford 2/13/2017		
/P2	kpaczusk 4/14/2017	eweiss 4/18/2017	rmilford 4/13/2017		
/P3	kpaczusk 4/20/2017	eweiss 4/21/2017	lparisi 4/18/2017		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			mbarman 4/21/2017	lparisi 4/21/2017	

FE Sent For:

<END>

→ Not  
Needed



Phone call with Rep. Steffen's office 2/10:

Instructions for draft:

- require all dental practices to preserve patient health care records for an amount of time determined by the Dentistry Board by rule
- require dental practices to transfer patient health care records upon request by the patient
- prohibit persons providing business or administrative support functions that do not constitute the practice of dentistry from influencing or interfering with the practice of dentistry or dental hygiene, including a plan for treatment developed by a dentist or dental hygienist
- prevent anything else in the chapter from being construed to provide the board with authority to regulate businesses or administrative support functions that do not constitute the practice of dentistry or dental hygiene

-KP

## **Paczuski, Konrad**

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**From:** Walentowski, Nicole  
**Sent:** Friday, April 07, 2017 3:18 PM  
**To:** Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>  
**Subject:** LRB 2108

Hi, Konrad-

I have a few draft revisions that I would like to request for LRB 2108. My revisions are below. I do have one question regarding drafting language and would appreciate any thoughts/suggestion you might have.

My concern relates to section 1, specifically the last line. I'm concerned about the language earlier in the sentence being too broad, so as to accidentally fence out some non-clinical functions that the DEB already does regulate, like continuing education. One thought was to simply exempt the section that outlines the current powers the DEB has, but I'm not sure if that is enough, or all encompassing. Could you give me your thoughts on this matter?

Draft language:

**Section 1: Wis. Stat. 447.02 (4) is created to read:**

### **DEB Authority**

Except as provided in s. 447.058, nothing in this chapter may be construed as providing the examining board with jurisdiction to regulate business or administrative support functions that do not constitute the practice of dentistry or dental hygiene, except as provided under ss. 447.02 (1)

**Section 2: Wis. Stat. 447.06(3) is created to read:**

No contract described in subsection (1) may require a dentist or dental hygienist to meet any minimum quota for number of patients seen, or number or type of procedures performed.

**Section 3: Wis. Stat. 447.105 is created to read:**

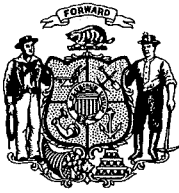
### **Examining board access to patient health care records**

If the examining board receives a complaint that a violation of this chapter has occurred, it may require, by order or subpoena, the production of patient health care records, as defined in s. 146.81(4), by any person having custody of such patient health care records. This requirement shall apply to any party having control of the operation of a dental practice under s. 447.06(1). Any person who violates this section may be subject to penalties under s. 447.09.

Thank you for your help and please let me know if you have any questions!

Sincerely,

Nicole Walentowski  
Research Assistant  
State Representative David Steffen  
4<sup>th</sup> Assembly District  
608-266-5840



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2108/PT *de-p2*  
KP:emw&kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*IN: 4/12/2017*  
*OUT: 4/13/2017*

*INSERT*

*S.A.V.*  
*XOAN*  
*DWTF*

*-Regen.*

1 **AN ACT to create** 447.02 (4), 447.063 and 447.08 of the statutes; **relating to:**  
2 preserving and transferring dental patient health care records, prohibiting  
3 nonpractitioner influence on the practice of dentistry and dental hygiene, and  
4 granting 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, persons who provide business or administrative support to dentists or dental hygienists are prohibited from influencing plans for the treatment of patients that are developed by dentists or dental hygienists.

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

*INS 1-4 n*

5  
6  
7

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

447.02 (4) Except as provided in ss. 447.058, 447.063, and 447.08, nothing in this chapter may be construed as providing the examining board with authority to

*authorizing*

or services

INS 2-2

regulate business or administrative support functions that do not constitute the practice of dentistry or dental hygiene <sup>provided to a business that provides dental</sup> or dental hygiene services

SECTION 2. 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 dentistry or dental hygiene services, including management or control of a business through which the person allows another person to offer dentistry 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 dentistry or dental hygiene services, including management or control of a business through which the person allows another person to offer dentistry 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 3. 447.08 of the statutes is created to read:

**447.08 Influence on practice prohibited.** Persons providing business or administrative support functions that do not constitute the practice of dentistry or dental hygiene may not influence or interfere with the practice of dentistry or dental hygiene, including controlling, influencing, or otherwise attempting to be involved in a plan for the treatment of a patient developed by a dentist or dental hygienist.

2017-2018 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2108/P1ins  
KP:...

1 INS 1-4

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

3 447.02 (4) In the course of investigating a violation of this chapter, the  
4 examining board may require, by order or subpoena, that a person who manages or  
5 controls a business that offers dentistry<sup>e dental</sup> or dental hygiene services, including  
6 management or control of a business through which the person allows another  
7 person to offer dentistry<sup>e dental</sup> or dental hygiene services, produce patient health care  
8 records, as defined in s. 146.81 (4).

9 END INS 1-4

10 INS 2-2

11 **SECTION 2.** 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<sup>e</sup> under which the dentist is employed to practice dentistry<sup>e</sup> 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 3.** 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<sup>e</sup> under which the dental hygienist is employed to practice dental  
19 hygiene<sup>e</sup> may require a dental hygienist to meet a minimum quota for the number  
20 of patients seen or the number of procedures performed.

21 END INS 2-2

## **Paczuski, Konrad**

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**From:** Walentowski, Nicole

**Sent:** Friday, April 14, 2017 10:18 AM

**To:** Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>

**Subject:** LRB 2108

Hi, Konrad-

Thank you so much for the revisions to LRB 2108. We do have one additional revision. Can you please remove section 6 of the bill?

Thank you!

Nicole Walentowski

Research Assistant

State Representative David Steffen

4<sup>th</sup> Assembly District

608-266-5840





State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2108/P2 *De P3*  
KP:emw&kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*INSERT*

*IN: 9/17/2017  
OUT: 4/18/2017*

*J.A. /  
J.P. /  
D.W.F.*

*Regen. contracts for practicing dentistry or dental hygiene*

1 **AN ACT to create** 447.02 (4), 447.02 (5), 447.06 (1g), 447.06 (1r), 447.063 and  
2 447.08 of the statutes; **relating to:** preserving and transferring dental patient  
3 health care records, prohibiting nonpractitioner influence on the practice of  
4 dentistry and dental hygiene, and granting 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, persons who provide business or administrative support to dentists or dental hygienists are prohibited from influencing plans for the treatment of patients that are developed by dentists or dental hygienists.

*INS A  
No 4*

***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, <sup>and</sup> 447.063, <sup>keep</sup> and 447.08, nothing in  
7 this chapter may be construed as authorizing the examining board to regulate  
8 business or administrative support functions or services, that do not constitute the  
9 practice of dentistry or dental hygiene, provided to a business that provides dental  
10 or dental 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 **SECTION 6.** 447.08 of the statutes is created to read:

11 **447.08 Influence on practice prohibited.** Persons providing business or  
12 administrative support functions or services, that do not constitute the practice of  
13 dentistry or dental hygiene, to a business providing dental or dental hygiene services  
14 may not influence or interfere with the practice of dentistry or dental hygiene,  
15 including controlling, influencing, or otherwise attempting to be involved in a plan  
16 for the treatment of a patient developed by a dentist or dental hygienist.

17 (END)

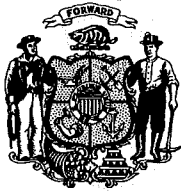
**2017-2018 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2108/P2ins  
KP:...

1           INS A

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. ✓

2           END INS A



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2108/P3 *oe*  
KP:emw&kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*IN: 4/20/2017*  
*OUT: 4/27/2017*

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.

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***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.

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***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.

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(END)

**Parisi, Lori**

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**From:** Walentowski, Nicole  
**Sent:** Friday, April 21, 2017 2:42 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2108/1

Please Jacket LRB -2108/1 for the ASSEMBLY.

Sincerely,

Nicole Walentowski  
Research Assistant  
State Representative David Steffen  
4<sup>th</sup> Assembly District  
608-266-5840