

Report From Agency

**STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DENTISTRY EXAMINING BOARD : CR 14-011
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I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Currently there are no guidelines or policies on patient dental records in chs. DE 1 to 13. Licensees report that hard copy retention of records requires storage and in some cases, off-site storage. Electronic record storage is an option and hard-copy storage could be reduced depending on retention policies. In both cases, a reduction in cost is evitable in the long-term for small business.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Dentistry Examining Board held a public hearing on March 5, 2014. The following people either testified at the hearing, or submitted written comments:

Two individuals representing the Wisconsin Dental Association (WDA) testified in favor of the rules and submitted a joint written statement.

Dr. Julio Rodriquez, WDA President; 702 23rd St.; Brodhead, WI 53520

Ms. Mara Brooks; WDA 10 E. Doty St., Ste 609; Madison WI 53703

The Dentistry Examining Board summarized the comments received either by hearing testimony or by written submission as follows:

Concerning record retention, both suggested consideration of the following: 1) statute of limitations for persons with disabilities or mental illness (s. 836.16, Stats.), and 2) retention of records of minors for a period after reaching the age of majority.

The Dentistry Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

In an effort to respond to these comments, the Dentistry Examining Board at their meeting of March 5, 2014, the Board chose to conduct research within the State Statutes and they recommended not to include any informational notes or references to these Statutes.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 5.b.

Response: The Board chose to remove this proposed section, s. DE 8.31, in its entirety from the rule; the comment no longer applies.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules were not submitted to the Small Business Regulatory review Board.

These rules will not have a significant economic impact on a substantial number of small businesses; although a cost savings should result if the need for hard-copy storage is reduced.