

# STATEMENT OF SCOPE

## DENTISTRY EXAMINING BOARD

Rule No.: DE 8

Relating to: Preservation and transfer of patient health care records

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):** N/A

**2. Detailed description of the objective of the proposed rule:**

To implement 2017 Act 116 as it relates to a person who manages or controls a business that offers dental or dental hygiene services preserving and transferring patient health care records.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Wisconsin allows non-dentists to own a dental practice. 2017 Act 116 clarifies that regardless of whether a dental practice is owned by a dentist or Dental Support Organization, the controlling party must maintain, produce and transfer records. This proposed rule will clarify in chapter DE 8 the preservation and transfer of patient health care records regardless of the dental or dental hygiene practice's business model.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

§ 15.08 (5) (b) Each Examining Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

§ 447.063 (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.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :**

50 hours

**6. List with description of all entities that may be affected by the proposed rule :**

Dentists, dental hygienists, Dental Support Organizations, and patients

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :**

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal. It is not anticipated to have a significant economic impact on small businesses.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377