

STATE OF WISCONSIN
DENTISTRY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE : FOR COMMENTS FOR THE
DENTISTRY EXAMINING BOARD : ECONOMIC IMPACT ANALYSIS

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Dentistry Examining Board relating to preservation of patient health care records, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon Henes, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708-8935
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is November 30, 2018.

PROPOSED ORDER

An order of the Dentistry Examining Board to create DE 8.035 relating to preservation of patient health care records.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 447.063, Stats.

Statutory authority: ss. 15.08 (5) (b) and 447.063 (1), Stats.

Explanation of agency authority:

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. [15.08 (5) (b), Stats.]

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. [447.063 (1), Stats.]

Related statute or rule: DE 8

Plain language analysis:

A dental practice is required to preserve patient records for at least 10 years from the date of the last entry.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois requires dental records to be maintained for 10 years.

Iowa: Iowa requires dentists to maintain a patient's dental record for a minimum of 6 years after the date of last examination, prescription, or treatment. Records for minors shall be maintained for a minimum of either one year after the patient reaches 18 years of age or 6 years, whichever is longer.

Michigan: Michigan requires all dental treatment record to be maintained for not less than 10 years from the date of the last treatment provided.

Minnesota: Minnesota requires a dentist to maintain dental records for at least 7 years beyond the time the dentist last treated the patient. In the case of a minor patient, a dentist shall maintain the record for at least 7 years past the age of majority.

Summary of factual data and analytical methodologies:

The Dentistry Examining Board implemented 2017 Act 116 in a manner which maintains consistency with other patient dental record requirements.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-2377; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. DE 8.035 is created to read:

DE 8.035 Preservation of patient health care records. 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 for at least 10 years from the date of the last entry.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
