



State of Wisconsin
2023 - 2024 LEGISLATURE

September 2023 Special Session

LRBs0124/1
ALL:all

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 1**

October 13, 2023 – Offered by Senator LEMAHIEU.

1 **AN ACT to repeal** 89.073 (1), 89.073 (2) (b), 89.073 (2m), 106.276, 440.09 (1),
2 440.09 (2) (b), 440.09 (2m), 440.094 (1) (b), 440.992 (6), 452.10 (2) and 456.07
3 (1) and (3); **to renumber** 252.14 (1) (ar) 14., 440.08 (2) (d), 440.08 (2) (e), 440.09
4 (2) (intro.), 440.09 (2) (d), 448.978 (1), 448.978 (2) (d) 1. and 2., 457.16 (1) and
5 457.25 (1); **to renumber and amend** 71.07 (9g) (b), 108.04 (2) (a) 4., 108.04 (15)
6 (a) 2., 440.03 (13) (c), 440.08 (2) (a) 1. to 72., 440.08 (2) (c), 440.09 (2) (a), 440.09
7 (2) (c), 440.09 (2) (f), 440.09 (3), 440.09 (4) and (5), 446.025 (3) (a), 446.026 (3)
8 (a), 448.015 (4) (am) 2m., 448.974 (2), 448.978 (2) (d) (intro.), 457.12 and 459.24
9 (3m); **to consolidate, renumber and amend** 108.04 (15) (a) (intro.) and 1.; **to**
10 **amend** 15.405 (7c) (a) 1., 15.405 (7c) (a) 2., 15.405 (7c) (a) 3., 15.405 (7c) (a) 4.,
11 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7c) (c), 45.40 (1g) (a), 46.297 (2)
12 (a), 46.298, 46.90 (4) (ab) 4., 48.56 (2), 48.561 (2), 49.45 (9r) (a) 7. e., 49.45 (30j)
13 (a) 1., 51.03 (6) (a), 55.043 (1m) (a) 4., 71.05 (6) (b) 49. h., 71.05 (6) (b) 49. i., 71.06

1 (1q) (c), 71.06 (2) (i) 3., 71.06 (2) (j) 3., 89.073 (title), 89.073 (2) (c), 89.073 (2) (f),
2 97.67 (5m) (a) 3., 101.022, 108.04 (2) (a) 3., 108.133 (2) (a) (intro.), 108.133 (2)
3 (am), 118.2925 (1) (f), 146.81 (1) (eu), 146.81 (1) (hg), 146.81 (1) (hm), 146.89 (1)
4 (r) 6., 146.89 (1) (r) 7., 146.997 (1) (d) 4., 146.997 (1) (d) 11., 146.997 (1) (d) 12.,
5 154.01 (3) (b), 155.01 (1g) (c), 155.01 (7), 180.1901 (1m) (f), 252.14 (1) (ar) 7.,
6 252.14 (1) (ar) 8., 252.15 (1) (er), 253.10 (2) (f), 256.215 (2) (b), 257.01 (1) (a),
7 257.01 (1) (b), 303.08 (1) (f), 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13)
8 (b) (intro.), 440.03 (14) (am), 440.03 (14) (c), 440.03 (15), 440.032 (5), 440.043
9 (1), 440.08 (2) (title), 440.08 (2) (a) (intro.), 440.08 (2) (b), 440.08 (4) (a), 440.09
10 (title), 440.09 (1m) (c) 1., 440.094 (title), (1) (c) (intro.), 3., 4. and 5. and (2),
11 440.094 (1) (c) 14., 440.094 (3), 440.15, 440.26 (3), 440.26 (5m) (b), 440.313 (1),
12 440.415 (2) (a), 440.71 (3), 440.88 (4), 440.905 (2), 440.91 (1) (c), 440.91 (1m) (c),
13 440.91 (4), 440.92 (1) (c), 440.972 (2), 440.974 (2), 440.98 (6), 440.983 (1),
14 440.9935, 441.06 (3), 441.10 (6), 441.15 (3) (b), 442.083 (1), 442.083 (2) (a),
15 443.015 (1e), 443.07 (6), 443.08 (3) (b), 443.10 (2) (e), 443.10 (5), 445.06 (1),
16 445.07 (1) (a) and (b), 445.095 (1) (c), 445.105 (3), 446.01 (1v) (m), 446.02 (1) (b),
17 446.02 (4), 446.025 (3) (b), 446.026 (3) (b), 447.05 (1) (a), 447.055 (1) (a), 447.055
18 (1) (b) 1., 447.055 (1) (b) 2., 447.056 (1) (intro.), 447.056 (3), 447.058 (2) (b),
19 448.07 (1) (a), 448.08 (4), 448.13 (1) (a) 1., 448.13 (1) (a) 2., 448.13 (1m), 448.55
20 (2), 448.65 (2) (intro.), 448.665, 448.67 (4), 448.86 (2), 448.9545 (1) (a), 448.9545
21 (1) (b) (intro.), 448.955 (1), 448.955 (2) (a), 448.955 (3) (a), 448.956 (1) (c),
22 448.964 (1), 448.967 (2), 448.9703 (3) (a), 448.9706 (2), 448.971 (2), 448.972 (1),
23 448.973 (2), 448.974 (title), 448.974 (2) (am) 1., 448.978 (2) (intro.), 448.978 (2)
24 (a), 448.978 (2) (g), 449.06 (1), 449.06 (2m), 450.08 (1), 450.08 (2) (a), 450.08 (2)
25 (b), 450.085 (1), 450.10 (3) (a) 5., 450.10 (3) (a) 10., 450.10 (3) (a) 11., 451.04 (4),

1 452.05 (1) (d), 452.12 (1), 452.12 (5) (a), 452.12 (5) (c), 452.132 (2) (c), 454.06 (8),
2 454.08 (9), 454.23 (5), 454.25 (9), 455.06 (1) (a), 455.065 (7), 456.07 (2), 456.07
3 (5), chapter 457 (title), 457.01 (intro.), 457.01 (1c), 457.01 (1g), 457.01 (1r),
4 457.01 (1w), 457.01 (2r), 457.01 (7), 457.01 (10), 457.02 (intro.), (1), (2), (3), (4),
5 (5), (5m) and (6) (c), 457.03 (1), (1m) and (2), 457.033, 457.035 (1) and (2), 457.04
6 (1), (2), (3), (4), (5) (a) and (b), (6) and (7), 457.06 (intro.), 457.09 (2) (b) and (4)
7 (b) 1. and 2., 457.12 (title), 457.13 (1) (c), 457.14 (1) (f), 457.15 (3), 457.20 (1) and
8 (2), 457.20 (2), 457.22 (2), 457.24 (1), 457.26 (1) and (2) (intro.) and (h), 458.085
9 (3), 458.09 (3), 458.11, 458.13, 458.33 (5), 459.09 (1) (intro.), 459.09 (1) (b),
10 459.22 (2) (b), 459.24 (1) (a), 459.24 (1) (b), 459.24 (5) (intro.), 459.24 (5) (b),
11 459.34 (2) (intro.), 459.34 (2m) (a) (intro.), 459.34 (2m) (b), 459.34 (2m) (c),
12 459.34 (3), 460.07 (2) (intro.), 460.10 (1) (a), 462.02 (2) (e), 462.04, 462.05 (1),
13 466.04 (3) (a) (intro.), 470.045 (3) (b), 470.07, 480.08 (5), 632.89 (1) (e) 4., 632.895
14 (16) (b) 1. a., 800.035 (2m), 895.48 (1m) (a) (intro.), 905.04 (1) (bm), 905.04 (1)
15 (dm), 905.04 (1) (g), 971.14 (4) (a) and 990.01 (27s); **to repeal and recreate**
16 16.417 (1) (e) 3m., 252.15 (1) (am), 448.13 (title), 456.07 (title) and 632.89 (1)
17 (dm); and **to create** 13.0963, 14.835, 14.896, 14.8965, 14.897, 15.407 (19), 38.04
18 (34), 39.381, 71.05 (6) (b) 49. L., 71.07 (9g) (b) 2., 71.07 (9g) (c) 5., 89.073 (2) (g)
19 and (h), 106.276, 108.01 (2m), 108.04 (2) (a) 4. c., 108.04 (2) (a) 5., 108.04 (15)
20 (a) 2. b., 108.04 (15) (am) and (ao), 108.14 (8o), 108.14 (30), 111.335 (4) (jm),
21 440.023, 440.03 (11m) (c) 2c., 440.03 (11m) (c) 2u., 440.03 (11m) (c) 2ub., 440.03
22 (11m) (c) 2w., 440.03 (13) (bp), (bt) and (bx), 440.03 (13) (c) 1. i., 440.03 (13) (c)
23 1. ic., 440.03 (13) (c) 1. id., 440.03 (13) (c) 1. ie., 440.08 (2) (a) 1n., 2n., 3n. and
24 4n., 440.08 (2) (ag) (intro.), 440.08 (2) (ar), 440.08 (2r) (title), 440.08 (2r) (b),
25 440.08 (3m), 440.09 (1m) (title), 440.09 (1m) (b) 6. and 7., 440.09 (2g), 440.09

1 (2r), 440.094 (1) (c) 9g., 9m., 17. and 19., (d), (e) and (f), 440.094 (4), 440.20 (6),
2 440.88 (3) (d), 441.16 (3m), 443.015 (1c), 446.025 (3) (a) 2., 446.026 (3) (a) 2.,
3 448.05 (6) (av), 448.964 (3), 448.971 (1L), 448.971 (1m), 448.974 (1m), 448.974
4 (2) (bm), subchapter XIII of chapter 448 [precedes 448.988], 450.04 (4),
5 subchapter I (title) of chapter 457 [precedes 457.01], 457.01 (1t), 457.01 (5g),
6 457.01 (5m), 457.01 (5r), 457.01 (12), 457.08 (4m), 457.12 (1m) (bm) and (2m)
7 to (4m), 457.125, 457.16 (1) (b), 457.18, 457.25 (1g), subchapter II of chapter 457
8 [precedes 457.50], subchapter III of chapter 457 [precedes 457.70], 459.20 (2k),
9 459.20 (2m), 459.20 (3v), 459.24 (3c), 459.24 (3e), 459.30 and subchapter III of
10 chapter 459 [precedes 459.70] of the statutes; **relating to:** fall workforce
11 package; modifying administrative rules; extending the time limit for
12 emergency rule procedures; providing an exemption from emergency rule
13 procedures; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Income tax rates

Beginning with the 2023 tax year, this bill decreases the individual income tax rate in the third tax bracket from 5.3 percent to 4.40 percent.

Under current law, there are four income tax brackets for single individuals, certain fiduciaries, heads of households, and married persons, and the brackets are indexed for inflation. The rate of taxation under current law for the lowest bracket for single individuals, certain fiduciaries, heads of households, and married persons is 3.50 percent of taxable income. The rate for the second bracket is 4.40 percent. The rate for the third bracket is 5.3 percent. And the rate for the highest bracket is 7.65 percent. Before bracket indexing, the four brackets for individuals, certain fiduciaries, and heads of households, to which the above rates apply, are as follows: 1) taxable income from \$0 to \$7,500; 2) taxable income exceeding \$7,500 but not exceeding \$15,000; 3) taxable income exceeding \$15,000 but not exceeding \$225,000; and 4) taxable income exceeding \$225,000.

Child and dependent care tax credit

Under current law, an individual who is eligible to claim the federal child and dependent care tax credit may claim a state income tax credit equal to 50 percent of the amount the individual may claim as a federal income tax credit. However, the

amount of employment-related expenses that an individual may claim to determine the amount of the federal credit is limited to \$3,000 if the individual has only one qualifying dependent, and \$6,000 if the individual has two or more qualifying dependents.

The bill increases the amount of the state credit that an individual may claim by increasing the employment-related expense limitation to \$10,000 for one qualifying dependent and \$20,000 for two or more qualifying dependents, and by allowing an individual to claim a state income tax credit equal to the full amount that the individual could claim for the federal child and dependent care credit determined using the individual's employment-related expenses.

Private school tuition deduction

Under current law, an individual, when computing income for income tax purposes, may deduct the tuition paid during the year to send his or her dependent child to private school. The maximum deduction is \$4,000 for an elementary school pupil and \$10,000 for a secondary school pupil.

This bill increases the maximum deduction to \$5,070 for an elementary school pupil and \$12,660 for a secondary school pupil. The bill also increases the amounts by the annual percentage change in the consumer price index for future tax years.

Reciprocal credentials

This bill creates a process for certain individuals who hold a license, certification, registration, or permit that was granted by another state to apply for and receive a reciprocal credential in this state. Under current law, an individual may not engage in certain professions or assume certain titles in this state unless the individual holds a credential issued by a department, examining board, or credentialing board with authority to oversee the profession or practice. Current law requires the Department of Safety and Professional Services, the Veterinary Examining Board, and any credentialing board attached to DSPS, with certain exceptions, to issue a reciprocal credential to a service member, former service member, or the spouse of a service member or former service member who resides in this state if certain conditions are met, including that the individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under an appropriate credential granted in this state and that the individual's certification, registration, or permit is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual such a license, certification, registration, or permit.

The bill expands who may apply for reciprocal credentials to include all individuals and adds the further requirements that to receive a reciprocal credential in this state an individual may not have an arrest or conviction record; may not have any limitation, restriction, or other encumbrance on any credential issued by a governmental authority in another state that qualifies the individual to perform acts authorized under the appropriate reciprocal credential granted in this state; and may not be under investigation in another state related to any credential possessed by the individual that qualifies the individual to perform acts authorized under the appropriate reciprocal credential granted in this state. The bill does not allow

individuals to receive a reciprocal credential from the Accounting Examining Board or the Real Estate Examining Board that would grant the holder of the credential a limited right to practice law in this state, unless the applicant is licensed to practice law in this state.

Investigations of conviction records by DSPS

Current law prohibits employment discrimination on the basis of a conviction record and prohibits DSPS and the credentialing boards attached to DSPS from discriminating against applicants for credentials on the basis of a conviction record. However, current law allows DSPS and the credentialing boards attached to DSPS to refuse, bar, or terminate a credential due to a prior arrest, conviction, or other offense if the circumstances of the arrest, conviction, or offense are substantially related to the circumstances of the licensed activity. The bill allows DSPS to complete its investigation as to whether the circumstances of an arrest, conviction, or other offense are substantially related to the circumstances of a credentialed activity without reviewing the specific circumstances of the arrest, conviction, or other offense if the arrest, conviction, or other offense is a certain violation of state or local law, including all of the following:

1. A first conviction for a violation of a law or local ordinance that prohibits driving or operating a motor vehicle while intoxicated or under the influence of alcohol, a controlled substance, or a controlled substance analog, or a combination of those, or of any drug that renders the person incapable of safely driving, if that first conviction occurred more than five years before the applicant applied for the credential.

2. A violation of a law or local ordinance that prohibits underage procurement, possession, or consumption of alcohol.

3. A minor, nonviolent ordinance violation, as determined by DSPS.

Further, the bill allows DSPS to accept, in lieu of completing its own investigation, a determination made by an applicant's employer or by a contracted entity on behalf of an applicant's employer that the applicant does not have an arrest, conviction, or other offense record or that the circumstances of an arrest, conviction, or other offense are not substantially related to the licensed activity. The bill requires that an applicant's employer, or a contracted entity on behalf of an applicant's employer, must attest that the determination was made to the best of the employer's or entity's knowledge and with a reasonable degree of certainty. Under the bill, DSPS must accept or reject such a determination within 30 days of receipt. Within the 30 days following receipt of a determination by an applicant's employer or a contracted entity on behalf of an applicant's employer that the applicant does not have an arrest, conviction, or other offense record, DSPS may review the determination and request additional information from the applicant before accepting or rejecting the determination. Finally, the bill provides that neither DSPS nor any credentialing board attached to DSPS may be subject to suit or found liable for damages resulting from acceptance of an employer's or entity's determination.

Prohibiting statutes and rules examinations for certain professions

The bill prohibits DSPS, the Board of Nursing, the Medical Examining Board, the Occupational Therapists Affiliated Credentialing Board, the Pharmacy

Examining Board, and the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from requiring an applicant to pass a statutes and rules examination as a condition of licensure or certification for all of the following professions:

1. Substance abuse counselors, clinical substance abuse counselors, and substance abuse counselors-in-training.
2. Advanced practice nurse prescribers.
3. Respiratory care practitioners.
4. Occupational therapists and occupational therapy assistants.
5. Pharmacists.
6. Professional counselors.

The bill allows DSPS and the examining and credentialing boards to require an applicant for a credential to practice any of the professions listed above to affirm that the applicant has read and understands the statutes and rules that apply to the applicant's practice.

Credential renewal periods

Under current law, a two-year renewal period applies to many health and business credentials administered by DSPS or a credentialing board. The renewal date for each two-year period is specified by statute. The bill revises each two-year renewal period in the health and business professions to four-year renewal periods and makes various changes related to continuing education requirements for these credentials.

Current law requires DSPS to grant a temporary state credential to a health care provider who is credentialed in good standing in another state, pending an application for a permanent credential. The provider must apply for the temporary credential within 30 days of first providing services in Wisconsin and attest that the person is in good standing under the out-of-state credential and has applied for a permanent credential. The health care provider's employer must notify DSPS within 10 days of the person first providing services in Wisconsin and attest that the provider's credential and good standing have been confirmed to a reasonable degree of certainty. An employer's notification and attestation are not required if the person is only providing telehealth services.

To be in good standing under a credential from another state, the provider must hold a valid, unexpired credential and must not be under investigation or have any active restrictions or limitations on the person's credential. While practicing in Wisconsin under the temporary credential, a health care provider is subject to all responsibilities and limitations in the applicable practice.

The bill expands this process from health care providers to also include persons classified in the business professions with credentials in good standing in another state or territory. The bill revises the terminology for all health care and business profession applicants from a "temporary" credential to a "preliminary" credential. If an individual with a valid, unexpired credential from another state or territory applies for a preliminary credential under the process described above, the individual may provide health care or business services for an employer, under the preliminary credential, while an application for a permanent credential is pending.

While providing services under the preliminary credential, the person is subject to all responsibilities and limitations of the applicable state-issued credential.

The bill also adds the following health care professions that may apply for a preliminary credential, who are not included in current law: dental hygienists, expanded function dental auxiliaries, genetic counselors, radiographers, and naturopathic doctors.

Reciprocal credential information

Under current law, for health and business credentials administered by DSPS or a credentialing board, a specific reciprocal credential standard is typically specified for each credential, which establishes the eligibility criteria for issuing a reciprocal credential. A reciprocal credential is a credential issued to a person who already possesses a similar credential in another jurisdiction. Also known as licensure by endorsement, the process for granting a reciprocal credential typically allows an applicant who is already credentialed in another jurisdiction to receive a credential without having to provide all of the documentation or satisfy all of the criteria that would otherwise be required to be granted a credential. A commonly used standard specifies that a reciprocal credential may be granted if the other state's credentialing requirements are "substantially equivalent" to Wisconsin's credentialing requirements for the profession.

The bill requires DSPS to determine, for each health care provider credential, whether the profession's reciprocity standard requires an examination of the equivalence, comparability, or similarity of a prior issuing state's or territory's credentialing requirements. For each health care provider credential that DSPS determines applies this reciprocity standard, DSPS must review all other states' and territories' health care provider credentialing requirements, in consultation with the appropriate credentialing boards, to determine whether each other state's or territory's laws qualify for purposes of granting a reciprocal health care provider credential under state law.

DSPS must post the results of its review on its website and must update the review at least every four years.

Audiology and Speech-Language Pathology Interstate Compact

This bill ratifies and enters Wisconsin into the Audiology and Speech-Language Pathology Interstate Compact, which allows a speech-language pathologist or audiologist licensed in one member state to obtain a "compact privilege" to practice in a remote state without obtaining a license in that remote state.

PA Licensure Compact

This bill ratifies and enters Wisconsin into the PA Licensure Compact, which provides for the ability of a physician assistant to become eligible to practice in other compact states.

Social Work Licensure Compact

This bill ratifies and enters Wisconsin into the Social Work Licensure Compact, which provides for the ability of a social worker to become eligible to practice in other compact states.

Counseling Compact

This bill ratifies and enters Wisconsin into the Counseling Compact, which provides for the ability of a professional counselor to become eligible to practice in other compact states.

Decennial review of occupational licensure requirements

This bill establishes a decennial process for review of the state's occupational licensure requirements.

The bill creates the Occupational License Review Council. The council is created in DSPS and consists of the following members:

1. Four members appointed by the governor to serve at the pleasure of the governor.
2. Two members of the senate appointed by the senate majority leader.
3. Two members of the assembly appointed by the speaker of the assembly.
4. The secretary of safety and professional services or his or her designee, who serves as the council's chair. The secretary or designee is a nonvoting member, except that he or she may vote in the case of a tie.

The council must submit a report by December 31, 2024, to the governor, the chief of the Legislative Reference Bureau, and the legislature that includes the council's recommendations for the elimination of occupational licenses in this state, or the modification of laws and rules governing occupational licenses, and the reduction or elimination of occupational license—continuing and other education requirements. The council's recommendations for the elimination of occupational licenses must take into account a number of considerations, including any statement or analysis provided by the agency or board administering an occupational license and including an evaluation of whether the unregulated practice of the profession, occupation, or trade can clearly harm or endanger the health, safety, or welfare of the public.

Under the bill, the LRB must prepare legislation based on the council's recommendations, and the proposed legislation must be introduced without change and referred to the appropriate standing committee of each house. The legislature must take final action on the proposed legislation no later than June 30, 2025.

The bill provides that a new council convenes every 10 years to repeat the process described above.

Under the bill, for purposes of the council's functions, the term "occupational license" means any license, permit, certification, registration, or other approval granted by DSPS or a board under DSPS and any other license, permit, certification, registration, or approval granted to a person by this state in order that the person may engage in a profession, occupation, or trade or use one or more titles in association with his or her profession, occupation, or trade.

Reports on proposed legislation requiring occupational and business licenses

This bill requires the Department of Administration to prepare a report containing certain information on any bill that is introduced in the legislature that requires an individual to obtain a license in order to engage in a particular profession or occupation or that requires that a license be obtained in order for a particular type

of business to be owned or operated. The LRB must submit to DOA any bill to which the requirement applies, and the report must be distributed before certain actions are taken on the bill in the legislature.

Provider Assistance for Licensing

The bill requires the Wisconsin Economic Development Corporation, no later than March 1, 2024, to request the Joint Committee on Finance to supplement an appropriation for child care to be used for the Provider Assistance for Licensing program (PAL). Under the bill, PAL is a program to assist unregulated providers of child care in becoming certified child care providers or licensed child care centers through methods including grant funding; waiver of licensure fees; and assistance with compliance with regulations, training and certification, and completing background checks.

Apprenticeship grants for technical college and tribal college students

This bill creates grant programs under which the Technical College System Board and Higher Educational Aids Board may award grants of up to \$1,500 to technical college students and tribal college students, respectively, who have undertaken an apprenticeship program in conjunction with their course of instruction at the technical college or tribal college. These grants may be awarded only to pay for the students' actual materials expenses, such as the cost of tools, equipment, and clothing, associated with the apprenticeship program. Among the requirements for a student to be eligible for a grant, the student must be enrolled in the apprenticeship program in the semester in which the grant is made and in the following semester.

Commercial driver's license training grants

This bill requires the Department of Workforce Development to establish a commercial driver training grant program. Under the program, DWD provides grants to persons or other entities that provide training leading to an individual who resides in this state receiving a commercial driver's license (CDL) in this state. The training must, in order to qualify for a grant, satisfy entry-level driver training requirements established by the Federal Motor Carrier Safety Administration (FMCSA), including that the grant applicant be listed on the FMCSA's registry of approved training providers. The bill further requires that a grant applicant have a facility in this state that is listed in the registry, and that the training be provided at or through that facility. Grants under the bill may not exceed, for each individual trained, 50 percent of the costs of training the individual in the operation of commercial motor vehicles or \$3,000, whichever is less. DWD may not award grants for applications to participate in the training program received after June 30, 2025.

Unemployment insurance; general qualifying requirements

Under current law, a claimant for unemployment insurance (UI) benefits is generally required to 1) register for work, 2) be able to work and available for work, and 3) conduct a work search for each week in order to remain eligible. A claimant is required to conduct at least four work search actions each week, and DWD may require, by rule, that an individual conduct more than four work search actions per week. Finally, if a claimant is claiming benefits for a week other than an initial week,

the claimant must provide information or job application materials that are requested by DWD and participate in a public employment office workshop or training program or in similar reemployment services required by DWD.

The bill does the following:

1. Requires, for the third and subsequent weeks of a claimant's benefit year, that at least two of the required weekly work search actions be direct contacts with potential employers.

2. Requires a claimant who resides in this state, for each week other than an initial week, to submit and keep posted on the DWD's job center website a current resume.

3. Requires, when a claimant is claiming benefits with less than three weeks of benefits left, that the claimant complete a reemployment counseling session.

Additionally, current law allows DWD to use information or job application materials described above to assess a claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, current law provides that a claimant who otherwise satisfies the required weekly work search requirement is not required to apply for any specific positions on the list of potential opportunities in order to satisfy the work search requirement. The bill requires, instead of allows, DWD to provide this assistance. The bill also repeals the language in current law providing that a claimant who otherwise satisfies the weekly work search requirement is not required to apply for specific positions provided by DWD and requires DWD to provide each claimant with at least four potential opportunities each week, one or more of which may be opportunities with a temporary help company.

Finally, current law allows DWD to require a claimant to participate in a public employment office workshop or training program. The bill provides that DWD must require a claimant to participate in a public employment office workshop or training program if the claimant is likely to exhaust regular UI benefits. DWD may also require other claimants to participate in a public employment office workshop or training program, but must prioritize claimants more likely to have difficulty obtaining reemployment.

Unemployment insurance; drug testing

Current state law requires DWD to establish a program that is consistent with federal law to test certain claimants who apply for UI benefits for the presence of controlled substances. A claimant who tests positive for a controlled substance for which the claimant does not have a prescription is ineligible for UI benefits until certain requalification criteria are satisfied or unless he or she enrolls in a substance abuse treatment program and undergoes a job skills assessment, and a claimant who declines to submit to a test is simply ineligible for benefits until he or she requalifies. Claimants who are required to undergo drug testing include individuals for whom suitable work is only available in occupations for which drug testing is regularly conducted in this state. However, current law provides that these provisions do not apply until DWD promulgates rules to implement the requirements and those rules take effect, including rules identifying occupations for which drug testing is regularly conducted in this state.

The bill requires DWD to immediately promulgate the required rules.

Unemployment insurance; Reemployment Services and Eligibility Assessment grants

Under federal law, the United States Department of Labor (USDOL) operates the Reemployment Services and Eligibility Assessment (RESEA) program, whereby grants are awarded to states to provide reemployment services to claimants. Participation in the RESEA program is voluntary and requires that a state submit a state plan to USDOL that outlines how the state intends to conduct a program of reemployment services and eligibility assessments.

The bill requires that DWD act to continue to participate in the RESEA program and requires DWD to provide certain RESEA services to all UI claimants.

Unemployment insurance; database comparisons

The bill requires DWD to perform a comparison of state and national databases that track death records, employment records, and prison records against recipients of UI benefits for the purposes of detecting fraud or erroneous payments. The bill requires DWD to perform the comparison on at least a weekly basis. The bill provides that DWD may also make such comparisons with other databases.

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

1 **SECTION 1.** 13.0963 of the statutes is created to read:

2 **13.0963 Review of bills creating occupational licenses. (1) DEFINITION.**

3 In subs. (2) and (3), “license” includes any permit, certificate, approval, registration,
4 charter, or similar form of permission.

5 **(2) REPORT ON BILLS CREATING OCCUPATIONAL LICENSES.** (a) If any bill that is
6 introduced in either house of the legislature creates a requirement that an individual
7 obtain a license in order to engage in a particular profession or occupation or a
8 requirement that a license be obtained in order for a particular type of business to
9 be owned or operated, the department of administration shall prepare and issue an
10 occupational license report on the bill within 30 business days after it is introduced.
11 The department shall request information from any individual or business that the
12 department considers likely to be affected by the proposed licensure requirement
13 and shall request a statement or analysis from the agency that would be required to

1 administer the licensure requirement. Individuals, businesses, and agencies shall
2 comply with requests by the department for information that is reasonably
3 necessary for the department to prepare the report. To the greatest extent possible,
4 reports under this section shall be based on the information obtained by the
5 department from individuals, businesses, and agencies under this paragraph.

6 (b) A bill that requires a report by the department of administration under this
7 section shall have that requirement noted on its jacket when the jacket is prepared.
8 When a bill that requires a report under this section is introduced, the legislative
9 reference bureau shall submit a copy of the bill to the department of administration.

10 (c) The report prepared under this section shall be printed as an appendix to
11 the applicable bill and shall be distributed in the same manner as amendments. The
12 report shall be distributed before any vote is taken on the bill by either house of the
13 legislature if the bill is not referred to a standing committee, or before any public
14 hearing is held before any standing committee or, if no public hearing is held, before
15 any vote is taken by the committee. The department of administration shall also
16 publish the report on its Internet site.

17 **(3) FINDINGS TO BE CONTAINED IN THE REPORT.** The department of administration
18 shall include all of the following in a report prepared under sub. (2):

19 (a) An evaluation of whether the unregulated practice of the profession,
20 occupation, or business can clearly harm or endanger the health, safety, or welfare
21 of the public, and whether the potential for the harm is recognizable and not remote
22 or speculative.

23 (b) An evaluation of whether the public can reasonably be expected to benefit
24 from the requirement for the license.

1 (c) An evaluation of what the least restrictive regulation is that will effectively
2 protect the public, as determined under sub. (4).

3 (d) An analysis of licensure requirements for that profession, occupation, or
4 business in other states, including educational and reciprocity requirements.

5 (e) An estimate of the number of individuals or businesses that would be
6 affected by the requirement.

7 (f) An estimate of the total additional financial burden that will be imposed on
8 an individual or business as a result of the licensure requirement, including
9 education or training costs, examination fees, private credential fees, credential fees
10 imposed by the agency, and other costs that the individual or business will have to
11 incur in order to obtain the license.

12 (g) Any statement or analysis from the agency that would administer the
13 licensure requirement.

14 **(4) DETERMINATION OF LEAST RESTRICTIVE REGULATION.** (a) In this subsection:

15 1. "Certification" means a voluntary program to which all of the following
16 apply:

17 a. A private organization or the state grants a nontransferable recognition to
18 an individual who meets certain personal qualifications established by the private
19 organization or by law.

20 b. Upon approval, the individual may use "certified" as a designated title.

21 c. A noncertified individual may perform the occupation for compensation but
22 may not use the title "certified."

23 2. "Occupational license" means a program to which all of the following apply:

1 a. The state grants a nontransferable authorization to an individual who meets
2 certain personal qualifications established by law in order to perform an occupation
3 for compensation.

4 b. It is unlawful for an individual who does not possess the requisite
5 authorization to perform the occupation for compensation.

6 3. “Personal qualifications” means criteria related to an individual’s personal
7 background and characteristics, including completion of an approved educational
8 program, satisfactory performance on an examination, work experience, other
9 evidence of attainment of requisite skills or knowledge, moral standing, criminal
10 history, and completion of continuing education.

11 4. “Registration” means a program to which all of the following apply:

12 a. The program requires an individual to provide notice to the state that may
13 include the individual’s name and address, the individual’s agent for service of
14 process, the location of the activity to be performed, and a description of the service
15 the individual provides.

16 b. The program does not require certain personal qualifications to be satisfied,
17 but may require a bond or insurance.

18 c. Upon registering, the individual may use “registered” as a designated title.

19 d. A nonregistered individual may not perform the occupation for
20 compensation or use “registered” as a designated title.

21 (b) For purposes of sub. (3) (c), “least restrictive regulation” means one of the
22 following, from least restrictive to most restrictive:

23 1. Market competition.

24 2. Third-party or consumer-created ratings and reviews.

25 3. Private certification.

1 4. A specific private civil cause of action to remedy consumer harm.

2 5. The designation of an unfair trade practice or method of competition in
3 business.

4 6. The regulation of the process of providing the specific goods or services to
5 consumers.

6 7. An inspection requirement.

7 8. A bonding or insurance requirement.

8 9. A registration requirement.

9 10. A governmental certification requirement.

10 11. An occupational license requirement.

11 **SECTION 2.** 14.835 of the statutes is created to read:

12 **14.835 PA licensure compact.** There is created a PA licensure compact
13 commission as specified in s. 448.988. The delegate on the commission representing
14 this state shall be appointed by the physician assistant affiliated credentialing board
15 as provided in s. 448.988 (7) (b) 1. and shall be an individual described in s. 448.988
16 (7) (b) 2. a. or b. The commission has the powers and duties granted and imposed
17 under s. 448.988.

18 **SECTION 3.** 14.896 of the statutes is created to read:

19 **14.896 Counseling compact.** There is created a counseling compact
20 commission as specified in s. 457.50. The delegate on the commission representing
21 this state shall be appointed by the marriage and family therapy, professional
22 counseling, and social work examining board as provided in s. 457.50 (9) (b) 1. and
23 shall be an individual described in s. 457.50 (9) (b) 2. a. or b. The commission has the
24 powers and duties granted and imposed under s. 457.50.

25 **SECTION 4.** 14.8965 of the statutes is created to read:

1 **14.8965 Audiology and speech-language pathology licensure compact.**

2 There is created an audiology and speech-language pathology compact commission
3 as specified in s. 459.70. The delegates of the commission representing this state
4 shall be individuals described in s. 459.70 (8) (b) 1. The commission has the powers
5 and duties granted and imposed under s. 459.70.

6 **SECTION 5.** 14.897 of the statutes is created to read:

7 **14.897 Social work licensure compact.** There is created a social work

8 licensure compact commission as specified in s. 457.70. The delegate on the
9 commission representing this state shall be appointed by the marriage and family
10 therapy, professional counseling, and social work examining board as provided in s.
11 457.70 (10) (b) 1. and shall be an individual described in s. 457.70 (10) (b) 2. a. or b.
12 The commission has the powers and duties granted and imposed under s. 457.70.

13 **SECTION 6.** 15.405 (7c) (a) 1. of the statutes is amended to read:

14 15.405 (7c) (a) 1. Four social worker members who are certified or licensed
15 under subch. I of ch. 457.

16 **SECTION 7.** 15.405 (7c) (a) 2. of the statutes is amended to read:

17 15.405 (7c) (a) 2. Three marriage and family therapist members who are
18 licensed under subch. I of ch. 457.

19 **SECTION 8.** 15.405 (7c) (a) 3. of the statutes is amended to read:

20 15.405 (7c) (a) 3. Three professional counselor members who are licensed
21 under subch. I of ch. 457.

22 **SECTION 9.** 15.405 (7c) (a) 4. of the statutes is amended to read:

23 15.405 (7c) (a) 4. Three public members who represent groups that promote the
24 interests of consumers of services provided by persons who are certified or licensed
25 under subch. I of ch. 457.

1 **SECTION 10.** 15.405 (7c) (am) 1. of the statutes is amended to read:

2 15.405 **(7c)** (am) 1. At least one member who is certified under subch. I of ch.
3 457 as an advanced practice social worker.

4 **SECTION 11.** 15.405 (7c) (am) 3. of the statutes is amended to read:

5 15.405 **(7c)** (am) 3. At least one member who is licensed under subch. I of ch.
6 457 as a clinical social worker.

7 **SECTION 12.** 15.405 (7c) (c) of the statutes is amended to read:

8 15.405 **(7c)** (c) All matters pertaining to granting, denying, limiting,
9 suspending, or revoking a certificate or license under subch. I of ch. 457, and all other
10 matters of interest to either the social worker, marriage and family therapist, or
11 professional counselor section shall be acted upon solely by the interested section of
12 the examining board.

13 **SECTION 13.** 15.407 (19) of the statutes is created to read:

14 15.407 **(19)** OCCUPATIONAL LICENSE REVIEW COUNCIL. There is created in the
15 department of safety and professional services an occupational license review
16 council. The council shall consist of the following members:

17 (a) Four members appointed by the governor to serve at the pleasure of the
18 governor.

19 (b) Two members of the senate appointed by the senate majority leader.

20 (c) Two members of the assembly appointed by the speaker of the assembly.

21 (d) The secretary of safety and professional services or his or her designee, who
22 shall serve as chair of the council. The secretary or the secretary's designee shall
23 serve as a nonvoting member, except that he or she may vote in the case of a tie.

24 (e) The members under pars. (a) to (c) shall be appointed no later than June 30,
25 2024, and no later than June 30 of every 10th year thereafter. The secretary of safety

1 and professional services shall convene the council no later than July 8, 2024, and
2 no later than the 2nd Monday in July every 10th year thereafter.

3 **SECTION 14.** 16.417 (1) (e) 3m. of the statutes is repealed and recreated to read:

4 16.417 (1) (e) 3m. A physician assistant who is licensed under subch. IX of ch.
5 448 or who holds a compact privilege under subch. XIII of ch. 448.

6 **SECTION 15.** 38.04 (34) of the statutes is created to read:

7 38.04 (34) STUDENT APPRENTICESHIP GRANTS. (a) In this subsection,
8 “apprenticeship program” has the meaning given in s. 106.001 (4).

9 (b) The board shall award grants to students enrolled in technical colleges who
10 have undertaken an apprenticeship program in conjunction with their course of
11 instruction at the technical college. Grants may be awarded only to pay for the
12 students’ actual materials expenses, such as the cost of tools, equipment, and
13 clothing, associated with the apprenticeship program. Grants may not exceed \$1,500
14 per student or the student’s actual materials expenses, whichever is less.

15 (c) The board may not award a grant to a student under this subsection unless
16 the student’s application submitted to the board includes all of the following:

17 1. A recommendation form signed by the student’s apprenticeship employer or
18 another person in the trades.

19 2. A statement of how the award would help the student complete the student’s
20 apprenticeship program.

21 3. A statement signed by the student certifying all of the following:

22 a. That the student will be enrolled in the apprenticeship program in the
23 following semester.

1 b. That the student will use the grant award to pay for materials expenses, such
2 as the cost of tools, equipment, and clothing, that are directly related to the
3 apprenticeship program.

4 (d) The board may not award a grant to a student under this subsection unless
5 the board has verified the student's enrollment in the apprenticeship program in the
6 semester in which the grant award is made.

7 (e) The board may not award grants under this subsection totaling more than
8 \$100,000 in any academic year.

9 (f) The board may structure the grants awarded under this subsection to create
10 incentives for completing apprenticeship programs.

11 **SECTION 16.** 39.381 of the statutes is created to read:

12 **39.381 Apprenticeship grants for tribal college students.** (1) In this
13 section:

14 (a) "Apprenticeship program" has the meaning given in s. 106.001 (4).

15 (b) "Tribal college" has the meaning given in s. 39.382 (1) (d).

16 **(2)** The board shall award grants to students enrolled in tribal colleges who
17 have undertaken an apprenticeship program in conjunction with their course of
18 instruction at the tribal college. Grants may be awarded only to pay for the students'
19 actual materials expenses, such as the cost of tools, equipment, and clothing,
20 associated with the apprenticeship program. Grants may not exceed \$1,500 per
21 student or the student's actual materials expenses, whichever is less.

22 **(3)** The board may not award a grant to a student under this section unless the
23 student's application submitted to the board includes all of the following:

24 (a) A recommendation form signed by the student's apprenticeship employer
25 or another person in the trades.

1 (b) A statement of how the award would help the student complete the student's
2 apprenticeship program.

3 (c) A statement signed by the student certifying all of the following:

4 1. That the student will be enrolled in the apprenticeship program in the
5 following semester.

6 2. That the student will use the grant award to pay for materials expenses, such
7 as the cost of tools, equipment, and clothing, that are directly related to the
8 apprenticeship program.

9 (4) The board may not award a grant to a student under this section unless the
10 board has verified the student's enrollment in the apprenticeship program in the
11 semester in which the grant award is made.

12 (5) The board may not award grants under this section totaling more than
13 \$21,000 in any academic year.

14 (6) The board may structure the grants awarded under this section to create
15 incentives for completing apprenticeship programs.

16 **SECTION 17.** 45.40 (1g) (a) of the statutes is amended to read:

17 45.40 (1g) (a) "Health care provider" means an advanced practice nurse
18 prescriber certified under s. 441.16 (2), an audiologist who is licensed under subch.
19 II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist
20 licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed
21 under s. 448.02, or a podiatrist licensed under s. 448.63.

22 **SECTION 18.** 46.297 (2) (a) of the statutes is amended to read:

23 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by
24 a physician, an audiologist who is licensed under subch. II of ch. 459 or who holds a
25 compact privilege under subch. III of ch. 459, or the department.

1 **SECTION 19.** 46.298 of the statutes is amended to read:

2 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a
3 person who is certified as hearing impaired by the department, by a physician, by a
4 hearing instrument specialist licensed under subch. I of ch. 459, or by an audiologist
5 who is licensed under subch. II of ch. 459 or who holds a compact privilege under
6 subch. III of ch. 459, the department shall issue to the person a decal or sticker for
7 display on a motor vehicle owned or frequently operated by the person to apprise law
8 enforcement officers of the fact that the vehicle is owned or operated by a
9 hearing-impaired person. No charge shall be made for issuance of the decal or
10 sticker. The department shall specify the design of the decal or sticker. The
11 department shall designate the location on the vehicle at which the decal or sticker
12 shall be affixed by its own adhesive.

13 **SECTION 20.** 46.90 (4) (ab) 4. of the statutes is amended to read:

14 46.90 (4) (ab) 4. A social worker, professional counselor, or marriage and family
15 therapist certified, as those terms are defined under subch. I of ch. 457.

16 **SECTION 21.** 48.56 (2) of the statutes is amended to read:

17 48.56 (2) Each county department shall employ personnel who devote all or
18 part of their time to child welfare services. Whenever possible, these personnel shall
19 be social workers ~~certified under ch. 457~~, as defined in s. 457.01 (10).

20 **SECTION 22.** 48.561 (2) of the statutes is amended to read:

21 48.561 (2) The department shall employ personnel in a county having a
22 population of 750,000 or more who devote all of their time directly or indirectly to
23 child welfare services. Whenever possible, these personnel shall be social workers
24 ~~certified under ch. 457~~, as defined in s. 457.01 (10).

25 **SECTION 23.** 49.45 (9r) (a) 7. e. of the statutes is amended to read:

1 49.45 **(9r)** (a) 7. e. A physician assistant who is licensed under subch. IX of ch.
2 448 or who holds a compact privilege under subch. XIII of ch. 448.

3 **SECTION 24.** 49.45 (30j) (a) 1. of the statutes is amended to read:

4 49.45 **(30j)** (a) 1. “Competent mental health professional” means a physician
5 who has completed a residence in psychiatry; a psychologist; a private practice school
6 psychologist who is licensed under ch. 455; a marriage and family therapist who is
7 licensed under s. 457.10 or 457.11; a professional counselor ~~licensed under s. 457.12~~
8 ~~or 457.13, as defined in s. 457.01 (7);~~ an advanced practice social worker ~~granted a~~
9 ~~certificate under s. 457.08 (2), as defined in s. 457.01 (1c);~~ an independent social
10 worker ~~granted a certificate under s. 457.08 (3), as defined in s. 457.01 (2g);~~ a clinical
11 social worker ~~licensed under s. 457.08 (4), as defined in s. 457.01 (1r);~~ a clinical
12 substance abuse counselor or independent clinical supervisor who is certified under
13 s. 440.88, or any of these individuals who is practicing under a currently valid
14 training or temporary license or certificate granted under applicable provisions of ch.
15 457. “Competent mental health professional” does not include an individual whose
16 license or certificate is suspended, revoked, or voluntarily surrendered, or whose
17 license or certificate is limited or restricted, when practicing in areas prohibited by
18 the limitation or restriction.

19 **SECTION 25.** 51.03 (6) (a) of the statutes is amended to read:

20 51.03 **(6)** (a) In this subsection, “licensed treatment professional” means a
21 physician who has completed a residence in psychiatry; a psychologist; a private
22 practice school psychologist who is licensed under ch. 455; a marriage and family
23 therapist who is licensed under s. 457.10 or 457.11; a professional counselor ~~licensed~~
24 ~~under s. 457.12 or 457.13, as defined in s. 457.01 (7);~~ an advanced practice social
25 worker ~~granted a certificate under s. 457.08 (2), as defined in s. 457.01 (1c);~~ an

1 independent social worker licensed under ~~s. 457.08 (3)~~, as defined in s. 457.01 (2g);
2 a clinical social worker licensed under ~~s. 457.08 (4)~~, as defined in s. 457.01 (1r); or any
3 of these individuals who is practicing under a currently valid training or temporary
4 license or certificate granted under applicable provisions of ch. 457. “Licensed
5 treatment professional” does not include an individual whose license or certificate
6 is suspended, revoked, or voluntarily surrendered, or whose license or certificate is
7 limited or restricted, when practicing in areas prohibited by the limitation or
8 restriction.

9 **SECTION 26.** 55.043 (1m) (a) 4. of the statutes is amended to read:

10 55.043 **(1m)** (a) 4. A social worker, professional counselor, or marriage and
11 family therapist certified, as those terms are defined under subch. I of ch. 457.

12 **SECTION 27.** 71.05 (6) (b) 49. h. of the statutes is amended to read:

13 71.05 **(6)** (b) 49. h. For each elementary pupil, in each year to which the claim
14 relates, the maximum amount of tuition expenses which a claimant may subtract
15 under this subdivision in a taxable year is \$4,000, except the maximum amount for
16 taxable years beginning after December 31, 2022, subject to subd. 49. L., is \$5,070.

17 **SECTION 28.** 71.05 (6) (b) 49. i. of the statutes is amended to read:

18 71.05 **(6)** (b) 49. i. For each secondary pupil, in each year to which the claim
19 relates, the maximum amount of tuition expenses which a claimant may subtract
20 under this subdivision in a taxable year is \$10,000, except the maximum amount for
21 taxable years beginning after December 31, 2022, subject to subd. 49. L., is \$12,660.

22 **SECTION 29.** 71.05 (6) (b) 49. L. of the statutes is created to read:

23 71.05 **(6)** (b) 49. L. For taxable years beginning after December 31, 2023, the
24 dollar amounts in subd. 49. h. and i. shall be increased each year by a percentage
25 equal to the percentage change between the U.S. consumer price index for all urban

1 consumers, U.S. city average, for the month of August of the previous year and the
2 U.S. consumer price index for all urban consumers, U.S. city average, for the month
3 of August 2022, as determined by the federal department of labor, except that the
4 adjustment may occur only if the resulting amount is greater than the corresponding
5 amount that was calculated for the previous year. Each amount that is revised under
6 this subd. 49. L. shall be rounded to the nearest multiple of \$10 if the revised amount
7 is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount
8 shall be increased to the next higher multiple of \$10. The department of revenue
9 shall annually adjust the changes in dollar amounts required under this subd. 49.
10 L. and incorporate the changes into the income tax forms and instructions.

11 **SECTION 30.** 71.06 (1q) (c) of the statutes is amended to read:

12 71.06 (1q) (c) On all taxable income exceeding \$15,000 but not exceeding
13 \$225,000, 6.27 percent, except that for taxable years beginning after December 31,
14 2020, 5.30 percent and except that the rate is 4.40 percent for taxable years
15 beginning after December 31, 2022.

16 **SECTION 31.** 71.06 (2) (i) 3. of the statutes is amended to read:

17 71.06 (2) (i) 3. On all taxable income exceeding \$20,000 but not exceeding
18 \$300,000, 6.27 percent, except that for taxable years beginning after December 31,
19 2020, 5.30 percent and except that the rate is 4.40 percent for taxable years
20 beginning after December 31, 2022.

21 **SECTION 32.** 71.06 (2) (j) 3. of the statutes is amended to read:

22 71.06 (2) (j) 3. On all taxable income exceeding \$10,000 but not exceeding
23 \$150,000, 6.27 percent, except that for taxable years beginning after December 31,
24 2020, 5.30 percent and except that the rate is 4.40 percent for taxable years
25 beginning after December 31, 2022.

1 **SECTION 33.** 71.07 (9g) (b) of the statutes is renumbered 71.07 (9g) (b) 1. and
2 amended to read:

3 71.07 **(9g)** (b) 1. For taxable years beginning after December 31, 2021, and
4 before January 1, 2023, and subject to the limitations provided in this subsection, a
5 claimant may claim as a credit against the tax imposed under s. 71.02, up to the
6 amount of those taxes, an amount equal to 50 percent of the federal child and
7 dependent care tax credit claimed by the claimant on his or her federal income tax
8 return for the taxable year to which the claim under this subsection relates.

9 **SECTION 34.** 71.07 (9g) (b) 2. of the statutes is created to read:

10 71.07 **(9g)** (b) 2. For taxable years beginning after December 31, 2022, and
11 subject to the limitations provided in this subsection, a claimant may claim as a
12 credit against the tax imposed under s. 71.02, up to the amount of those taxes, an
13 amount equal to the amount of the federal child and dependent care tax credit that
14 the claimant may claim on his or her federal income tax return for the taxable year
15 to which the claim under this subsection relates using the expense limitation under
16 par. (c) 5. rather than the expense limitation under 26 USC 21 (c).

17 **SECTION 35.** 71.07 (9g) (c) 5. of the statutes is created to read:

18 71.07 **(9g)** (c) 5. Notwithstanding 26 USC 21 (c), for taxable years beginning
19 after December 31, 2022, the maximum allowable expenses to determine the amount
20 of the credit under par. (b) 2. is \$10,000 for one qualifying individual, as defined in
21 26 USC 21 (b), and \$20,000 for 2 or more qualifying individuals, as defined in 26 USC
22 21 (b).

23 **SECTION 36.** 89.073 (title) of the statutes is amended to read:

24 **89.073** (title) **Reciprocal credentials for ~~service members, former~~**
25 **~~service members, and their spouses.~~**

1 **SECTION 37.** 89.073 (1) of the statutes is repealed.

2 **SECTION 38.** 89.073 (2) (b) of the statutes is repealed.

3 **SECTION 39.** 89.073 (2) (c) of the statutes is amended to read:

4 89.073 (2) (c) The individual holds a credential that was granted by a
5 governmental authority in a ~~jurisdiction outside~~ state other than this state that
6 qualifies the individual to perform the acts authorized under the appropriate
7 credential specified under s. 89.06.

8 **SECTION 40.** 89.073 (2) (f) of the statutes is amended to read:

9 89.073 (2) (f) The individual is in good standing with the governmental
10 authorities in every ~~jurisdiction outside~~ state other than this state that have granted
11 the individual a credential that qualifies the individual to perform acts authorized
12 under the appropriate credential specified under s. 89.06.

13 **SECTION 41.** 89.073 (2) (g) and (h) of the statutes are created to read:

14 89.073 (2) (g) The individual does not have any limitation, restriction, or other
15 encumbrance on any credential issued by a governmental authority in a state other
16 than this state that qualifies the individual to perform the acts authorized under the
17 appropriate credential specified under s. 89.06 and is not under investigation by any
18 governmental authority in a state other than this state related to any credential
19 possessed by the individual that qualifies the individual to perform the acts
20 authorized under the appropriate credential specified under s. 89.06.

21 (h) Subject to ss. 111.321, 111.322, and 111.335, the individual does not have
22 an arrest or conviction record.

23 **SECTION 42.** 89.073 (2m) of the statutes is repealed.

24 **SECTION 43.** 97.67 (5m) (a) 3. of the statutes is amended to read:

1 97.67 **(5m)** (a) 3. A physician assistant who is licensed under subch. IX of ch.
2 448 or who holds a compact privilege under subch. XIII of ch. 448.

3 **SECTION 44.** 101.022 of the statutes is amended to read:

4 **101.022 Certain laws applicable to occupational licenses.** Sections
5 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b),
6 440.075, 440.09 ~~(2)~~ (1m), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19,
7 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements
8 imposed on the department under those statutes, apply to occupational licenses, as
9 defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to
10 credentials, as defined in s. 440.01 (2) (a).

11 **SECTION 45.** 106.276 of the statutes is created to read:

12 **106.276 Commercial driver training grant program.** (1) (a) The
13 department shall establish and administer a commercial driver training grant
14 program.

15 (b) A person that satisfies the eligibility requirements under par. (c) may apply
16 to the department for a grant under this section. The department shall prescribe the
17 form, nature, and extent of information that shall be contained in applications for
18 grants under this section.

19 (c) An applicant is eligible for a grant under this section if all of the following
20 are satisfied:

21 1. The applicant provides to an individual who resides in this state training in
22 the operation of commercial motor vehicles that satisfies the requirements of 49 CFR
23 part 380, subparts F and G.

24 2. The applicant is listed on the Training Provider Registry (TPR), as set forth
25 in 49 CFR part 380, subpart G.

1 2m. The applicant has a facility in this state that is listed in the Training
2 Provider Registry described in subd. 2., and the training described in subd. 1. is
3 provided at or through that facility.

4 3. The individual for whom the applicant provides training under subd. 1.
5 obtains an initial commercial driver license, as defined in s. 340.01 (7m), in this state
6 after the effective date of this subdivision [LRB inserts date].

7 4. The application is received by the department before July 1, 2025.

8 (d) The department may award grants to eligible applicants under par. (c). The
9 amount of a grant under this section with regard to each individual trained may not
10 exceed 50 percent of the costs of training the individual in the operation of
11 commercial motor vehicles or \$3,000, whichever is less.

12 **(2)** Before July 1 of each year, the department shall prepare a report
13 summarizing the number and amount of grants awarded under sub. (1). The
14 department shall submit the report to the appropriate standing committees of the
15 legislature under s. 13.172 (3).

16 **SECTION 46.** 106.276 of the statutes, as created by 2023 Wisconsin Act (this
17 act), is repealed.

18 **SECTION 47.** 108.01 (2m) of the statutes is created to read:

19 108.01 **(2m)** The federal Social Security Act requires that, in order for an
20 individual to be eligible for reemployment assistance benefits, the individual must
21 be able to work, available to work, and actively seeking work. The unemployment
22 insurance program in Wisconsin should enact and focus on policies that complement
23 individuals' efforts to find employment.

24 **SECTION 48.** 108.04 (2) (a) 3. of the statutes is amended to read:

1 108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work
2 during that week and provides verification of that search to the department. The
3 search for suitable work must include at least 4 actions per week that constitute a
4 reasonable search as prescribed by rule of the department. The department shall
5 require, for the 3rd or subsequent week of the claimant's benefit year, that at least
6 2 actions per week be direct contacts with potential employing units, as prescribed
7 by rule of the department. In addition, the department may, by rule, require a
8 claimant to take more than 4 reasonable work search actions in any week. The
9 department shall require a uniform number of reasonable work search actions for
10 similar types of claimants. The department may require a claimant to apply for one
11 or more of the potential opportunities provided to the claimant under sub. (15) (a) 1.
12 and may refer a claimant to opportunities with a temporary help company as part
13 of the required search for suitable work under this subdivision.

14 **SECTION 49.** 108.04 (2) (a) 4. of the statutes is renumbered 108.04 (2) (a) 4.
15 (intro.) and amended to read:

16 108.04 (2) (a) 4. (intro.) If the claimant is claiming benefits for a week other
17 than an initial week, the claimant ~~provides~~ does all of the following:

18 a. Provides information or job application materials that are requested by the
19 department ~~and participates.~~

20 b. Participates in a public employment office workshop or training program or
21 in similar reemployment services that are required by the department under sub.
22 (15) (a) 2.

23 **SECTION 50.** 108.04 (2) (a) 4. c. of the statutes is created to read:

1 108.04 (2) (a) 4. c. Submits and keeps posted on the department's job center
2 website a current resume, if the claimant resides in this state.

3 **SECTION 51.** 108.04 (2) (a) 5. of the statutes is created to read:

4 108.04 (2) (a) 5. The claimant completes any reemployment counseling session
5 required of the claimant under sub. (15) (ao) 1.

6 **SECTION 52.** 108.04 (15) (a) (intro.) and 1. of the statutes are consolidated,
7 renumbered 108.04 (15) (a) 1. and amended to read:

8 108.04 (15) (a) 1. Except as provided in par. (b), the department ~~may do any of~~
9 ~~the following shall~~, for the purpose of assisting claimants to find or obtain work: ~~1.~~
10 ~~Use, use the information or, materials, and resume provided under sub. (2) (a) 4. to~~
11 ~~assess a claimant's efforts, skills, and ability to find or obtain work and to develop~~
12 ~~a list of potential opportunities for -a- the claimant to obtain suitable work. -A~~
13 ~~claimant who otherwise satisfies the requirement under sub. (2) (a) 3. is not required~~
14 ~~to apply for any specific positions on the list in order to satisfy that requirement~~ The
15 department shall provide each claimant, prior to the claimant filing a weekly claim
16 for benefits, with at least 4 such potential opportunities each week, one or more of
17 which may be opportunities with a temporary help company.

18 **SECTION 53.** 108.04 (15) (a) 2. of the statutes is renumbered 108.04 (15) (a) 2.
19 a. and amended to read:

20 108.04 (15) (a) 2. a. ~~Require~~ Except as provided in par. (b), the department shall
21 require a claimant whom the department identifies as likely to exhaust regular
22 benefits to participate in a public employment office workshop or training program
23 or in similar reemployment services that do not charge the claimant a participation
24 fee and that offer instruction to improve the claimant's ability to obtain suitable
25 work.

1 **SECTION 54.** 108.04 (15) (a) 2. b. of the statutes is created to read:

2 108.04 (15) (a) 2. b. Except as provided in par. (b), in addition to the claimants
3 described in subd. 2. a., the department may require other claimants to participate
4 in the reemployment services described in subd. 2. a., but the department shall
5 prioritize claimants who are more likely to have difficulty obtaining reemployment.

6 **SECTION 55.** 108.04 (15) (am) and (ao) of the statutes are created to read:

7 108.04 (15) (am) In carrying out this state's program of reemployment services
8 and eligibility assessments using grant funds awarded under 42 USC 506, the
9 department shall, except as provided in par. (b), provide reemployment services to
10 all claimants receiving benefits, including benefits under ss. 108.141 and 108.142,
11 including by doing all of the following for each such claimant:

12 1. Requiring the claimant to complete an online assessment aimed at
13 identifying the claimant's skills, abilities, and career aptitude.

14 2. Coordinating with the claimant to develop an individualized employment
15 plan for the claimant.

16 3. Requiring the claimant to participate in the services described under par. (a)
17 2. a. as needed pursuant to the individualized employment plan described in subd.
18 2.

19 (ao) Except as provided in par. (b), the department shall, when a claimant's
20 remaining benefit entitlement under s. 108.06 (1) is 3 or less times the claimant's
21 weekly benefit rate under s. 108.05 (1), do all of the following:

22 1. Require the claimant to participate in a live, one-on-one reemployment
23 counseling session between the claimant and an employee of the department.

24 2. Provide the claimant information about services and benefits that are
25 available to the claimant pursuant to the federal Workforce Innovation and

1 Opportunity Act of 2014, 29 USC 3101 to 3361, once the claimant exhausts his or her
2 benefit entitlement.

3 **SECTION 56.** 108.133 (2) (a) (intro.) of the statutes is amended to read:

4 108.133 (2) (a) (intro.) ~~Promulgate~~ Immediately promulgate rules to establish
5 the program. The department shall do all of the following in the rules promulgated
6 under this paragraph:

7 **SECTION 57.** 108.133 (2) (am) of the statutes is amended to read:

8 108.133 (2) (am) ~~Promulgate~~ Immediately promulgate rules identifying
9 occupations for which drug testing is regularly conducted in this state. The
10 department shall notify the U.S. department of labor of any rules promulgated under
11 this paragraph.

12 **SECTION 58.** 108.14 (8o) of the statutes is created to read:

13 108.14 (8o) The department shall act to continue to receive grants for
14 reemployment services and eligibility assessments under 42 USC 506.

15 **SECTION 59.** 108.14 (30) of the statutes is created to read:

16 108.14 (30) (a) The department shall, on at least a weekly basis, perform a
17 comparison of recipients of benefits under this chapter against all of the following for
18 the purpose of detecting fraud or erroneous payments:

19 1. Nationally recognized databases that contain information on death records,
20 including the federal social security administration's death master file.

21 2. The National Association of State Workforce Agencies' integrity data hub.

22 3. The national directory of new hires maintained by the office of child support
23 enforcement in the U.S. department of health and human services.

24 4. Prisoner databases maintained by the department of justice, the department
25 of corrections, and the U.S. department of justice.

1 (b) The department may perform comparisons of recipients of benefits under
2 this chapter against public or private databases in addition to those specified in par.
3 (a) 1. to 4.

4 **SECTION 60.** 111.335 (4) (jm) of the statutes is created to read:

5 111.335 (4) (jm) Notwithstanding s. 111.322, it is not employment
6 discrimination because of conviction record for the physician assistant affiliated
7 credentialing board to refuse to grant to an individual a compact privilege, as defined
8 in s. 448.988 (2) (b), in accordance with s. 448.988 (4) (a) 3.

9 **SECTION 61.** 118.2925 (1) (f) of the statutes is amended to read:

10 118.2925 (1) (f) "Physician assistant" means a person who is licensed under s.
11 448.974 subch. IX of ch. 448 or who holds a compact privilege under subch. XIII of
12 ch. 448.

13 **SECTION 62.** 146.81 (1) (eu) of the statutes is amended to read:

14 146.81 (1) (eu) A physician assistant who is licensed under subch. IX of ch. 448
15 or who holds a compact privilege under subch. XIII of ch. 448.

16 **SECTION 63.** 146.81 (1) (hg) of the statutes is amended to read:

17 146.81 (1) (hg) A social worker, marriage and family therapist, or professional
18 counselor ~~certified or licensed~~, as those terms are defined under subch. I of ch. 457.

19 **SECTION 64.** 146.81 (1) (hm) of the statutes is amended to read:

20 146.81 (1) (hm) A speech-language pathologist or audiologist who is licensed
21 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,
22 or a speech and language pathologist licensed by the department of public
23 instruction.

24 **SECTION 65.** 146.89 (1) (r) 6. of the statutes is amended to read:

1 146.89 (1) (r) 6. A social worker ~~who holds a certificate granted under ch. 457,~~
2 as defined in s. 457.01 (10).

3 **SECTION 66.** 146.89 (1) (r) 7. of the statutes is amended to read:

4 146.89 (1) (r) 7. A marriage and family therapist ~~who is licensed under ch. 457,~~
5 as defined in s. 457.01 (3), or a professional counselor ~~who is licensed under ch. 457,~~
6 as defined in s. 457.01 (7).

7 **SECTION 67.** 146.997 (1) (d) 4. of the statutes, as affected by 2021 Wisconsin Act
8 251, is amended to read:

9 146.997 (1) (d) 4. A physician, physician assistant, podiatrist, perfusionist,
10 physical therapist, physical therapist assistant, occupational therapist,
11 occupational therapy assistant, or genetic counselor licensed under ch. 448; a
12 physical therapist or physical therapist assistant who holds a compact privilege
13 under subch. XI of ch. 448; ~~or~~ an occupational therapist or occupational therapy
14 assistant who holds a compact privilege under subch. XII of ch. 448; or a physician
15 assistant who holds a compact privilege under subch. XIII of ch. 448;

16 **SECTION 68.** 146.997 (1) (d) 11. of the statutes is amended to read:

17 146.997 (1) (d) 11. A social worker, marriage and family therapist or
18 professional counselor ~~certified,~~ as those terms are defined under subch. I of ch. 457.

19 **SECTION 69.** 146.997 (1) (d) 12. of the statutes is amended to read:

20 146.997 (1) (d) 12. A speech-language pathologist or audiologist who is
21 licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III
22 of ch. 459, or a speech and language pathologist licensed by the department of public
23 instruction.

24 **SECTION 70.** 154.01 (3) (b) of the statutes is amended to read:

25 154.01 (3) (b) A physician assistant ~~licensed under ch. 448.~~

1 **SECTION 71.** 155.01 (1g) (c) of the statutes is amended to read:

2 155.01 (**1g**) (c) A physician assistant licensed under ~~ch. 448~~ who a physician
3 responsible for overseeing the physician assistant’s practice affirms is competent to
4 conduct evaluations of the capacity of patients to manage health care decisions.

5 **SECTION 72.** 155.01 (7) of the statutes, as affected by 2021 Wisconsin Act 251,
6 is amended to read:

7 155.01 (**7**) “Health care provider” means a nurse licensed or permitted under
8 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
9 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
10 therapist assistant, occupational therapist, occupational therapy assistant, or
11 genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch.
12 466, a person practicing Christian Science treatment, an optometrist licensed under
13 ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary
14 authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is
15 practicing under the authority to practice interjurisdictional telepsychology, as
16 defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who
17 holds a compact privilege under subch. XI of ch. 448, an occupational therapist or
18 occupational therapy assistant who holds a compact privilege under subch. XII of ch.
19 448, a physician assistant who holds a compact privilege under subch. XIII of ch. 448,
20 a partnership thereof, a corporation or limited liability company thereof that
21 provides health care services, a cooperative health care association organized under
22 s. 185.981 that directly provides services through salaried employees in its own
23 facility, or a home health agency, as defined in s. 50.49 (1) (a).

24 **SECTION 73.** 180.1901 (1m) (f) of the statutes is amended to read:

1 180.1901 **(1m)** (f) Marriage and family therapy, professional counseling, and
2 social work examining board under subch. I of ch. 457.

3 **SECTION 74.** 252.14 (1) (ar) 7. of the statutes is amended to read:

4 252.14 **(1)** (ar) 7. A social worker, marriage and family therapist, or
5 professional counselor ~~certified or licensed~~, as those terms are defined under subch.
6 I of ch. 457.

7 **SECTION 75.** 252.14 (1) (ar) 8. of the statutes is amended to read:

8 252.14 **(1)** (ar) 8. A speech-language pathologist or audiologist who is licensed
9 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,
10 or a speech and language pathologist licensed by the department of public
11 instruction.

12 **SECTION 76.** 252.14 (1) (ar) 14. of the statutes is renumbered 252.14 (1) (ar)
13 4rm.

14 **SECTION 77.** 252.15 (1) (am) of the statutes is repealed and recreated to read:

15 252.15 **(1)** (am) “Health care professional” means a physician, physician
16 assistant, or nurse.

17 **SECTION 78.** 252.15 (1) (er) of the statutes is amended to read:

18 252.15 **(1)** (er) “Social worker” means an individual who is ~~certified or licensed~~
19 as a social worker, advanced practice social worker, independent social worker, or
20 clinical social worker, as those terms are defined under subch. I of ch. 457.

21 **SECTION 79.** 253.10 (2) (f) of the statutes is amended to read:

22 253.10 **(2)** (f) “Qualified person assisting the physician” means a social worker
23 ~~certified under ch. 457, as defined in s. 457.01 (10),~~ a registered nurse or a physician
24 assistant to whom a physician who is to perform or induce an abortion has delegated

1 the responsibility, as the physician's agent, for providing the information required
2 under sub. (3) (c) 2.

3 **SECTION 80.** 256.215 (2) (b) of the statutes is amended to read:

4 256.215 (2) (b) The emergency medical services provider establishes, submits
5 to the department, and maintains patient care protocols corresponding to the
6 appropriate service level to be used by a community paramedic or a community
7 emergency medical services practitioner. The emergency medical services provider
8 may include in a patient care protocol only those services that do not require a
9 license, certificate, or other credential under subch. II, III, IV, or VII of ch. 448, subch.
10 I of ch. 457, or ch. 441, 446, 447, 449, 450, 451, 455, 457, or 459 to provide.

11 **SECTION 81.** 257.01 (1) (a) of the statutes is amended to read:

12 257.01 (1) (a) An individual who, under ch. 455, is licensed as a psychologist
13 or, under subch. I of ch. 457, is certified as a social worker or licensed as a clinical
14 social worker, a marriage and family therapist, or a professional counselor.

15 **SECTION 82.** 257.01 (1) (b) of the statutes is amended to read:

16 257.01 (1) (b) An individual who was at any time within the previous 10 years,
17 but is not currently, licensed as a psychologist under ch. 455 or certified as a social
18 worker or licensed as a clinical social worker, a marriage and family therapist, or a
19 professional counselor under subch. I of ch. 457, if the individual's license or
20 certification was never revoked, limited, suspended, or denied renewal.

21 **SECTION 83.** 303.08 (1) (f) of the statutes is amended to read:

22 303.08 (1) (f) Obtaining counseling or therapy from an approved public
23 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
24 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed clinical
25 social worker, as defined in s. 457.01 (1r), a professional counselor ~~licensed under ch.~~

1 ~~457, or a certified,~~ as defined in s. 457.01 (7), an independent social worker, as defined
2 in s. 457.01 (2g), or an advanced practice social worker, as defined in s. 457.01 (1c),
3 who is authorized to practice psychotherapy under subch. I of ch. 457.

4 **SECTION 84.** 440.023 of the statutes is created to read:

5 **440.023 Occupational license review council. (1) DEFINITIONS.** In this
6 section:

7 (a) “Council” means the occupational license review council.

8 (b) “Occupational license” means any of the following:

9 1. A license, permit, certification, registration, or other approval granted under
10 s. 167.10 (6m) or under ch. 101 or 145 or under chs. 440 to 480.

11 2. A license, permit, certification, registration, or other approval not included
12 under subd. 1., if granted to a person by this state in order that the person may
13 engage in a profession, occupation, or trade in this state or in order that the person
14 may use one or more titles in association with his or her profession, occupation, or
15 trade.

16 **(2) REPORT.** No later than December 31, 2024, and no later than December 31
17 of every 10th year thereafter, the council shall submit a report to the governor, the
18 chief of the legislative reference bureau, and the chief clerk of each house of the
19 legislature for distribution to the legislature under s. 13.172 (2). In preparing the
20 report, the council shall take into account the impact the council estimates its
21 recommendations will have on state revenues and expenditures. The report shall
22 include all of the following:

23 (a) The council’s recommendations for the elimination of occupational licenses
24 or the modification of laws and rules governing occupational licenses based on all of
25 the following:

1 1. The council's evaluation of whether the unregulated practice of the
2 profession, occupation, or trade can clearly harm or endanger the health, safety, or
3 welfare of the public, and whether the potential for the harm is recognizable and not
4 remote or speculative.

5 2. The council's evaluation of whether the public reasonably benefits from the
6 occupational license requirement.

7 3. The council's evaluation of whether the public can be effectively protected
8 by any means other than requiring an occupational license and whether the
9 occupational license is the least restrictive regulation, as defined in s. 13.0963 (4) (b),
10 that will effectively protect the public.

11 4. The council's analysis of licensure requirements for the regulated profession,
12 occupation, or trade in other states, including educational and reciprocity
13 requirements.

14 5. The council's estimate of the number of individuals or entities that are
15 affected by the occupational license requirement.

16 6. The council's estimate of the total financial burden imposed on individuals
17 or entities as a result of the occupational licensure requirement, including education
18 or training costs, examination fees, private credential fees, occupational license fees
19 imposed by the state, and other costs individuals or entities incur in order to obtain
20 the required occupational license.

21 7. Any statement or analysis provided by the agency or board administering
22 the occupation license.

23 (b) The council's recommendations for the reduction or elimination of
24 continuing and other education requirements for occupational licenses not
25 recommended for elimination under par. (a).

1 **(3) LEGISLATIVE ACTION.** (a) The legislative reference bureau shall prepare
2 legislation that gives effect to the council's recommendations under sub. (2).

3 (b) The joint committee on legislative organization shall introduce without
4 change in each house of the legislature each bill prepared under par. (a), and the bill
5 shall be referred to the appropriate standing committee of each house.

6 (c) The legislature shall take final action on a bill introduced under par. (b) no
7 later than June 30, 2025, and no later than June 30 of every 10th year thereafter.

8 (d) A bill introduced under par. (b) is not subject to s. 13.093 (1).

9 **SECTION 85.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

10 440.03 **(9)** (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
11 the department shall, biennially, determine each fee for an initial credential for
12 which no examination is required, for a reciprocal credential, and for a credential
13 renewal and any fees imposed under ss. 448.986 (2) ~~and, 448.9875 (2), 448.9885 (2),~~
14 457.51 (2), and 459.71 (2) by doing all of the following:

15 **SECTION 86.** 440.03 (9) (a) 2. of the statutes is amended to read:

16 440.03 **(9)** (a) 2. Not later than January 31 of each odd-numbered year,
17 adjusting for the succeeding fiscal biennium each fee for an initial credential for
18 which an examination is not required, for a reciprocal credential, and, subject to s.
19 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)
20 ~~and, 448.9875 (2), 448.9885 (2), 457.51 (2), and 459.71 (2),~~ if an adjustment is
21 necessary to reflect the approximate administrative and enforcement costs of the
22 department that are attributable to the regulation of the particular occupation or
23 business during the period in which the initial or reciprocal credential, credential
24 renewal, or compact privilege is in effect and, for purposes of each fee for a credential
25 renewal, to reflect an estimate of any additional moneys available for the

1 department's general program operations as a result of appropriation transfers that
2 have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal
3 biennium in progress at the time of the deadline for an adjustment under this
4 subdivision or during the fiscal biennium beginning on the July 1 immediately
5 following the deadline for an adjustment under this subdivision.

6 **SECTION 87.** 440.03 (11m) (c) 2c. of the statutes is created to read:

7 440.03 (11m) (c) 2c. The coordinated data and reporting system under s.
8 448.988 (8), if such disclosure is required under the PA licensure compact under s.
9 448.988.

10 **SECTION 88.** 440.03 (11m) (c) 2u. of the statutes is created to read:

11 440.03 (11m) (c) 2u. The coordinated database and reporting system under s.
12 457.50 (10), if such disclosure is required under the counseling compact under s.
13 457.50.

14 **SECTION 89.** 440.03 (11m) (c) 2ub. of the statutes is created to read:

15 440.03 (11m) (c) 2ub. The coordinated data system under s. 457.70 (11), if such
16 disclosure is required under the social work licensure compact under s. 457.70.

17 **SECTION 90.** 440.03 (11m) (c) 2w. of the statutes is created to read:

18 440.03 (11m) (c) 2w. The coordinated database and reporting system under s.
19 459.70 (9), if such disclosure is required under the audiology and speech-language
20 pathology interstate compact under s. 459.70.

21 **SECTION 91.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

22 440.03 (13) (b) (intro.) The department may investigate whether an applicant
23 for or holder of any of the following credentials has been charged with or convicted
24 of a crime only pursuant to rules promulgated by the department under this
25 paragraph, including rules that establish the criteria that the department will use

1 to determine whether an investigation under this paragraph is necessary, except as
2 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,
3 448.987 (3) (a) 5. a. and (5) (b) 2. a., ~~and 448.988 (3) (a) 5.,~~ 455.50 (3) (e) 4. and (f) 4.,
4 457.50 (3) (b) 3. and (5) (b) 2. a., 457.70 (3) (b) 4. and (7) (b) 3., and 459.70 (3) (b) 2.:

5 **SECTION 92.** 440.03 (13) (bp), (bt) and (bx) of the statutes are created to read:

6 440.03 (13) (bp) When conducting an investigation of an arrest or conviction
7 record under par. (a) or (bm), or of any other offense if the offense is reviewable by
8 the department or credentialing board that issues the credential, the department
9 shall review information provided by the applicant to determine the circumstances
10 of each case or offense, except that the department may, in its discretion, complete
11 its investigation without reviewing the circumstances of any of the following types
12 of violations:

13 1. If the violation occurred more than 5 years before the application date, a first
14 conviction for a violation of s. 346.63 (1) (a), (am), or (b) or a local ordinance in
15 conformity therewith or a law of a federally recognized American Indian tribe or
16 band in this state in conformity with s. 346.63 (1) (a), (am), or (b) or the law of another
17 jurisdiction prohibiting driving or operating a motor vehicle while intoxicated or
18 under the influence of alcohol, a controlled substance, a controlled substance analog,
19 or a combination thereof or under the influence of any drug that renders the person
20 incapable of safely driving, as those or substantially similar terms are used in that
21 jurisdiction's laws.

22 2. A violation of s. 125.07 (4) (a) or (b) or a local ordinance that strictly conforms
23 to s. 125.07 (4) (a) or (b) or of a substantially similar law of another jurisdiction.

24 3. A minor, nonviolent ordinance violation, as determined by the department.

1 (bt) 1. As an alternative to conducting an investigation of an arrest or
2 conviction record under par. (a) or (bm), or of any other offense if the offense is
3 reviewable by the department or credentialing board that issues the credential, the
4 department may accept a determination made by the applicant's employer, or by a
5 contracted entity on behalf of the applicant's employer, that the applicant does not
6 have an arrest or conviction record and that the applicant has not committed any
7 other offense that is reviewable by the department or credentialing board that issues
8 the credential, or that the circumstances related to the arrest or conviction record or
9 of any other offense if the offense is reviewable by the department or credentialing
10 board that issues the credential are not substantially related to the licensed activity
11 pursuant to s. 111.335.

12 2. An applicant's employer or a contracted entity on behalf of an applicant's
13 employer that submits a determination under this paragraph shall attest that the
14 determination was made to the best of the employer's or entity's knowledge and with
15 a reasonable degree of certainty.

16 3. Prior to accepting a determination made under this paragraph, the
17 department may review the determination made by the employer or the entity
18 contracted by the employer and may request additional information from the
19 applicant.

20 4. The department shall either accept or reject a determination made under
21 this paragraph within 30 days from the day that the department receives the
22 determination.

23 5. Neither the department nor any credentialing board shall be subject to suit
24 or liable for damages resulting from its acceptance of or reliance on a determination
25 made under this paragraph.

1 (bx) The department shall promulgate rules to implement pars. (bp) and (bt).

2 **SECTION 93.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1.
3 (intro.) and amended to read:

4 440.03 (13) (c) 1. (intro.) The department shall require an all of the following
5 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
6 set of the person's fingerprints:

7 a. An applicant for a private detective license or a private security permit under
8 s. 440.26, an.

9 b. An applicant for a juvenile martial arts instructor permit under sub. (17),
10 an.

11 c. An applicant for a real estate appraiser certification under s. 458.06 or
12 license under s. 458.08, an.

13 d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), an.

14 e. An applicant for a compact license under s. 448.05 (2) (f), an.

15 f. An applicant for a physical therapist license under s. 448.53 or physical
16 therapist assistant license under s. 448.535, an.

17 g. An applicant for an occupational therapist or occupational therapy assistant
18 compact privilege under s. 448.987 (4), and an applicant for an occupational
19 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.
20 a., an

21 h. An applicant for a psychologist license under s. 455.04, and a.

22 z. A person for whom the department conducts an investigation under par. (b),
23 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
24 set of the person's fingerprints.

1 2. The department of justice may submit the fingerprint cards, and the
2 department of justice shall submit the fingerprint cards of all applicants for a real
3 estate appraiser certification under s. 458.06 or license under s. 458.08, of all
4 applicants for a multistate license under s. 441.06 (1e) or 441.10 (1e), of all applicants
5 for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist
6 license under s. 448.53 or a physical therapist assistant license under s. 448.535, and
7 of all applicants for a psychologist license under s. 455.04 identified in subd. 1. c. to
8 ie., to the federal bureau of investigation for the purpose of verifying the identity of
9 the persons fingerprinted and obtaining records of their criminal arrests and
10 convictions.

11 3. Information obtained from the federal bureau of investigation may be shared
12 with the department or the appropriate credentialing board, but shall otherwise be
13 kept confidential and is not subject to disclosure under s. 19.35.

14 **SECTION 94.** 440.03 (13) (c) 1. i. of the statutes is created to read:

15 440.03 (13) (c) 1. i. An applicant for a professional counselor license or privilege
16 to practice under s. 457.12 when required pursuant to the counseling compact under
17 s. 457.50.

18 **SECTION 95.** 440.03 (13) (c) 1. ic. of the statutes is created to read:

19 440.03 (13) (c) 1. ic. An applicant for a physician assistant license or compact
20 privilege under s. 448.974 when required pursuant to the PA licensure compact
21 under s. 448.988.

22 **SECTION 96.** 440.03 (13) (c) 1. id. of the statutes is created to read:

23 440.03 (13) (c) 1. id. An applicant for any category of social worker multistate
24 license under s. 457.08 (4m) when required pursuant to the social work licensure
25 compact under s. 457.70.

1 **SECTION 97.** 440.03 (13) (c) 1. ie. of the statutes is created to read:

2 440.03 **(13)** (c) 1. ie. An applicant for an audiologist or speech-language
3 pathologist license or compact privilege under s. 459.24 when required pursuant to
4 the audiology and speech-language pathology interstate compact under s. 459.70.

5 **SECTION 98.** 440.03 (14) (am) of the statutes is amended to read:

6 440.03 **(14)** (am) The department may promulgate rules that establish
7 requirements for granting a license to practice psychotherapy to a person who is
8 registered under par. (a). Rules promulgated under this paragraph shall establish
9 requirements for obtaining such a license that are comparable to the requirements
10 for obtaining a clinical social worker, marriage and family therapist, or professional
11 counselor license under subch. I of ch. 457. If the department promulgates rules
12 under this paragraph, the department shall grant a license under this paragraph to
13 a person registered under par. (a) who pays the initial credential fee determined by
14 the department under s. 440.03 (9) (a) and provides evidence satisfactory to the
15 department that he or she satisfies the requirements established in the rules.

16 **SECTION 99.** 440.03 (14) (c) of the statutes is amended to read:

17 440.03 **(14)** (c) The renewal dates for certificates granted under par. (a) and
18 licenses granted under par. (am) ~~are specified in~~ shall be as determined under s.
19 440.08 (2) ~~(a)~~. Renewal applications shall be submitted to the department on a form
20 provided by the department and shall include the renewal fee determined by the
21 department under s. 440.03 (9) (a) and evidence satisfactory to the department that
22 the person's certification, registration, or accreditation specified in par. (a) 1. a., 2.
23 a., or 3. a. has not been revoked.

24 **SECTION 100.** 440.03 (15) of the statutes is amended to read:

1 440.03 (15) The department shall promulgate rules that establish the fees
2 specified in ss. 440.05 (10) and 440.08 (2)-(d) (2r) (c).

3 **SECTION 101.** 440.032 (5) of the statutes is amended to read:

4 440.032 (5) LICENSE RENEWAL. The renewal dates for licenses granted under
5 sub. (3) ~~are specified in~~ shall be as determined under s. 440.08 (2) (a) ~~68e~~. Renewal
6 applications shall be submitted to the department on a form provided by the
7 department and shall include the renewal fee determined by the department under
8 s. 440.03 (9) (a) and evidence satisfactory to the department that the person's
9 certification or membership specified in sub. (3) that is required for the license has
10 not been revoked or invalidated.

11 **SECTION 102.** 440.043 (1) of the statutes is amended to read:

12 440.043 (1) The secretary shall appoint an advisory committee under s.
13 440.042 to provide advice concerning behavioral health. The advisory committee
14 shall semiannually conduct a review of the requirements for obtaining a credential
15 under s. 440.88 or subch. I of ch. 457 or for other credentials related to behavioral
16 health.

17 **SECTION 103.** 440.08 (2) (title) of the statutes is amended to read:

18 440.08 (2) (title) RENEWAL DATES, FEES AND APPLICATIONS.

19 **SECTION 104.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

20 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.094 (2) (c) 2.,
21 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18
22 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, the renewal
23 dates for credentials are as follows:

24 **SECTION 105.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2023
25 Wisconsin Act (this act), is amended to read:

1 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.094 (2) (c) 2.,
2 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 447.05 (1) (b), 449.17 (1m) (d), 449.18
3 (2) (e), 455.06 (1) (b), 463.10, 463.12, and 463.25 and subch. II of ch. 448, ~~the renewal~~
4 ~~dates for credentials are as follows~~ all of the following apply with respect to renewals
5 of credentials:

6 **SECTION 106.** 440.08 (2) (a) 1. to 72. of the statutes, as affected by 2021
7 Wisconsin Act 251, are renumbered 440.08 (2) (ag) 1. to 72. and amended to read:

8 440.08 (2) (ag) 1. Accountant, certified public: December 15 of each every other
9 odd-numbered year.

10 3. Accounting corporation or partnership: December 15 of each every other
11 odd-numbered year.

12 4. Acupuncturist: July 1 of each every other odd-numbered year.

13 4m. Advanced practice nurse prescriber: October 1 of each every other
14 even-numbered year.

15 5. Aesthetician: April 1 of each every other odd-numbered year.

16 6. Aesthetics establishment: April 1 of each every other odd-numbered year.

17 8. Aesthetics school: April 1 of each every other odd-numbered year.

18 9. Aesthetics specialty school: April 1 of each every other odd-numbered year.

19 9m. Substance abuse counselor, clinical supervisor, or prevention specialist:
20 except as limited in s. 440.88 (4), March 1 of each every other odd-numbered year.

21 10. Anesthesiologist assistant: October 1 of each every other even-numbered
22 year.

23 10m. Appraisal management company: December 15 of each every other
24 odd-numbered year.

1 11. Appraiser, real estate, certified general: December 15 of each every other
2 odd-numbered year.

3 11m. Appraiser, real estate, certified residential: December 15 of each every
4 other odd-numbered year.

5 12. Appraiser, real estate, licensed: December 15 of each every other
6 odd-numbered year.

7 13. Architect: August 1 of each every other even-numbered year.

8 14. Architectural or engineering firm, partnership or corporation: February 1
9 of each every other even-numbered year.

10 14d. Athlete agent: July 1 of each every other even-numbered year.

11 14f. Athletic trainer: July 1 of each every other even-numbered year.

12 14g. Auction company: December 15 of each every other even-numbered year.

13 14r. Auctioneer: December 15 of each every other even-numbered year.

14 15. Audiologist: February 1 of each every other odd-numbered year.

15 15m. Barber: April 1 of each every other odd-numbered year.

16 16. Barbering establishment: April 1 of each every other odd-numbered year.

17 19. Barbering school: April 1 of each every other odd-numbered year.

18 20m. Behavior analyst: December 15 of each every other even-numbered year.

19 21. Cemetery authority, licensed: December 15 of each every other
20 even-numbered year.

21 21m. Cemetery authority, registered: December 15 of each every other
22 even-numbered year; \$10.

23 22. Cemetery preneed seller: December 15 of each every other even-numbered
24 year.

- 1 23. Cemetery salesperson: December 15 of each every other even-numbered
2 year.
- 3 23p. Chiropractic radiological technician: December 15 of each every other
4 even-numbered year.
- 5 23s. Chiropractic technician: December 15 of each every other even-numbered
6 year.
- 7 24. Chiropractor: December 15 of each every other even-numbered year.
- 8 24b. Cosmetologist: April 1 of each every other odd-numbered year.
- 9 24d. Cosmetology establishment: April 1 of each every other odd-numbered
10 year.
- 11 24k. Cosmetology school: April 1 of each every other odd-numbered year.
- 12 24m. Crematory authority: January 1 of each every other even-numbered
13 year.
- 14 25. Dental hygienist: October 1 of each every other odd-numbered year.
- 15 26. Dentist: October 1 of each every other odd-numbered year.
- 16 26m. Dentist, faculty member: October 1 of each every other odd-numbered
17 year.
- 18 27. Designer of engineering systems: February 1 of each every other
19 even-numbered year.
- 20 27m. Dietitian: November 1 of each every other even-numbered year.
- 21 29. Drug manufacturer: June 1 of each every other even-numbered year.
- 22 30. Electrologist: April 1 of each every other odd-numbered year.
- 23 31. Electrology establishment: April 1 of each every other odd-numbered year.
- 24 33. Electrology school: April 1 of each every other odd-numbered year.

1 34. Electrology specialty school: April 1 of each every other odd-numbered
2 year.

3 35. Engineer, professional: August 1 of each every other even-numbered year.

4 36. Funeral director: December 15 of each every other odd-numbered year.

5 37. Funeral establishment: June 1 of each every other odd-numbered year.

6 37m. Genetic counselor: November 1 of each every other odd-numbered year.

7 38. Hearing instrument specialist: February 1 of each every other
8 odd-numbered year.

9 38g. Home inspector: December 15 of each every other even-numbered year.

10 38h. Home medical oxygen provider: June 1 of each every other
11 even-numbered year.

12 38i. Interior design firm, partnership, or corporation: February 1 of each every
13 other even-numbered year.

14 38j. Juvenile martial arts instructor: September 1 of each every other
15 even-numbered year.

16 38m. Landscape architect: August 1 of each every other even-numbered year.

17 39. Land surveyor, professional: February 1 of each every other
18 even-numbered year.

19 39m. Limited X-ray machine operator: September 1 of each every other
20 even-numbered year.

21 42. Manicuring establishment: April 1 of each every other odd-numbered year.

22 44. Manicuring school: April 1 of each every other odd-numbered year.

23 45. Manicuring specialty school: April 1 of each every other odd-numbered
24 year.

25 46. Manicurist: April 1 of each every other odd-numbered year.

- 1 46m. Marriage and family therapist: March 1 of each every other
2 odd-numbered year.
- 3 46r. Massage therapist or bodywork therapist: March 1 of each every other
4 odd-numbered year.
- 5 46w. Midwife, licensed: July 1 of each every other even-numbered year.
- 6 46y. Mobile dentistry program registration: October 1 of each every other
7 odd-numbered year.
- 8 47g. Naturopathic doctor: January 1 of each every other odd-numbered year.
- 9 47h. Naturopathic doctor, limited-scope: January 1 of each every other
10 odd-numbered year.
- 11 48. Nurse, licensed practical: May 1 of each every other odd-numbered year.
- 12 49. Nurse, registered: March 1 of each every other even-numbered year.
- 13 50. Nurse-midwife: March 1 of each every other even-numbered year.
- 14 51. Nursing home administrator: July 1 of each every other even-numbered
15 year.
- 16 52. Occupational therapist: June 1 of each every other odd-numbered year.
- 17 53. Occupational therapy assistant: June 1 of each every other odd-numbered
18 year.
- 19 54. Optometrist: December 15 of each every other odd-numbered year.
- 20 54m. Perfusionist: March 1 of each every other even-numbered year.
- 21 55. Pharmacist: June 1 of each every other even-numbered year.
- 22 56. Pharmacy, in-state and out-of-state: June 1 of each every other
23 even-numbered year.
- 24 56m. Pharmacy technician: June 1 of each every other even-numbered year.
- 25 57. Physical therapist: March 1 of each every other odd-numbered year.

1 57m. Physical therapist assistant: March 1 of each every other odd-numbered
2 year.

3 58. Physician, other than a physician who possesses the degree of doctor of
4 osteopathy: November 1 of each every other odd-numbered year.

5 58m. Physician who possesses the degree of doctor of osteopathy: November
6 1 of each every other odd-numbered year.

7 59. Physician assistant: March 1 of each every other even-numbered year.

8 60. Podiatrist: November 1 of each every other even-numbered year.

9 61. Private detective: September 1 of each every other even-numbered year.

10 62. Private detective agency: September 1 of each every other odd-numbered
11 year.

12 63. Private practice school psychologist: October 1 of each every other
13 odd-numbered year.

14 63g. Private security person: September 1 of each every other even-numbered
15 year.

16 63m. Professional counselor: March 1 of each every other odd-numbered year.

17 63u. Professional geologist: August 1 of each every other even-numbered year.

18 63v. Professional geology, hydrology, or soil science firm, partnership, or
19 corporation: August 1 of each every other even-numbered year.

20 63w. Professional hydrologist: August 1 of each every other even-numbered
21 year.

22 63x. Professional soil scientist: August 1 of each every other even-numbered
23 year.

24 64. Psychologist: October 1 of each every other odd-numbered year.

- 1 64g. Radiographer, licensed: September 1 of each every other even-numbered
2 year.
- 3 65. Real estate broker: December 15 of each every other even-numbered year.
- 4 66. Real estate business entity: December 15 of each every other
5 even-numbered year.
- 6 67. Real estate salesperson: December 15 of each every other even-numbered
7 year.
- 8 67m. Registered interior designer: August 1 of each every other
9 even-numbered year.
- 10 67v. Registered music, art or dance therapist: October 1 of each every other
11 odd-numbered year.
- 12 67x. Registered music, art, or dance therapist with psychotherapy license:
13 October 1 of each every other odd-numbered year.
- 14 68. Respiratory care practitioner: July 1 of each every other even-numbered
15 year.
- 16 68b. Sanitarian: January 1 of each every other even-numbered year.
- 17 68c. Sign language interpreter: September 1 of each every other
18 odd-numbered year.
- 19 68d. Social worker: March 1 of each every other odd-numbered year.
- 20 68h. Social worker, advanced practice: March 1 of each every other
21 odd-numbered year.
- 22 68p. Social worker, independent: March 1 of each every other odd-numbered
23 year.
- 24 68t. Social worker, independent clinical: March 1 of each every other
25 odd-numbered year.

1 68v. Speech-language pathologist: February 1 of each every other
2 odd-numbered year.

3 69g. Third-party logistics provider: July 1 of each every other even-numbered
4 year.

5 69m. Transportation network company: March 1 of each every other
6 odd-numbered year.

7 72. Wholesale distributor of prescription drugs: June 1 of each every other
8 even-numbered year.

9 **SECTION 107.** 440.08 (2) (a) 1n., 2n., 3n. and 4n. of the statutes are created to
10 read:

11 440.08 (2) (a) 1n. Beginning with the first renewal after the initial issuance of
12 a credential, the credential may be renewed every 4 years as provided in this
13 paragraph.

14 2n. General renewal dates shall be as specified in par. (ag).

15 3n. The department may, if practical and expedient, stagger renewal dates
16 among credential holders so that approximately half of renewals occur every 2 years.

17 4n. The department shall promulgate rules for the implementation of subds.
18 1n. to 3n.

19 **SECTION 108.** 440.08 (2) (ag) (intro.) of the statutes is created to read:

20 440.08 (2) (ag) (intro.) For the purpose of par. (a), the general renewal dates and
21 years for credentials to which this subsection applies are as follows:

22 **SECTION 109.** 440.08 (2) (ar) of the statutes is created to read:

23 440.08 (2) (ar) 1. Notwithstanding pars. (a), (ag), and (c) and chs. 440 to 480,
24 the department may, in cooperation with credentialing boards, establish a system to
25 transition credential holders from 2-year credential periods under chs. 440 to 480,

1 2021 stats., to 4-year credential periods by phasing in the application of par. (a). The
2 department shall promulgate rules to implement any transition system established
3 under this paragraph, which shall not allow for more than one 2-year renewal of a
4 credential after the effective date of this subdivision [LRB inserts date].

5 2. a. Notwithstanding the requirement to pay the renewal fee under par. (c),
6 a person who renews a credential for 2 years pursuant to the transition system
7 established under this paragraph is required to pay only one-half of the renewal fee
8 that applies to a person renewing a credential for 4 years.

9 b. Notwithstanding the fees for credential renewals approved under s. 440.03
10 (9), if the department transitions credential holders from 2-year credential periods
11 under chs. 440 to 480, 2021 stats., to 4-year credential periods before revised
12 renewal fees can be approved under s. 440.03 (9), the department may double the
13 applicable renewal fee until a revised fee can be approved under s. 440.03 (9).

14 **SECTION 110.** 440.08 (2) (b) of the statutes is amended to read:

15 440.08 (2) (b) ~~The renewal fee for an apprentice, journeyman, student or~~
16 ~~temporary credential is \$10. The renewal dates specified in par. (a) determined~~
17 ~~under pars. (a) to (ar) do not apply to apprentice, journeyman, student or temporary~~
18 ~~credentials.~~

19 **SECTION 111.** 440.08 (2) (c) of the statutes is renumbered 440.08 (2r) (a) and
20 amended to read:

21 440.08 (2r) (a) Except as provided in par. (e) (d) and sub. (3), renewal
22 applications shall include the applicable renewal fee as determined by the
23 department under s. 440.03 (9) (a) or as specified in par. (b).

24 **SECTION 112.** 440.08 (2) (d) of the statutes is renumbered 440.08 (2r) (c).

25 **SECTION 113.** 440.08 (2) (e) of the statutes is renumbered 440.08 (2r) (d).

1 **SECTION 114.** 440.08 (2r) (title) of the statutes is created to read:

2 440.08 **(2r)** (title) RENEWAL FEES AND APPLICATIONS.

3 **SECTION 115.** 440.08 (2r) (b) of the statutes is created to read:

4 440.08 **(2r)** (b) The renewal fee for an apprentice, journeyman, student, or
5 temporary credential is \$10.

6 **SECTION 116.** 440.08 (3m) of the statutes is created to read:

7 440.08 **(3m)** CONTINUING EDUCATION. The department or the interested
8 examining board or affiliated credentialing board, as appropriate, may, as provided
9 in s. 440.20 (6), specify makeup continuing education requirements that must be
10 completed in order for the holder of a credential who fails to complete continuing
11 education requirements within a required period to be able to renew the credential,
12 notwithstanding the failure.

13 **SECTION 117.** 440.08 (4) (a) of the statutes is amended to read:

14 440.08 **(4)** (a) *Generally.* If the department or the interested examining board
15 or affiliated credentialing board, as appropriate, determines that an applicant for
16 renewal has failed to comply with sub. ~~(2)(e)~~ (2r) (a) or (3) or with any other
17 applicable requirement for renewal established under chs. 440 to 480 or that the
18 denial of an application for renewal of a credential is necessary to protect the public
19 health, safety or welfare, the department, examining board or affiliated
20 credentialing board may summarily deny the application for renewal by mailing to
21 the holder of the credential a notice of denial that includes a statement of the facts
22 or conduct that warrant the denial and a notice that the holder may, within 30 days
23 after the date on which the notice of denial is mailed, file a written request with the
24 department to have the denial reviewed at a hearing before the department, if the

1 department issued the credential, or before the examining board or affiliated
2 credentialing board that issued the credential.

3 **SECTION 118.** 440.09 (title) of the statutes is amended to read:

4 **440.09 (title) Reciprocal credentials for ~~service members, former~~**
5 **~~service members, and their spouses.~~**

6 **SECTION 119.** 440.09 (1) of the statutes is repealed.

7 **SECTION 120.** 440.09 (1m) (title) of the statutes is created to read:

8 440.09 (1m) (title) RECIPROCAL CREDENTIALS; GENERALLY.

9 **SECTION 121.** 440.09 (1m) (b) 6. and 7. of the statutes are created to read:

10 440.09 (1m) (b) 6. The individual does not have any limitation, restriction, or
11 other encumbrance on any credential issued by a governmental authority in a state
12 other than this state that qualifies the individual to perform acts authorized under
13 the appropriate credential granted by the department or credentialing board and is
14 not under investigation by any governmental authority in a state other than this
15 state related to any credential possessed by the individual that qualifies the
16 individual to perform acts authorized under the appropriate credential granted by
17 the department or credentialing board.

18 7. Subject to ss. 111.321, 111.322, and 111.335, the individual does not have an
19 arrest or conviction record.

20 **SECTION 122.** 440.09 (1m) (c) 1. of the statutes, as affected by 2023 Wisconsin
21 Act.... (this act), is amended to read:

22 440.09 (1m) (c) 1. A reciprocal credential granted under this subsection expires
23 on the applicable renewal date ~~specified in~~ determined under s. 440.08 (2) (a), except
24 that if the first renewal date ~~specified in~~ s. 440.08 (2) (a) after the date on which the
25 credential is granted is within ~~180~~ 365 days of the date on which the credential is

1 granted, the credential expires on the 2nd renewal date ~~specified in s. 440.08 (2) (a)~~
2 after the date on which the credential is granted.

3 **SECTION 123.** 440.09 (2) (intro.) of the statutes is renumbered 440.09 (1m)
4 (intro.).

5 **SECTION 124.** 440.09 (2) (a) of the statutes is renumbered 440.09 (1m) (b) 1. and
6 amended to read:

7 440.09 (1m) (b) 1. The individual applies for a reciprocal credential under this
8 ~~section~~ subsection on a form prescribed by the department or credentialing board.

9 **SECTION 125.** 440.09 (2) (b) of the statutes is repealed.

10 **SECTION 126.** 440.09 (2) (c) of the statutes is renumbered 440.09 (1m) (b) 3. and
11 amended to read:

12 440.09 (1m) (b) 3. The individual holds a license, certification, registration, or
13 permit that was granted by a governmental authority in a ~~jurisdiction outside~~ state
14 other than this state that qualifies the individual to perform the acts authorized
15 under the appropriate credential granted by the department or credentialing board.

16 **SECTION 127.** 440.09 (2) (d) of the statutes is renumbered 440.09 (1m) (b) 4.

17 **SECTION 128.** 440.09 (2) (f) of the statutes is renumbered 440.09 (1m) (b) 5. and
18 amended to read:

19 440.09 (1m) (b) 5. The individual is in good standing with the governmental
20 authorities in every ~~jurisdiction outside~~ state other than this state that have granted
21 the individual a license, certification, registration, or permit that qualifies the
22 individual to perform acts authorized under the appropriate credential granted by
23 the department or credentialing board.

24 **SECTION 129.** 440.09 (2g) of the statutes is created to read:

1 440.09 (2g) RECIPROCAL CREDENTIALS; EXCEPTIONS. Subsection (1m) does not
2 apply to a reciprocal credential issued by the accounting examining board or the real
3 estate examining board that grants the holder a limited right to practice law in this
4 state, unless the applicant is licensed to practice law in this state.

5 **SECTION 130.** 440.09 (2m) of the statutes is repealed.

6 **SECTION 131.** 440.09 (2r) of the statutes is created to read:

7 440.09 (2r) RECIPROCAL CREDENTIALS; HEALTH CARE PROVIDER CREDENTIALS. (a)
8 In this subsection, “health care provider credential” means any credential specified
9 in s. 440.094 (1) (c).

10 (b) 1. The department shall, for each health care provider credential, do all of
11 the following:

12 a. Determine whether there are any provisions under chs. 440 to 480 for
13 granting a reciprocal credential corresponding to that credential that require an
14 examination of the equivalence, comparability, or similarity of the credentialing
15 requirements in other states or territories in the United States to the laws under chs.
16 440 to 480, or rules promulgated thereunder, for granting that credential.

17 b. For each provision identified under subd. 1. a., review the laws of every other
18 state to determine if and how the laws of each state compare to the laws of this state
19 and whether each state’s laws qualify, for purposes of granting a reciprocal credential
20 under that provision. The department shall also, as applicable, similarly review the
21 laws of other territories in the United States.

22 c. Post the results of the department’s reviews under subd. 1. b. on the
23 department’s website.

24 2. a. The department shall consult with the appropriate credentialing boards
25 in performing the duties specified under subd. 1.

1 b. The department shall perform the duties under subd. 1. and update the
2 results posted under subd. 1. c. at least every 4 years.

3 **SECTION 132.** 440.09 (3) of the statutes is renumbered 440.09 (1m) (c), and
4 440.09 (1m) (c) 1., as renumbered, is amended to read:

5 440.09 **(1m)** (c) 1. A reciprocal credential granted under this ~~section~~ subsection
6 expires on the applicable renewal date specified in s. 440.08 (2) (a), except that if the
7 first renewal date specified in s. 440.08 (2) (a) after the date on which the credential
8 is granted is within 180 days of the date on which the credential is granted, the
9 credential expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date
10 on which the credential is granted.

11 **SECTION 133.** 440.09 (4) and (5) of the statutes are renumbered 440.09 (1m) (d)
12 and (e) and amended to read:

13 440.09 **(1m)** (d) The department or credentialing board, as appropriate, shall
14 expedite the issuance of a reciprocal credential granted under this ~~section~~
15 subsection.

16 (e) The department or credentialing board, as appropriate, may promulgate
17 rules necessary to implement this ~~section~~ subsection.

18 **SECTION 134.** 440.094 (title), (1) (c) (intro.), 3., 4. and 5. and (2) of the statutes
19 are amended to read:

20 **440.094** (title) **Practice by health care providers credential holders**
21 **from other states.**

22 **(1)** (c) (intro.) “Health care provider” means an individual who holds a valid,
23 unexpired remote credential ~~granted by another state or territory~~ that authorizes or
24 qualifies the individual to perform acts that are substantially the same as the acts
25 that any of the following are licensed or certified to perform:

1 3. A dentist, dental hygienist, or expanded function dental auxiliary licensed
2 or certified under ch. 447.

3 4. A physician, ~~physician assistant~~, perfusionist, or respiratory care
4 practitioner licensed or certified under subch. II of ch. 448.

5 5. A physical therapist or physical therapist assistant licensed under subch. III
6 of ch. 448 or who holds a compact privilege under subch. ~~IX~~ XI of ch. 448.

7 **(2) PRACTICE BY ~~HEALTH CARE PROVIDERS~~ CREDENTIAL HOLDERS FROM OTHER STATES.**

8 (a) Notwithstanding ss. ~~441.06 (4), 441.15 (2), 441.16, 446.02 (1), 447.03 (1) and (2),~~
9 ~~448.03 (1) (a), (b), and (c) and (1m), 448.51 (1), 448.61, 448.76, 448.961 (1) and (2),~~
10 ~~449.02 (1), 450.03 (1), 451.04 (1), 455.02 (1m), 457.04 (4), (5), (6), and (7), 459.02 (1),~~
11 ~~459.24 (1), and 460.02,~~ a health care provider chs. 440 to 480, an individual who holds
12 a valid, unexpired remote credential may provide for an employer services that are
13 within the scope of the remote credential that the ~~health care provider~~ individual
14 holds, and the department shall grant the ~~health care provider~~ individual a
15 temporary preliminary credential to practice under this section, if all of the following
16 apply:

17 1. The ~~health care provider~~ individual applies to the department for a
18 temporary preliminary credential under this section within 30 days of beginning to
19 provide health care services for ~~a health care~~ an employer. The ~~health care provider~~
20 individual shall include in the application an attestation of all of the following:

21 a. The date on which the ~~health care provider~~ individual first provided health
22 care services in this state under this section.

23 b. That the ~~health care provider~~ individual holds a valid, unexpired remote
24 credential ~~granted in another state~~.

1 c. ~~The health care provider~~ individual is not currently under investigation and
2 no restrictions or limitations are currently placed on the ~~health care provider's~~
3 individual's remote credential by the ~~credentialing state~~ that issued the remote
4 credential or by any other jurisdiction.

5 d. The ~~health care provider~~ individual has applied for a permanent,
6 state-issued credential granted by the department or ~~an examining~~ a credentialing
7 board, as applicable, under chs. 440 to 480 that corresponds to his or her remote
8 credential. This subd. 1. d. does not apply to a health care provider who provides
9 health care services only during the period covered by a national emergency declared
10 by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus
11 or during the 30 days immediately after the national emergency ends.

12 2. If the ~~health care provider~~ individual provides services other than services
13 provided through telehealth as described in sub. (3), the ~~health care~~ individual's
14 employer of the ~~health care provider~~ attests to all of the following to the department
15 within 10 days of the date on which the ~~health care provider~~ individual begins
16 providing ~~health care~~ services in this state under this section:

17 a. The ~~health care~~ employer has confirmed that the ~~health care provider~~
18 individual holds a valid, unexpired remote credential ~~granted by another state~~.

19 b. To the best of the ~~health care~~ employer's knowledge and with a reasonable
20 degree of certainty, the ~~health care provider~~ individual is not currently under
21 investigation and no restrictions or limitations are currently placed on the ~~health~~
22 ~~care provider's~~ individual's remote credential by the credentialing state or any other
23 jurisdiction.

24 (b) ~~A health care provider~~ An individual who practices within the scope of a
25 ~~temporary~~ preliminary credential granted under this section has all rights and is

1 subject to all responsibilities, malpractice insurance requirements, limitations on
2 scope of practice, and other provisions that apply under chs. 440 to 480 to the practice
3 of the health care provider under the state-issued credential described in par. (a) 1.
4 d.

5 (c) 1. A temporary preliminary credential granted under this section becomes
6 effective on the date identified in the attestation under par. (a) 1. a. that the health
7 care provider individual first provided health care services in this state under this
8 section.

9 2. a. Except as provided in subd. 2. b., a temporary preliminary credential
10 granted under this section expires on the date that the department, or ~~an examining~~
11 a credentialing board in the department, as applicable, grants or denies the
12 application under par. (a) 1. d. for a permanent state-issued credential submitted by
13 the ~~health care provider~~ individual.

14 b. If ~~a~~ the individual is a health care provider who provides health care services
15 only during the period covered by a national emergency declared by the U.S.
16 president under 50 USC 1621 in response to the 2019 novel coronavirus or during
17 the 30 days immediately after the national emergency ends, a temporary
18 preliminary credential granted under this section to the ~~health care provider~~
19 individual expires 30 days after the national emergency ends.

20 **SECTION 135.** 440.094 (1) (b) of the statutes is repealed.

21 **SECTION 136.** 440.094 (1) (c) 9g., 9m., 17. and 19., (d), (e) and (f) of the statutes
22 are created to read:

23 440.094 (1) (c) 9g. A genetic counselor licensed under subch. VIII of ch. 448.

24 9m. A physician assistant licensed under subch. IX of ch. 448.

25 17. A radiographer licensed under ch. 462.

1 19. A naturopathic doctor licensed under ch. 466.

2 (d) “Remote credential” means a license, permit, certificate, or registration
3 granted to an individual by another state or territory that authorizes or qualifies the
4 individual to perform acts that are substantially the same as the acts that an
5 individual who holds a state-issued credential is authorized or qualified to perform.

6 (e) “Services” means actions that are within the scope of practice that is defined
7 for a state-issued credential.

8 (f) “State-issued credential” means a credential, as defined in s. 440.01 (2) (a).

9 **SECTION 137.** 440.094 (1) (c) 14. of the statutes is amended to read:

10 440.094 (1) (c) 14. A social worker, marriage and family therapist, or
11 professional counselor certified or licensed under subch. I of ch. 457 or a clinical
12 substance abuse counselor certified under s. 440.88.

13 **SECTION 138.** 440.094 (3) of the statutes is amended to read:

14 440.094 (3) TELEHEALTH. A health care provider who practices within the scope
15 of a temporary preliminary credential granted under this section may provide
16 services through telehealth to a patient located in this state.

17 **SECTION 139.** 440.094 (4) of the statutes is created to read:

18 440.094 (4) NONAPPLICABILITY. This section does not apply with respect to
19 credentials under subch. IV or V or ch. 442, 444, or 463 or to credentials that
20 authorize a credential holder to engage in the limited practice of law or in the practice
21 of professional land surveying, as defined in s. 443.01 (6s).

22 **SECTION 140.** 440.15 of the statutes is amended to read:

23 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
24 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b)
25 2. a., 448.988 (3) (a) 5., 450.071 (3) (c) 9., 450.075 (3) (c) 9., and 455.50 (3) (e) 4. and

1 (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., 457.70 (3) (b) 4. and (7) (b) 3., and 459.70 (3)
2 (b) 1., the department or a credentialing board may not require that an applicant for
3 a credential or a credential holder be fingerprinted or submit fingerprints in
4 connection with the department's or the credentialing board's credentialing.

5 **SECTION 141.** 440.20 (6) of the statutes is created to read:

6 440.20 (6) (a) The department or appropriate examining board, affiliated
7 credentialing board, or board in the department may reprimand the holder of a
8 credential or deny, limit, suspend, or revoke the credential of any person who fails
9 to satisfy applicable continuing education requirements within a required period
10 and may specify makeup continuing education requirements that must be completed
11 in order to maintain his or her credential or to restore it to good standing.

12 (b) The grounds for discipline specified under par. (a) are in addition to any
13 grounds for discipline specified in chs. 440 to 480.

14 **SECTION 142.** 440.26 (3) of the statutes is amended to read:

15 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
16 application executed under sub. (2), and after any investigation that it considers
17 necessary, the department shall, if it determines that the applicant is qualified, grant
18 the proper license upon payment of the initial credential fee determined by the
19 department under s. 440.03 (9) (a). No license shall be issued for a longer period than
20 ~~2~~ 4 years, and the license of a private detective shall expire on the renewal date of
21 the license of the private detective agency, even if the license of the private detective
22 has not been in effect for a full ~~2~~ 4 years. Renewals of the original licenses issued
23 under this section shall be issued in accordance with renewal forms prescribed by the
24 department and shall be accompanied by the applicable fees specified in s. 440.08 or
25 determined by the department under s. 440.03 (9) (a). The department may not

1 renew a license unless the applicant provides evidence that the applicant has in force
2 at the time of renewal the bond or liability policy specified in this section.

3 **SECTION 143.** 440.26 (5m) (b) of the statutes is amended to read:

4 440.26 **(5m)** (b) The renewal dates for permits issued under this subsection are
5 ~~specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~. Renewal applications shall
6 be submitted to the department on a form provided by the department and shall
7 include the renewal fee determined by the department under s. 440.03 (9) (a).

8 **SECTION 144.** 440.313 (1) of the statutes is amended to read:

9 440.313 **(1)** The renewal date for licenses granted under this subchapter is
10 ~~specified in~~ shall be as determined under s. 440.08 (2) ~~(a)~~. Renewal applications shall
11 be submitted to the department on a form provided by the department and shall
12 include the renewal fee determined by the department under s. 440.03 (9) (a).

13 **SECTION 145.** 440.415 (2) (a) of the statutes is amended to read:

14 440.415 **(2)** (a) The renewal date for a license granted under sub. (1) is ~~specified~~
15 ~~in~~ shall be as determined under s. 440.08 (2) ~~(a)~~ ~~69m~~. A renewal application shall
16 be submitted to the department on a form prescribed by the department and shall
17 include any information required by the department by rule.

18 **SECTION 146.** 440.71 (3) of the statutes is amended to read:

19 440.71 **(3)** RENEWAL. Renewal applications shall be submitted to the
20 department on a form provided by the department on or before the applicable
21 renewal date ~~specified~~ determined under s. 440.08 (2) ~~(a)~~ and shall include the
22 applicable renewal fee determined by the department under s. 440.03 (9) (a).

23 **SECTION 147.** 440.88 (3) (d) of the statutes is created to read:

24 440.88 **(3)** (d) 1. The department may not require an applicant for certification
25 as a substance abuse counselor, clinical substance abuse counselor, or substance

1 abuse counselor-in-training to pass a statutes and rules examination as a condition
2 of receiving an initial certification or a certification renewal.

3 2. The department may require an applicant for certification as a substance
4 abuse counselor, clinical substance abuse counselor, or substance abuse
5 counselor-in-training to affirm that the applicant has read and understands the
6 statutes and rules that apply to the applicant's practice.

7 **SECTION 148.** 440.88 (4) of the statutes is amended to read:

8 440.88 (4) APPLICATIONS; CERTIFICATION PERIOD. An application for certification
9 as a substance abuse counselor, clinical supervisor, or prevention specialist under
10 this section shall be made on a form provided by the department and filed with the
11 department and shall be accompanied by the initial credential fee determined by the
12 department under s. 440.03 (9) (a). The renewal date for certification as a substance
13 abuse counselor, clinical supervisor, or prevention specialist ~~is specified~~ shall be as
14 determined under s. 440.08 (2) (a) and the renewal fee for such certifications is
15 determined by the department under s. 440.03 (9) (a). Renewal of certification as a
16 substance abuse counselor-in-training, a clinical supervisor-in-training, or a
17 prevention specialist-in-training may be made only twice.

18 **SECTION 149.** 440.905 (2) of the statutes is amended to read:

19 440.905 (2) The board has rule-making authority and may promulgate rules
20 relating to the regulation of cemetery authorities, cemetery salespersons, and
21 cemetery preneed sellers. ~~The board may determine, by rule, a fee under s. 440.05~~
22 ~~(1) (a) and under s. 440.08 (2) (a) 21. that is sufficient to fund the board's operating~~
23 ~~costs.~~

24 **SECTION 150.** 440.91 (1) (c) of the statutes is amended to read:

1 440.91 (1) (c) The renewal dates for licenses granted under par. (b) are specified
2 ~~in shall be as determined under~~ s. 440.08 (2) (a) and the renewal fees for such licenses
3 are determined by the department under s. 440.03 (9) (a).

4 **SECTION 151.** 440.91 (1m) (c) of the statutes is amended to read:

5 440.91 (1m) (c) The renewal date and renewal fee for a registration granted
6 under par. (b) ~~are specified in~~ shall be as determined under s. 440.08 (2). The
7 department shall determine the renewal fee for a registration granted under par. (b)
8 under s. 440.03 (9) (a).

9 **SECTION 152.** 440.91 (4) of the statutes is amended to read:

10 440.91 (4) Renewal applications shall be submitted to the board on a form
11 provided by the board on or before the applicable renewal date ~~specified~~ determined
12 under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the
13 department under s. 440.03 (9) (a).

14 **SECTION 153.** 440.92 (1) (c) of the statutes is amended to read:

15 440.92 (1) (c) Renewal applications shall be submitted to the board on a form
16 provided by the board on or before the applicable renewal date ~~specified~~ determined
17 under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the
18 department under s. 440.03 (9) (a).

19 **SECTION 154.** 440.972 (2) of the statutes is amended to read:

20 440.972 (2) The renewal date for certificates granted under this section is
21 ~~specified~~ shall be as determined under s. 440.08 (2) (a) ~~38g.~~, and the renewal fee for
22 such certificates is determined by the department under s. 440.03 (9) (a).

23 **SECTION 155.** 440.974 (2) of the statutes is amended to read:

24 440.974 (2) The department shall promulgate rules establishing continuing
25 education requirements for individuals registered under this subchapter. The rules

1 promulgated under this subsection shall require the completion of at least 40 hours
2 of continuing education every 2 years, except that the rules may not require
3 continuing education for an applicant for renewal of a registration that expires on
4 the 1st and 2nd renewal dates date after the date on which the department initially
5 granted the registration.

6 **SECTION 156.** 440.98 (6) of the statutes is amended to read:

7 440.98 (6) APPLICATIONS. An application for a sanitarian registration under this
8 section shall be made on a form provided by the department and filed with the
9 department and shall be accompanied by the initial credential fee determined by the
10 department under s. 440.03 (9) (a). The renewal date for a sanitarian registration
11 is specified shall be as determined under s. 440.08 (2) (a), and the renewal fee for such
12 registration is determined by the department under s. 440.03 (9) (a).

13 **SECTION 157.** 440.983 (1) of the statutes is amended to read:

14 440.983 (1) The renewal date for licenses granted under this subchapter is
15 specified in shall be as determined under s. 440.08 (2) (a). Renewal applications shall
16 be submitted to the department on a form provided by the department and shall
17 include the renewal fee determined by the department under s. 440.03 (9) (a).

18 **SECTION 158.** 440.992 (6) of the statutes is repealed.

19 **SECTION 159.** 440.9935 of the statutes is amended to read:

20 **440.9935 Renewal.** The renewal date for certificates of registration issued
21 under this subchapter is specified in shall be as determined under s. 440.08 (2) (a),
22 and the renewal fee for such certificates is determined by the department under s.
23 440.03 (9) (a). Renewal applications shall be submitted to the department on a form
24 provided by the department.

25 **SECTION 160.** 441.06 (3) of the statutes is amended to read:

1 441.06 (3) A registered nurse practicing for compensation shall, on or before
2 the applicable renewal date ~~specified~~ determined under s. 440.08 (2) (a), submit to
3 the board on furnished forms a statement giving name, residence, and other facts
4 that the board requires, with the nursing workforce survey and fee required under
5 s. 441.01 (7) and the applicable renewal fee determined by the department under s.
6 440.03 (9) (a).

7 **SECTION 161.** 441.10 (6) of the statutes is amended to read:

8 441.10 (6) On or before the applicable renewal date ~~specified~~ determined under
9 s. 440.08 (2) (a), a licensed practical nurse practicing for compensation shall submit
10 to the board, on forms furnished by the department, an application for license
11 renewal, together with a statement giving name, residence, nature and extent of
12 practice as a licensed practical nurse during the prior year and prior unreported
13 years, the nursing workforce survey and fee required under s. 441.01 (7), and other
14 facts bearing upon current competency that the board requires, accompanied by the
15 applicable license renewal fee determined by the department under s. 440.03 (9) (a).

16 **SECTION 162.** 441.15 (3) (b) of the statutes is amended to read:

17 441.15 (3) (b) On or before the applicable renewal date ~~specified~~ determined
18 under s. 440.08 (2) (a), a person issued a license under par. (a) and practicing
19 nurse-midwifery shall submit to the board on furnished forms a statement giving his
20 or her name, residence, and other information that the board requires by rule, with
21 the applicable renewal fee determined by the department under s. 440.03 (9) (a). If
22 applicable, the person shall also submit evidence satisfactory to the board that he or
23 she has in effect the malpractice liability insurance required under the rules
24 promulgated under sub. (5) (bm). The board shall grant to a person who pays the fee
25 determined by the department under s. 440.03 (9) (a) for renewal of a license to

1 practice nurse-midwifery and who satisfies the requirements of this paragraph the
2 renewal of his or her license to practice nurse-midwifery and the renewal of his or
3 her license to practice as a registered nurse.

4 **SECTION 163.** 441.16 (3m) of the statutes is created to read:

5 441.16 (3m) (a) The board may not require an applicant for certification under
6 this section to pass a statutes and rules examination as a condition of receiving an
7 initial certification or a certification renewal.

8 (b) The board may require an applicant for certification under this section to
9 affirm that the applicant has read and understands the statutes and rules that apply
10 to the applicant's practice.

11 **SECTION 164.** 442.083 (1) of the statutes is amended to read:

12 442.083 (1) The renewal dates for licenses issued under this chapter are
13 ~~specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~, and the renewal fees for such
14 licenses are determined by the department under s. 440.03 (9) (a). The department
15 may not renew a license issued to a firm unless, at the time of renewal, the firm
16 satisfies the requirements under s. 442.08 (2) and demonstrates, to the satisfaction
17 of the department, that the firm has complied with the requirements under s.
18 442.087.

19 **SECTION 165.** 442.083 (2) (a) of the statutes is amended to read:

20 442.083 (2) (a) The examining board shall promulgate rules establishing
21 continuing education requirements for renewal of licenses granted to individuals
22 under this chapter. The rules promulgated under this paragraph may not require
23 an individual to complete more than 80 continuing education credits during the each
24 2-year period immediately preceding the renewal date ~~specified~~ determined under
25 s. 440.08 (2) ~~(a)~~.

1 **SECTION 166.** 443.015 (1c) of the statutes is created to read:

2 443.015 (1c) The rules promulgated under sub. (1) by the professional land
3 surveyor section of the examining board shall require a professional land surveyor
4 to complete at least 20 hours of continuing education during each 2-year period
5 immediately preceding the renewal date determined under s. 440.08 (2). The section
6 may exempt initial licensees from the requirement, may specify minimum numbers
7 of hours for specified categories of continuing education, and may waive the
8 requirement in cases of extreme hardship, as determined by the board.

9 **SECTION 167.** 443.015 (1e) of the statutes is amended to read:

10 443.015 (1e) The rules promulgated under sub. (1) by the registered interior
11 designer section of the examining board shall require a Wisconsin registered interior
12 designer to complete at least 15 hours of continuing education during the each
13 2-year period immediately preceding the renewal date ~~specified~~ determined under
14 s. 440.08 (2) (a). At least 10 of the 15 hours shall be in subjects related to the practice
15 of interior design that safeguard the public's health, safety, and welfare.

16 **SECTION 168.** 443.07 (6) of the statutes is amended to read:

17 443.07 (6) The renewal date for permits under this section is ~~specified~~ shall be
18 as determined under s. 440.08 (2) (a), and the fee for renewal of such permits is
19 determined by the department under s. 440.03 (9) (a).

20 **SECTION 169.** 443.08 (3) (b) of the statutes is amended to read:

21 443.08 (3) (b) The renewal date for certificates of authorization under this
22 section is ~~specified~~ shall be as determined under s. 440.08 (2) (a), and the fee for
23 renewal of such certificates is determined by the department under s. 440.03 (9) (a).

24 **SECTION 170.** 443.10 (2) (e) of the statutes is amended to read:

1 443.10 (2) (e) The renewal date dates for certificates of registration for
2 architects, landscape architects, professional engineers, and Wisconsin registered
3 interior designers ~~is specified~~ shall be as determined under s. 440.08 (2) (a), and the
4 fee for renewal of such certificates is determined by the department under s. 440.03
5 (9) (a).

6 **SECTION 171.** 443.10 (5) of the statutes is amended to read:

7 443.10 (5) FEES; RENEWALS. The professional land surveyor section shall grant
8 a license to engage in the practice of professional land surveying to any applicant who
9 has met the applicable requirements of this chapter. The renewal date for the license
10 ~~is specified~~ shall be as determined under s. 440.08 (2) (a), and the renewal fee for the
11 license is determined by the department under s. 440.03 (9) (a).

12 **SECTION 172.** 445.06 (1) of the statutes is amended to read:

13 445.06 (1) The renewal date for a funeral director's license ~~is specified~~ shall be
14 as determined under s. 440.08 (2) (a), and the renewal fee for such license is
15 determined by the department under s. 440.03 (9) (a).

16 **SECTION 173.** 445.07 (1) (a) and (b) of the statutes are amended to read:

17 445.07 (1) (a) For the renewal of a license that expires on the first renewal date
18 after the date on which the examining board initially granted the license, completion
19 of ~~4~~ 19 hours of continuing education subsequent to the date the applicant was
20 granted the initial license. The examining board shall, in the rules promulgated
21 under sub. (3), specify permitted or required subjects for the continuing education
22 under this paragraph, which shall be subjects that the examining board determines
23 prepare a new licensee for practice as a funeral director.

1 (b) For each renewal subsequent to the renewal described in par. (a),
2 completion of 15 hours of continuing education in ~~the previous~~ each 2-year licensure
3 period immediately preceding the renewal date determined under s. 440.08 (2).

4 **SECTION 174.** 445.095 (1) (c) of the statutes is amended to read:

5 445.095 (1) (c) A certificate of apprenticeship issued under this section shall
6 be renewable annually upon the payment on January 1 of each year of the renewal
7 fee specified in s. 440.08 ~~(2)~~ (2r) (b).

8 **SECTION 175.** 445.105 (3) of the statutes is amended to read:

9 445.105 (3) Applications for funeral establishment permits shall be made on
10 forms provided by the department and filed with the department and shall be
11 accompanied by the initial credential fee determined by the department under s.
12 440.03 (9) (a). The renewal date for a funeral establishment permit is ~~specified~~ shall
13 be as determined under s. 440.08 (2) ~~(a)~~, and the renewal fee for such permit is
14 determined by the department under s. 440.03 (9) (a).

15 **SECTION 176.** 446.01 (1v) (m) of the statutes is amended to read:

16 446.01 (1v) (m) Marriage and family therapy, professional counseling, and
17 social work examining board under subch. I of ch. 457. "Health care professional"
18 also includes an individual who is exercising the professional counselor privilege to
19 practice, as defined in s. 457.50 (2) (s), in this state, and an individual who is
20 exercising a multistate authorization to practice, as defined in s. 457.70 (2) (q), under
21 any category of social worker multistate license, as defined in s. 457.70 (2) (r), in this
22 state.

23 **SECTION 177.** 446.02 (1) (b) of the statutes is amended to read:

24 446.02 (1) (b) Submits evidence satisfactory to the examining board that the
25 person meets the requirements of continuing education for license renewal as the

1 examining board may require, which requirements shall include current proficiency
2 in the use of an automated external defibrillator achieved through instruction
3 provided by an individual, organization, or institution of higher education approved
4 under s. 46.03 (38) to provide such instruction. The person shall include the approval
5 number assigned under sub. (5) (b) to each educational program completed by the
6 person to satisfy the requirements of this paragraph. During the time between
7 initial licensure and commencement of a full ~~2~~-year licensure period, new licensees
8 shall not be required to meet continuing education requirements. Any person who
9 has not engaged in the practice of chiropractic for 2 years or more, while holding a
10 valid license under this chapter, and desiring to engage in such practice, shall be
11 required by the examining board to complete a continuing education course at a
12 school of chiropractic approved by the examining board or pass a practical
13 examination administered by the examining board or both.

14 **SECTION 178.** 446.02 (4) of the statutes is amended to read:

15 446.02 (4) The renewal date for all licenses granted by the examining board is
16 ~~specified~~ shall be as determined under s. 440.08 (2) (~~a~~), and the renewal fee for such
17 licenses is determined by the department under s. 440.03 (9) (a).

18 **SECTION 179.** 446.025 (3) (a) of the statutes is renumbered 446.025 (3) (a) 1. and
19 amended to read:

20 446.025 (3) (a) 1. The renewal date and fees for a certificate issued under this
21 section ~~are specified in~~ shall be as determined under s. 440.08 (2) (~~a~~).

22 **SECTION 180.** 446.025 (3) (a) 2. of the statutes is created to read:

23 446.025 (3) (a) 2. The renewal fees for a certificate issued under this section are
24 determined by the department under s. 440.03 (9) (a).

25 **SECTION 181.** 446.025 (3) (b) of the statutes is amended to read:

1 446.025 (3) (b) A chiropractic radiological technician shall, at the time that he
2 or she applies for renewal of a certificate under par. (a), submit evidence satisfactory
3 to the examining board that he or she has completed at least 12 continuing
4 educational credit hours in each 2-year period immediately preceding the renewal
5 date determined under s. 440.08 (2) in programs established by rules promulgated
6 by the examining board.

7 **SECTION 182.** 446.026 (3) (a) of the statutes is renumbered 446.026 (3) (a) 1. and
8 amended to read:

9 446.026 (3) (a) 1. The renewal date ~~and fees~~ for a certificate issued under this
10 section ~~are specified in~~ shall be as determined under s. 440.08 (2) (a).

11 **SECTION 183.** 446.026 (3) (a) 2. of the statutes is created to read:

12 446.026 (3) (a) 2. The renewal fees for a certificate issued under this section are
13 determined by the department under s. 440.03 (9) (a).

14 **SECTION 184.** 446.026 (3) (b) of the statutes is amended to read:

15 446.026 (3) (b) A chiropractic technician shall, at the time that he or she applies
16 for renewal of a certificate under par. (a), submit evidence satisfactory to the
17 examining board that he or she has completed at least 6 continuing educational
18 credit hours in each 2-year period immediately preceding the renewal date
19 determined under s. 440.08 (2) in programs established by rules promulgated by the
20 examining board.

21 **SECTION 185.** 447.05 (1) (a) of the statutes is amended to read:

22 447.05 (1) (a) Except as provided in par. (b), renewal applications shall be
23 submitted to the department on a form provided by the department on or before the
24 applicable renewal date ~~specified~~ determined under s. 440.08 (2) (a) and shall include
25 the applicable renewal fee determined by the department under s. 440.03 (9) (a).

1 **SECTION 186.** 447.055 (1) (a) of the statutes is amended to read:

2 447.055 (1) (a) 1. Except as provided in subs. (3) and (4), a person is not eligible
3 for renewal of a license to practice dental hygiene, other than a permit issued under
4 s. 447.02 (3), unless the person has taught, prepared, attended, or otherwise
5 completed, during each of the 2-year periods within the 4-year period immediately
6 preceding the renewal date ~~specified~~ determined under s. 440.08 (2) (a), 12 credit
7 hours of continuing education relating to the clinical practice of dental hygiene that
8 is sponsored or recognized by a local, state, regional, national, or international
9 dental, dental hygiene, dental assisting, or medical-related professional
10 organization.

11 2. Notwithstanding subd. 1., the examining board may promulgate a rule
12 requiring not more than 20 nor less than 12 credit hours of continuing education per
13 2-year period for eligibility for renewal of a license to practice dental hygiene.

14 **SECTION 187.** 447.055 (1) (b) 1. of the statutes is amended to read:

15 447.055 (1) (b) 1. Basic life support or cardiopulmonary resuscitation. Not
16 more than 2 of the credit hours required in each 2-year period under par. (a) may be
17 satisfied by such training.

18 **SECTION 188.** 447.055 (1) (b) 2. of the statutes is amended to read:

19 447.055 (1) (b) 2. Infection control. Not less than 2 of the credit hours required
20 in each 2-year period under par. (a) must be satisfied by such training.

21 **SECTION 189.** 447.056 (1) (intro.) of the statutes is amended to read:

22 447.056 (1) (intro.) Except as provided in subs. (2) to (4), a person is not eligible
23 for renewal of a license to practice dentistry, other than a permit issued under s.
24 447.02 (3), unless the person has taught, attended, or otherwise completed, during
25 each of the 2-year periods within the 4-year period immediately preceding the

1 renewal date ~~specified~~ determined under s. 440.08 (2) ~~(a)~~, 30 credit hours of
2 continuing education related to the practice of dentistry or the practice of medicine,
3 including not less than 25 credit hours of instruction in clinical dentistry or clinical
4 medicine. Not more than 4 of the 30 hours may be from teaching. Continuing
5 education does not satisfy the requirements under this subsection unless the
6 continuing education is one of the following:

7 **SECTION 190.** 447.056 (3) of the statutes is amended to read:

8 447.056 **(3)** Credit hours completed before the ~~2-year~~ 4-year period
9 immediately preceding renewal of a license to practice dentistry may not be applied
10 to fulfill the credit hours required under sub. (1).

11 **SECTION 191.** 447.058 (2) (b) of the statutes is amended to read:

12 447.058 **(2)** (b) A mobile dentistry program registrant shall submit an
13 application for renewal, and the applicable renewal fee determined by the
14 department under s. 440.03 (9) (a), to the department on a form provided by the
15 department on or before the applicable renewal date ~~specified~~ determined under s.
16 440.08 (2) ~~(a)~~.

17 **SECTION 192.** 448.015 (4) (am) 2m. of the statutes is renumbered 448.978 (1g)
18 (a) and amended to read:

19 448.978 **(1g)** (a) ~~A~~ “Unprofessional conduct” includes a determination made
20 by a physician assistant under ch. 154 or 155 if the physician assistant does not have
21 sufficient education, training, and experience to make the determination.

22 **SECTION 193.** 448.05 (6) (av) of the statutes is created to read:

23 448.05 **(6)** (av) 1. The board may not require an applicant for certification as
24 a respiratory care practitioner under s. 448.04 (1) (i) to pass a statutes and rules

1 examination as a condition of receiving an initial certification or a certification
2 renewal.

3 2. The board may require an applicant described under subd. 1. to affirm that
4 the applicant has read and understands the statutes and rules that apply to the
5 applicant's practice.

6 **SECTION 194.** 448.07 (1) (a) of the statutes is amended to read:

7 448.07 (1) (a) Every person licensed or certified under this subchapter shall
8 register ~~on or before November 1 of each odd-numbered year following issuance of~~
9 ~~the license or certificate~~ with the board on or before his or her renewal date
10 determined under s. 440.08 (2). Registration shall be completed in such manner as
11 the board shall designate and upon forms the board shall provide, except that
12 registration with respect to a compact license shall be governed by the renewal
13 provisions in s. 448.980 (7). The secretary of the board, ~~on or before October 1 of each~~
14 ~~odd-numbered year~~, shall, at least 30 days prior to that date, mail or cause to be
15 mailed to every person required to register a registration form. The board shall
16 furnish to each person registered under this section a certificate of registration, and
17 the person shall display the registration certificate conspicuously in the office at all
18 times. No person may exercise the rights or privileges conferred by any license or
19 certificate granted by the board unless currently registered as required under this
20 subsection.

21 **SECTION 195.** 448.08 (4) of the statutes is amended to read:

22 448.08 (4) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED.
23 Notwithstanding any other provision in this section, it is lawful for 2 or more
24 physicians, who have entered into a bona fide partnership for the practice of
25 medicine, to render a single bill for such services in the name of such partnership,

1 and it also is lawful for a service corporation to render a single bill for services in the
2 name of the corporation, provided that each individual licensed, registered or
3 certified under this chapter, subch. I of ch. 457, or ch. 446, 449, 450, 455, ~~457~~ or 459
4 that renders billed services is individually identified as having rendered such
5 services.

6 **SECTION 196.** 448.13 (title) of the statutes is repealed and recreated to read:

7 **448.13 (title) Continuing education and professional development.**

8 **SECTION 197.** 448.13 (1) (a) 1. of the statutes is amended to read:

9 448.13 (1) (a) 1. Continuing education programs or courses of study approved
10 for at least 30 hours of credit by the board within each 2-year period within the 2
11 4 calendar years preceding the calendar year for which the registration is effective.

12 **SECTION 198.** 448.13 (1) (a) 2. of the statutes is amended to read:

13 448.13 (1) (a) 2. Professional development and maintenance of certification or
14 performance improvement or continuing medical education programs or courses of
15 study required by the board by rule under s. 448.40 (1) and completed within the ~~2~~
16 4 calendar years preceding the calendar year for which the registration is effective.

17 **SECTION 199.** 448.13 (1m) of the statutes is amended to read:

18 448.13 (1m) The board shall, on a random basis, verify the accuracy of proof
19 submitted by physicians under sub. (1) (a) and may, at any time ~~during the 2 calendar~~
20 ~~years specified in sub. (1) (a)~~, require a physician to submit proof of any continuing
21 education, professional development, and maintenance of certification or
22 performance improvement or continuing medical education programs or courses of
23 study that he or she has attended and completed ~~at that time during the 2 calendar~~
24 years since he or she last registered under s. 448.07.

25 **SECTION 200.** 448.55 (2) of the statutes is amended to read:

1 448.55 (2) The renewal dates for licenses granted under this subchapter, other
2 than temporary licenses granted under rules promulgated under s. 448.53 (2), are
3 ~~specified~~ shall be as determined under s. 440.08 (2) (a). Renewal applications shall
4 be submitted to the department on a form provided by the department and shall
5 include the renewal fee determined by the department under s. 440.03 (9) (a) and
6 proof of compliance with the requirements established in any rules promulgated
7 under sub. (3).

8 **SECTION 201.** 448.65 (2) (intro.) of the statutes is amended to read:

9 448.65 (2) (intro.) The renewal date for a license granted under this subchapter,
10 other than a temporary license granted under rules promulgated under s. 448.63 (3),
11 ~~is specified~~ shall be as determined under s. 440.08 (2) (a). Renewal applications shall
12 be submitted to the department on a form provided by the department and shall be
13 accompanied by all of the following:

14 **SECTION 202.** 448.665 of the statutes is amended to read:

15 **448.665 Continuing education.** The affiliated credentialing board shall
16 promulgate rules establishing requirements and procedures for licensees to
17 complete continuing education programs or courses of study in order to qualify for
18 renewal of a license granted under this subchapter. The rules shall require a licensee
19 to complete at least 30 hours of continuing education programs or courses of study
20 within each of the 2-year periods within the 4-year period immediately preceding
21 the renewal date ~~specified~~ determined under s. 440.08 (2) (a). The affiliated
22 credentialing board may waive all or part of these requirements for the completion
23 of continuing education programs or courses of study if the affiliated credentialing
24 board determines that prolonged illness, disability or other exceptional
25 circumstances have prevented a licensee from completing the requirements.

1 **SECTION 203.** 448.67 (4) of the statutes is amended to read:

2 448.67 (4) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS. If 2 or
3 more podiatrists have entered into a bona fide partnership or formed a service
4 corporation for the practice of podiatry, the partnership or corporation may not
5 render a single bill for podiatry services provided in the name of the partnership or
6 corporation unless each individual licensed, registered or certified under this
7 chapter, subch. I of ch. 457, or ch. 446, 449, 450, 455, 457 or 459, who provided
8 services is individually identified on the bill as having rendered those services.

9 **SECTION 204.** 448.86 (2) of the statutes is amended to read:

10 448.86 (2) The renewal dates for certificates granted under this subchapter,
11 other than temporary certificates granted under s. 448.80, ~~are specified~~ shall be as
12 determined under s. 440.08 (2) (a). Renewal applications shall be submitted to the
13 department on a form provided by the department and shall include the renewal fee
14 determined by the department under s. 440.03 (9) (a).

15 **SECTION 205.** 448.9545 (1) (a) of the statutes is amended to read:

16 448.9545 (1) (a) To be eligible for renewal of a license issued under s. 448.953
17 (1) or (2), a licensee shall, during ~~the 2-year~~ each 2-year period within the 4-year
18 period immediately preceding the renewal date ~~specified~~ determined under s. 440.08
19 (2) (a), complete not less than 30 credit hours of continuing education in courses of
20 study approved by the affiliated credentialing board.

21 **SECTION 206.** 448.9545 (1) (b) (intro.) of the statutes is amended to read:

22 448.9545 (1) (b) (intro.) No more than 10 credit hours of the continuing
23 education required in each 2-year period under par. (a) may be on any of the
24 following subject areas or combination of subject areas:

25 **SECTION 207.** 448.955 (1) of the statutes is amended to read:

1 448.955 (1) The renewal dates for licenses granted under this subchapter are
2 specified shall be as determined under s. 440.08 (2) (a).

3 **SECTION 208.** 448.955 (2) (a) of the statutes is amended to read:

4 448.955 (2) (a) Completed, during the each 2-year period within the 4-year
5 period immediately preceding the renewal date specified in determined under s.
6 440.08 (2) (a), the continuing education requirements specified in s. 448.9545.

7 **SECTION 209.** 448.955 (3) (a) of the statutes is amended to read:

8 448.955 (3) (a) A place for the licensee to describe his or her work history,
9 including the average number of hours worked each week, for the ~~2-year~~ 4-year
10 period immediately preceding the renewal date specified in determined under s.
11 440.08 (2) (a).

12 **SECTION 210.** 448.956 (1) (c) of the statutes is amended to read:

13 448.956 (1) (c) A protocol established under par. (a) shall be updated no later
14 than 30 days before the licensee's renewal date ~~specified in s. 440.08 (2) (a)~~ 14f.

15 **SECTION 211.** 448.964 (1) of the statutes is amended to read:

16 448.964 (1) The Except as provided in sub. (3), the affiliated credentialing
17 board shall conduct or arrange for examinations required for occupational therapist
18 and occupational therapy assistant licensure under s. 448.963 (2) (c) and (3) (c) at
19 times and places determined by the affiliated credentialing board.

20 **SECTION 212.** 448.964 (3) of the statutes is created to read:

21 448.964 (3) (a) The affiliated credentialing board may not require an applicant
22 for a license under s. 448.963 (2) or (3) to pass a statutes and rules examination as
23 a condition of receiving an initial license or a license renewal.

1 (b) The affiliated credentialing board may require an applicant for a license
2 under s. 448.963 (2) or (3) to affirm that the applicant has read and understands the
3 statutes and rules that apply to the applicant's practice.

4 **SECTION 213.** 448.967 (2) of the statutes is amended to read:

5 448.967 (2) The renewal dates for licenses granted under this subchapter are
6 ~~specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~. Renewal applications shall
7 be submitted to the department on a form provided by the department and shall
8 include the renewal fee determined by the department under s. 440.03 (9) (a) and a
9 statement attesting compliance with the continuing education requirements
10 established in rules promulgated under s. 448.965 (1) (b).

11 **SECTION 214.** 448.9703 (3) (a) of the statutes is amended to read:

12 448.9703 (3) (a) Successfully completed at least 30 hours of continuing
13 education in ~~the prior~~ each 2-year period within the prior 4-year period immediately
14 preceding the renewal date determined under s. 440.08 (2).

15 **SECTION 215.** 448.9706 (2) of the statutes is amended to read:

16 448.9706 (2) Except as provided in s. 448.9705, the renewal dates for licenses
17 granted under this subchapter are ~~specified~~ determined under s. 440.08 (2) ~~(a)~~.
18 Renewal applications shall be submitted to the department on a form provided by the
19 department, and shall include the renewal fee ~~specified in s. 440.08 (2) (a)~~
20 determined by the department under s. 440.03 (9) (a) and proof of compliance with
21 the requirements established by rules promulgated by the board under s. 448.9703
22 (3).

23 **SECTION 216.** 448.971 (1L) of the statutes is created to read:

24 448.971 (1L) "Compact" means the PA licensure compact under s. 448.988.

25 **SECTION 217.** 448.971 (1m) of the statutes is created to read:

1 448.971 (1m) “Compact privilege” means a compact privilege, as defined in s.
2 448.988 (2) (b), that is granted under the compact to an individual to practice in this
3 state.

4 **SECTION 218.** 448.971 (2) of the statutes is amended to read:

5 448.971 (2) “Physician assistant” means a person who is licensed under this
6 subchapter or who holds a compact privilege.

7 **SECTION 219.** 448.972 (1) of the statutes is amended to read:

8 448.972 (1) Except as provided in subs. (2) and (3), no person may represent
9 himself or herself as a “PA” or “physician assistant,” use or assume the title “PA” or
10 “physician assistant,” or append to the person’s name the words or letters “physician
11 assistant,” “PA,” “PA-C,” or any other titles, letters, or designation that represents
12 or may tend to represent the person as a physician assistant, unless he or she is
13 licensed by the board under this subchapter or holds a compact privilege.

14 **SECTION 220.** 448.973 (2) of the statutes is amended to read:

15 448.973 (2) The board shall include in the register the board maintains under
16 s. 440.035 (1m) (d) the names name of all persons each person whose licenses license
17 or compact privilege issued under this subchapter were was suspended or revoked
18 within the past 2 years. The register shall be available for purchase at cost.

19 **SECTION 221.** 448.974 (title) of the statutes is amended to read:

20 **448.974** (title) **License; compact privilege; renewal.**

21 **SECTION 222.** 448.974 (1m) of the statutes is created to read:

22 448.974 (1m) The board shall grant a compact privilege to any applicant who
23 satisfies all of the following:

1 (a) The applicant holds a qualifying license, as defined in s. 448.988 (2) (r), in
2 another state that is a party to the compact and satisfies all other requirements
3 under s. 448.988 (4).

4 (b) The individual applies for the compact privilege in the manner prescribed
5 by the department.

6 (c) The individual pays any fee established by the department under s.
7 448.9885 (2).

8 **SECTION 223.** 448.974 (2) of the statutes is renumbered 448.974 (2) (am) and
9 amended to read:

10 448.974 (2) (am) 1. The renewal date for a license issued under this subchapter
11 is specified under s. 440.08 (2) (a), and the renewal fees for such licenses are
12 determined by the department under s. 440.03 (9) (a). Renewal of a license is subject
13 to ~~par. (b)~~ subd. 2.

14 2. An applicant for the renewal of a license under this subchapter shall submit
15 with his or her application for renewal proof of having satisfied the continuing
16 education requirements imposed by the board under s. 448.973 (1) (b). This
17 ~~paragraph~~ subdivision does not apply to an applicant for renewal of a license that
18 expires on the first renewal date after the date on which the board initially granted
19 the license.

20 **SECTION 224.** 448.974 (2) (am) 1. of the statutes, as affected by 2023 Wisconsin
21 Act (this act), is amended to read:

22 448.974 (2) (am) 1. The renewal date for a license issued under this subchapter
23 ~~is specified~~ shall be as determined under s. 440.08 (2) (a), and the renewal fees for
24 such licenses are determined by the department under s. 440.03 (9) (a). Renewal of
25 a license is subject to subd. 2.

1 **SECTION 225.** 448.974 (2) (bm) of the statutes is created to read:
2 448.974 (2) (bm) Renewal of a compact privilege shall be governed by s. 448.988
3 (4) (b), except that the board may impose requirements for prescribing controlled
4 substances in accordance with s. 448.988 (4) (d).

5 **SECTION 226.** 448.978 (1) of the statutes is renumbered 448.978 (1r).

6 **SECTION 227.** 448.978 (2) (intro.) of the statutes is amended to read:
7 448.978 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), if a
8 person who applies for or holds a license or compact privilege issued under s. 448.974
9 does any of the following, the board may reprimand the person or deny, limit,
10 suspend, or revoke the person's license or compact privilege:

11 **SECTION 228.** 448.978 (2) (a) of the statutes is amended to read:

12 448.978 (2) (a) Makes a material misstatement in an application for a license
13 or compact privilege or an application for renewal of a license or compact privilege
14 under s. 448.974.

15 **SECTION 229.** 448.978 (2) (d) (intro.) of the statutes is renumbered 448.978 (2)
16 (d) and amended to read:

17 448.978 (2) (d) Engages in unprofessional conduct.

18 **(1g)** In this paragraph, "unprofessional section:"

19 **(b)** "Unprofessional conduct" does not include any of the following:

20 **SECTION 230.** 448.978 (2) (d) 1. and 2. of the statutes are renumbered 448.978
21 (1g) (b) 1. and 2.

22 **SECTION 231.** 448.978 (2) (g) of the statutes is amended to read:

23 448.978 (2) (g) Engages in fraud or deceit in obtaining or using his or her license
24 or compact privilege.

1 (a) “Adverse action” means any administrative, civil, equitable, or criminal
2 action permitted by a state’s laws which is imposed by a licensing board or other
3 authority against a PA license or license application or compact privilege such as
4 license denial, censure, revocation, suspension, probation, monitoring of the
5 licensee, or restriction on the licensee’s practice.

6 (b) “Compact privilege” means the authorization granted by a remote state to
7 allow a licensee from another participating state to practice as a PA to provide
8 medical services and other licensed activity to a patient located in the remote state
9 under the remote state’s laws and regulations.

10 (c) “Conviction” means a finding by a court that an individual is guilty of a
11 felony or misdemeanor offense through adjudication or entry of a plea of guilt or no
12 contest to the charge by the offender

13 (d) “Criminal background check” means the submission of fingerprints or other
14 biometric-based information for a license applicant for the purpose of obtaining that
15 applicant’s criminal history record information, as defined in 28 CFR 20.3 (d), from
16 the state’s criminal history record repository as defined in 28 CFR 20.3 (f).

17 (e) “Data system” means the repository of information about licensees,
18 including but not limited to license status and adverse actions, which is created and
19 administered under the terms of this compact.

20 (f) “Executive committee” means a group of directors and ex officio individuals
21 elected or appointed pursuant to sub. (7) (f) 2.

22 (g) “Impaired practitioner” means a PA whose practice is adversely affected by
23 health-related condition(s) that impact their ability to practice.

24 (h) “Investigative information” means information, records, or documents
25 received or generated by a licensing board pursuant to an investigation.

1 (i) “Jurisprudence requirement” means the assessment of an individual’s
2 knowledge of the laws and rules governing the practice of a PA in a state.

3 (j) “License” means current authorization by a state, other than authorization
4 pursuant to a compact privilege, for a PA to provide medical services, which would
5 be unlawful without current authorization.

6 (k) “Licensee” means an individual who holds a license from a state to provide
7 medical services as a PA.

8 (L) “Licensing board” means any state entity authorized to license and
9 otherwise regulate PAs.

10 (m) “Medical services” means health care services provided for the diagnosis,
11 prevention, treatment, cure or relief of a health condition, injury, or disease, as
12 defined by a state’s laws and regulations.

13 (n) “Model compact” means the model for the PA licensure compact on file with
14 the Council of State Governments or other entity as designated by the commission.

15 (o) “Participating state” means a state that has enacted this compact.

16 (p) “PA” means an individual who is licensed as a physician assistant in a state.
17 For purposes of this compact, any other title or status adopted by a state to replace
18 the term “physician assistant” shall be deemed synonymous with “physician
19 assistant” and shall confer the same rights and responsibilities to the licensee under
20 the provisions of this compact at the time of its enactment.

21 (q) “PA licensure compact commission,” “compact commission,” or
22 “commission” mean the national administrative body created pursuant to sub. (7) (a).

23 (r) “Qualifying license” means an unrestricted license issued by a participating
24 state to provide medical services as a PA.

1 (s) "Remote state" means a participating state where a licensee who is not
2 licensed as a PA is exercising or seeking to exercise the compact privilege.

3 (t) "Rule" means a regulation promulgated by an entity that has the force and
4 effect of law.

5 (u) "Significant investigative information" means investigative information
6 that a licensing board, after an inquiry or investigation that includes notification and
7 an opportunity for the PA to respond if required by state law, has reason to believe
8 is not groundless and, if proven true, would indicate more than a minor infraction.

9 (v) "State" means any state, commonwealth, district, or territory of the United
10 States.

11 **(3) STATE PARTICIPATION IN THIS COMPACT.** (a) To participate in this compact, a
12 participating state shall:

13 1. License PAs.

14 2. Participate in the compact commission's data system.

15 3. Have a mechanism in place for receiving and investigating complaints
16 against licensees and license applicants.

17 4. Notify the commission, in compliance with the terms of this compact and
18 commission rules, of any adverse action against a licensee or license applicant and
19 the existence of significant investigative information regarding a licensee or license
20 applicant.

21 5. Fully implement a criminal background check requirement, within a time
22 frame established by commission rule, by its licensing board receiving the results of
23 a criminal background check and reporting to the commission whether the license
24 applicant has been granted a license.

25 6. Comply with the rules of the compact commission.

1 7. Utilize passage of a recognized national exam such as the NCCPA PANCE
2 as a requirement for PA licensure.

3 8. Grant the compact privilege to a holder of a qualifying license in a
4 participating state.

5 (b) Nothing in this compact prohibits a participating state from charging a fee
6 for granting the compact privilege.

7 **(4) COMPACT PRIVILEGE.** (a) To exercise the compact privilege, a licensee must:

8 1. Have graduated from a PA program accredited by the Accreditation Review
9 Commission on Education for the Physician Assistant, Inc. or other programs
10 authorized by commission rule.

11 2. Hold current NCCPA certification.

12 3. Have no felony or misdemeanor conviction.

13 4. Have never had a controlled substance license, permit, or registration
14 suspended or revoked by a state or by the United States drug enforcement
15 administration.

16 5. Have a unique identifier as determined by commission rule.

17 6. Hold a qualifying license.

18 7. Have had no revocation of a license or limitation or restriction on any license
19 currently held due to an adverse action.

20 8. If a licensee has had a limitation or restriction on a license or compact
21 privilege due to an adverse action, 2 years must have elapsed from the date on which
22 the license or compact privilege is no longer limited or restricted due to the adverse
23 action.

24 9. If a compact privilege has been revoked or is limited or restricted in a
25 participating state for conduct that would not be a basis for disciplinary action in a

1 participating state in which the licensee is practicing or applying to practice under
2 a compact privilege, that participating state shall have the discretion not to consider
3 such action as an adverse action requiring the denial or removal of a compact
4 privilege in that state.

5 10. Notify the compact commission that the licensee is seeking the compact
6 privilege in a remote state.

7 11. Meet any jurisprudence requirement of a remote state in which the licensee
8 is seeking to practice under the compact privilege and pay any fees applicable to
9 satisfying the jurisprudence requirement.

10 12. Report to the commission any adverse action taken by a nonparticipating
11 state within thirty (30) days after the action is taken.

12 (b) The compact privilege is valid until the expiration or revocation of the
13 qualifying license unless terminated pursuant to an adverse action. The licensee
14 must also comply with all of the requirements of par. (a) above to maintain the
15 compact privilege in a remote state. If the participating state takes adverse action
16 against a qualifying license, the licensee shall lose the compact privilege in any
17 remote state in which the licensee has a compact privilege until all of the following
18 occur:

19 1. The license is no longer limited or restricted; and

20 2. Two (2) years have elapsed from the date on which the license is no longer
21 limited or restricted due to the adverse action.

22 (c) Once a restricted or limited license satisfies the requirements of par. (b) 1.
23 and 2., the licensee must meet the requirements of par. (a) to obtain a compact
24 privilege in any remote state.

1 (d) For each remote state in which a PA seeks authority to prescribe controlled
2 substances, the PA shall satisfy all requirements imposed by such state in granting
3 or renewing such authority.

4 **(5) DESIGNATION OF THE STATE FROM WHICH LICENSEE IS APPLYING FOR A COMPACT**
5 **PRIVILEGE.** (a) Upon a licensee's application for a compact privilege, the licensee shall
6 identify to the commission the participating state from which the licensee is
7 applying, in accordance with applicable rules adopted by the commission, and
8 subject to the following requirements:

9 1. When applying for a compact privilege, the licensee shall provide the
10 commission with the address of the licensee's primary residence and thereafter shall
11 immediately report to the commission any change in the address of the licensee's
12 primary residence.

13 2. When applying for a compact privilege, the licensee is required to consent
14 to accept service of process by mail at the licensee's primary residence on file with
15 the commission with respect to any action brought against the licensee by the
16 commission or a participating state, including a subpoena, with respect to any action
17 brought or investigation conducted by the commission or a participating state.

18 **(6) ADVERSE ACTIONS.** (a) A participating state in which a licensee is licensed
19 shall have exclusive power to impose adverse action against the qualifying license
20 issued by that participating state.

21 (b) In addition to the other powers conferred by state law, a remote state shall
22 have the authority, in accordance with existing state due process law, to do all of the
23 following:

1 1. Take adverse action against a PA's compact privilege within that state to
2 remove a licensee's compact privilege or take other action necessary under applicable
3 law to protect the health and safety of its citizens.

4 2. Issue subpoenas for both hearings and investigations that require the
5 attendance and testimony of witnesses as well as the production of evidence.
6 Subpoenas issued by a licensing board in a participating state for the attendance and
7 testimony of witnesses or the production of evidence from another participating state
8 shall be enforced in the latter state by any court of competent jurisdiction, according
9 to the practice and procedure of that court applicable to subpoenas issued in
10 proceedings pending before it. The issuing authority shall pay any witness fees,
11 travel expenses, mileage and other fees required by the service statutes of the state
12 in which the witnesses or evidence are located.

13 3. Notwithstanding subd. 2., subpoenas may not be issued by a participating
14 state to gather evidence of conduct in another state that is lawful in that other state
15 for the purpose of taking adverse action against a licensee's compact privilege or
16 application for a compact privilege in that participating state.

17 4. Nothing in this compact authorizes a participating state to impose discipline
18 against a PA's compact privilege or to deny an application for a compact privilege in
19 that participating state for the individual's otherwise lawful practice in another
20 state.

21 (c) For purposes of taking adverse action, the participating state which issued
22 the qualifying license shall give the same priority and effect to reported conduct
23 received from any other participating state as it would if the conduct had occurred
24 within the participating state which issued the qualifying license. In so doing, that
25 participating state shall apply its own state laws to determine appropriate action.

1 (d) A participating state, if otherwise permitted by state law, may recover from
2 the affected PA the costs of investigations and disposition of cases resulting from any
3 adverse action taken against that PA.

4 (e) A participating state may take adverse action based on the factual findings
5 of a remote state, provided that the participating state follows its own procedures for
6 taking the adverse action.

7 (f) *Joint investigations.* 1. In addition to the authority granted to a
8 participating state by its respective state PA laws and regulations or other applicable
9 state law, any participating state may participate with other participating states in
10 joint investigations of licensees.

11 2. Participating states shall share any investigative, litigation, or compliance
12 materials in furtherance of any joint or individual investigation initiated under this
13 compact.

14 (g) If an adverse action is taken against a PA's qualifying license, the PA's
15 compact privilege in all remote states shall be deactivated until two (2) years have
16 elapsed after all restrictions have been removed from the state license. All
17 disciplinary orders by the participating state which issued the qualifying license that
18 impose adverse action against a PA's license shall include a statement that the PA's
19 compact privilege is deactivated in all participating states during the pendency of the
20 order.

21 (h) If any participating state takes adverse action, it promptly shall notify the
22 administrator of the data system.

23 **(7) ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION.** (a) The
24 participating states hereby create and establish a joint government agency and
25 national administrative body known as the PA licensure compact commission. The

1 commission is an instrumentality of the compact states acting jointly and not an
2 instrumentality of any one state. The commission shall come into existence on or
3 after the effective date of the compact as set forth in sub. (11) (a).

4 (b) *Membership, voting, and meetings.* 1. Each participating state shall have
5 and be limited to one (1) delegate selected by that participating state's licensing
6 board or, if the state has more than one licensing board, selected collectively by the
7 participating state's licensing boards.

8 2. The delegate shall be either:

9 a. A current PA, physician or public member of a licensing board or PA
10 council/committee; or

11 b. An administrator of a licensing board.

12 3. Any delegate may be removed or suspended from office as provided by the
13 laws of the state from which the delegate is appointed.

14 4. The participating state licensing board shall fill any vacancy occurring in the
15 commission within sixty (60) days.

16 5. Each delegate shall be entitled to one (1) vote on all matters voted on by the
17 commission and shall otherwise have an opportunity to participate in the business
18 and affairs of the commission. A delegate shall vote in person or by such other means
19 as provided in the bylaws. The bylaws may provide for delegates' participation in
20 meetings by telecommunications, video conference, or other means of
21 communication.

22 6. The commission shall meet at least once during each calendar year.
23 Additional meetings shall be held as set forth in this compact and the bylaws.

24 7. The commission shall establish by rule a term of office for delegates.

25 (c) The commission shall have the following powers and duties:

- 1 1. Establish a code of ethics for the commission;
- 2 2. Establish the fiscal year of the commission;
- 3 3. Establish fees;
- 4 4. Establish bylaws;
- 5 5. Maintain its financial records in accordance with the bylaws;
- 6 6. Meet and take such actions as are consistent with the provisions of this
7 compact and the bylaws;
- 8 7. Promulgate rules to facilitate and coordinate implementation and
9 administration of this compact. The rules shall have the force and effect of law and
10 shall be binding in all participating states;
- 11 8. Bring and prosecute legal proceedings or actions in the name of the
12 commission, provided that the standing of any state licensing board to sue or be sued
13 under applicable law shall not be affected;
- 14 9. Purchase and maintain insurance and bonds;
- 15 10. Borrow, accept, or contract for services of personnel, including, but not
16 limited to, employees of a participating state;
- 17 11. Hire employees and engage contractors, elect or appoint officers, fix
18 compensation, define duties, grant such individuals appropriate authority to carry
19 out the purposes of this compact, and establish the commission's personnel policies
20 and programs relating to conflicts of interest, qualifications of personnel, and other
21 related personnel matters;
- 22 12. Accept any and all appropriate donations and grants of money, equipment,
23 supplies, materials and services, and receive, utilize and dispose of the same;
24 provided that at all times the commission shall avoid any appearance of impropriety
25 or conflict of interest;

1 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own,
2 hold, improve or use, any property, real, personal or mixed; provided that at all times
3 the commission shall avoid any appearance of impropriety;

4 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
5 dispose of any property real, personal, or mixed;

6 15. Establish a budget and make expenditures;

7 16. Borrow money;

8 17. Appoint committees, including standing committees composed of members,
9 state regulators, state legislators or their representatives, and consumer
10 representatives, and such other interested persons as may be designated in this
11 compact and the bylaws;

12 18. Provide and receive information from, and cooperate with, law enforcement
13 agencies;

14 19. Elect a chair, vice chair, secretary and treasurer and such other officers of
15 the commission as provided in the commission's bylaws.

16 20. Reserve for itself, in addition to those reserved exclusively to the
17 commission under the compact, powers that the executive committee may not
18 exercise;

19 21. Approve or disapprove a state's participation in the compact based upon its
20 determination as to whether the state's compact legislation departs in a material
21 manner from the model compact language;

22 22. Prepare and provide to the participating states an annual report; and

23 23. Perform such other functions as may be necessary or appropriate to achieve
24 the purposes of this compact consistent with the state regulation of PA licensure and
25 practice.

1 (d) *Meetings of the commission.* 1. All meetings of the commission that are not
2 closed pursuant to this paragraph shall be open to the public. Notice of public
3 meetings shall be posted on the commission's website at least thirty (30) days prior
4 to the public meeting.

5 2. Notwithstanding subd. 1., the commission may convene a public meeting by
6 providing at least twenty-four (24) hours prior notice on the commission's website,
7 and any other means as provided in the commission's rules, for any of the reasons
8 it may dispense with notice of proposed rulemaking under sub. (9) (L).

9 3. The commission may convene in a closed, nonpublic meeting or nonpublic
10 part of a public meeting to receive legal advice or to discuss:

11 a. Noncompliance of a participating state with its obligations under this
12 compact;

13 b. The employment, compensation, discipline or other matters, practices or
14 procedures related to specific employees or other matters related to the commission's
15 internal personnel practices and procedures;

16 c. Current, threatened, or reasonably anticipated litigation;

17 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
18 real estate;

19 e. Accusing any person of a crime or formally censuring any person;

20 f. Disclosure of trade secrets or commercial or financial information that is
21 privileged or confidential;

22 g. Disclosure of information of a personal nature where disclosure would
23 constitute a clearly unwarranted invasion of personal privacy;

24 h. Disclosure of investigative records compiled for law enforcement purposes;

1 i. Disclosure of information related to any investigative reports prepared by or
2 on behalf of or for use of the commission or other committee charged with
3 responsibility of investigation or determination of compliance issues pursuant to this
4 compact;

5 j. Legal advice; or

6 k. Matters specifically exempted from disclosure by federal or participating
7 states' statutes.

8 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
9 chair of the meeting or the chair's designee shall certify that the meeting or portion
10 of the meeting may be closed and shall reference each relevant exempting provision.

11 5. The commission shall keep minutes that fully and clearly describe all
12 matters discussed in a meeting and shall provide a full and accurate summary of
13 actions taken, including a description of the views expressed. All documents
14 considered in connection with an action shall be identified in such minutes. All
15 minutes and documents of a closed meeting shall remain under seal, subject to
16 release by a majority vote of the commission or order of a court of competent
17 jurisdiction.

18 (e) *Financing of the commission.* 1. The commission shall pay, or provide for
19 the payment of, the reasonable expenses of its establishment, organization, and
20 ongoing activities.

21 2. The commission may accept any and all appropriate revenue sources,
22 donations, and grants of money, equipment, supplies, materials, and services.

23 3. The commission may levy on and collect an annual assessment from each
24 participating state and may impose compact privilege fees on licensees of
25 participating states to whom a compact privilege is granted to cover the cost of the

1 operations and activities of the commission and its staff, which must be in a total
2 amount sufficient to cover its annual budget as approved by the commission each
3 year for which revenue is not provided by other sources. The aggregate annual
4 assessment amount levied on participating states shall be allocated based upon a
5 formula to be determined by commission rule.

6 a. A compact privilege expires when the licensee's qualifying license in the
7 participating state from which the licensee applied for the compact privilege expires.

8 b. If the licensee terminates the qualifying license through which the licensee
9 applied for the compact privilege before its scheduled expiration, and the licensee
10 has a qualifying license in another participating state, the licensee shall inform the
11 commission that it is changing to that participating state the participating state
12 through which it applies for a compact privilege and pay to the commission any
13 compact privilege fee required by commission rule.

14 4. The commission shall not incur obligations of any kind prior to securing the
15 funds adequate to meet the same; nor shall the commission pledge the credit of any
16 of the participating states, except by and with the authority of the participating
17 state.

18 5. The commission shall keep accurate accounts of all receipts and
19 disbursements. The receipts and disbursements of the commission shall be subject
20 to the financial review and accounting procedures established under its bylaws. All
21 receipts and disbursements of funds handled by the commission shall be subject to
22 an annual financial review by a certified or licensed public accountant, and the
23 report of the financial review shall be included in and become part of the annual
24 report of the commission.

1 (f) *The executive committee.* 1. The executive committee shall have the power
2 to act on behalf of the commission according to the terms of this compact and
3 commission rules.

4 2. The executive committee shall be composed of nine (9) members:

5 a. Seven voting members who are elected by the commission from the current
6 membership of the commission;

7 b. One ex officio, nonvoting member from a recognized national PA professional
8 association; and

9 c. One ex officio, nonvoting member from a recognized national PA certification
10 organization.

11 3. The ex officio members will be selected by their respective organizations.

12 4. The commission may remove any member of the executive committee as
13 provided in its bylaws.

14 5. The executive committee shall meet at least annually.

15 6. The executive committee shall have the following duties and responsibilities:

16 a. Recommend to the commission changes to the commission's rules or bylaws,
17 changes to this compact legislation, fees to be paid by compact participating states
18 such as annual dues, and any commission compact fee charged to licensees for the
19 compact privilege;

20 b. Ensure compact administration services are appropriately provided,
21 contractual or otherwise;

22 c. Prepare and recommend the budget;

23 d. Maintain financial records on behalf of the commission;

24 e. Monitor compact compliance of participating states and provide compliance
25 reports to the commission;

1 f. Establish additional committees as necessary;

2 g. Exercise the powers and duties of the commission during the interim
3 between commission meetings, except for issuing proposed rule making or adopting
4 commission rules or bylaws, or exercising any other powers and duties exclusively
5 reserved to the commission by the commission's rules; and

6 h. Perform other duties as provided in the commission's rules or bylaws.

7 7. All meeting of the executive committee at which it votes or plans to vote on
8 matters in exercising the powers and duties of the commission shall be open to the
9 public and public notice of such meetings shall be given as public meetings of the
10 commission are given.

11 8. The executive committee may convene in a closed, nonpublic meeting for the
12 same reasons that the commission may convene in a nonpublic meeting as set forth
13 in par. (d) 3. and shall announce the closed meeting as the commission is required
14 to under par. (d) 4. and keep minutes of the closed meeting as the commission is
15 required to under par. (d) 5.

16 (g) *Qualified immunity, defense, and indemnification.* 1. The members,
17 officers, executive director, employees and representatives of the commission shall
18 be immune from suit and liability, both personally and in their official capacity, for
19 any claim for damage to or loss of property or personal injury or other civil liability
20 caused by or arising out of any actual or alleged act, error, or omission that occurred,
21 or that the person against whom the claim is made had a reasonable basis for
22 believing occurred within the scope of commission employment, duties or
23 responsibilities; provided that nothing in this subdivision shall be construed to
24 protect any such person from suit or liability for any damage, loss, injury, or liability
25 caused by the intentional or willful or wanton misconduct of that person. The

1 procurement of insurance of any type by the commission shall not in any way
2 compromise or limit the immunity granted hereunder.

3 2. The commission shall defend any member, officer, executive director,
4 employee, and representative of the commission in any civil action seeking to impose
5 liability arising out of any actual or alleged act, error, or omission that occurred
6 within the scope of commission employment, duties, or responsibilities, or as
7 determined by the commission that the person against whom the claim is made had
8 a reasonable basis for believing occurred within the scope of commission
9 employment, duties, or responsibilities; provided that nothing herein shall be
10 construed to prohibit that person from retaining their own counsel at their own
11 expense; and provided further, that the actual or alleged act, error, or omission did
12 not result from that person's intentional or willful or wanton misconduct.

13 3. The commission shall indemnify and hold harmless any member, officer,
14 executive director, employee, and representative of the commission for the amount
15 of any settlement or judgment obtained against that person arising out of any actual
16 or alleged act, error, or omission that occurred within the scope of commission
17 employment, duties, or responsibilities, or that such person had a reasonable basis
18 for believing occurred within the scope of commission employment, duties, or
19 responsibilities, provided that the actual or alleged act, error, or omission did not
20 result from the intentional or willful or wanton misconduct of that person.

21 4. Venue is proper and judicial proceedings by or against the commission shall
22 be brought solely and exclusively in a court of competent jurisdiction where the
23 principal office of the commission is located. The commission may waive venue and
24 jurisdictional defenses in any proceedings as authorized by commission rules.

1 5. Nothing herein shall be construed as a limitation on the liability of any
2 licensee for professional malpractice or misconduct, which shall be governed solely
3 by any other applicable state laws.

4 6. Nothing herein shall be construed to designate the venue or jurisdiction to
5 bring actions for alleged acts of malpractice, professional misconduct, negligence, or
6 other such civil action pertaining to the practice of a PA. All such matters shall be
7 determined exclusively by state law other than this compact.

8 7. Nothing in this compact shall be interpreted to waive or otherwise abrogate
9 a participating state's state action immunity or state action affirmative defense with
10 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
11 or federal antitrust or anticompetitive law or regulation.

12 8. Nothing in this compact shall be construed to be a waiver of sovereign
13 immunity by the participating states or by the commission.

14 **(8) DATA SYSTEM.** (a) The commission shall provide for the development,
15 maintenance, operation, and utilization of a coordinated data and reporting system
16 containing licensure, adverse action, and the reporting of the existence of significant
17 investigative information on all licensed PAs and applicants denied a license in
18 participating states.

19 (b) Notwithstanding any other state law to the contrary, a participating state
20 shall submit a uniform data set to the data system on all PAs to whom this compact
21 is applicable (utilizing a unique identifier) as required by the rules of the
22 commission, including:

- 23 1. Identifying information;
- 24 2. Licensure data;
- 25 3. Adverse actions against a license or compact privilege;

1 4. Any denial of application for licensure, and the reason(s) for such denial
2 (excluding the reporting of any criminal history record information where prohibited
3 by law);

4 5. The existence of significant investigative information; and

5 6. Other information that may facilitate the administration of this compact, as
6 determined by the rules of the commission.

7 (c) Significant investigative information pertaining to a licensee in any
8 participating state shall only be available to other participating states.

9 (d) The commission shall promptly notify all participating states of any adverse
10 action taken against a licensee or an individual applying for a license that has been
11 reported to it. This adverse action information shall be available to any other
12 participating state.

13 (e) Participating states contributing information to the data system may, in
14 accordance with state or federal law, designate information that may not be shared
15 with the public without the express permission of the contributing state.
16 Notwithstanding any such designation, such information shall be reported to the
17 commission through the data system.

18 (f) Any information submitted to the data system that is subsequently
19 expunged pursuant to federal law or the laws of the participating state contributing
20 the information shall be removed from the data system upon reporting of such by the
21 participating state to the commission.

22 (g) The records and information provided to a participating state pursuant to
23 this compact or through the data system, when certified by the commission or an
24 agent thereof, shall constitute the authenticated business records of the commission,

1 and shall be entitled to any associated hearsay exception in any relevant judicial,
2 quasi-judicial or administrative proceedings in a participating state.

3 (9) RULE MAKING. (a) The commission shall exercise its rule-making powers
4 pursuant to the criteria set forth in this subsection and the rules adopted thereunder.
5 Commission rules shall become binding as of the date specified by the commission
6 for each rule.

7 (b) The commission shall promulgate reasonable rules in order to effectively
8 and efficiently implement and administer this compact and achieve its purposes. A
9 commission rule shall be invalid and have not force or effect only if a court of
10 competent jurisdiction holds that the rule is invalid because the commission
11 exercised its rule-making authority in a manner that is beyond the scope of the
12 purposes of this compact, or the powers granted hereunder, or based upon another
13 applicable standard of review.

14 (c) The rules of the commission shall have the force of law in each participating
15 state, provided however that where the rules of the commission conflict with the laws
16 of the participating state that establish the medical services a PA may perform in the
17 participating state, as held by a court of competent jurisdiction, the rules of the
18 commission shall be ineffective in that state to the extent of the conflict.

19 (d) If a majority of the legislatures of the participating states rejects a
20 commission rule, by enactment of a statute or resolution in the same manner used
21 to adopt this compact within four (4) years of the date of adoption of the rule, then
22 such rule shall have no further force and effect in any participating state or to any
23 state applying to participate in the compact.

24 (e) Commission rules shall be adopted at a regular or special meeting of the
25 commission.

1 (f) Prior to promulgation and adoption of a final rule or rules by the commission,
2 and at least thirty (30) days in advance of the meeting at which the rule will be
3 considered and voted upon, the commission shall file a notice of proposed rule
4 making:

- 5 1. On the website of the commission or other publicly accessible platform; and
- 6 2. To persons who have requested notice of the commission's notices of proposed
7 rule making, and
- 8 3. In such other way(s) as the commission may by rule specify.

9 (g) The notice of proposed rule making shall include:

- 10 1. The time, date, and location of the public hearing on the proposed rule and
11 the proposed time, date and location of the meeting in which the proposed rule will
12 be considered and voted upon;
- 13 2. The text of the proposed rule and the reason for the proposed rule;
- 14 3. A request for comments on the proposed rule from any interested person and
15 the date by which written comments must be received; and
- 16 4. The manner in which interested persons may submit notice to the
17 commission of their intention to attend the public hearing or provide any written
18 comments.

19 (h) Prior to adoption of a proposed rule, the commission shall allow persons to
20 submit written data, facts, opinions, and arguments, which shall be made available
21 to the public.

22 (i) If the hearing is to be held via electronic means, the commission shall
23 publish the mechanism for access to the electronic hearing.

- 24 1. All persons wishing to be heard at the hearing shall as directed in the notice
25 of proposed rule making, not less than five (5) business days before the scheduled

1 date of the hearing, notify the commission of their desire to appear and testify at the
2 hearing.

3 2. Hearings shall be conducted in a manner providing each person who wishes
4 to comment a fair and reasonable opportunity to comment orally or in writing.

5 3. All hearings shall be recorded. A copy of the recording and the written
6 comments, data, facts, opinions, and arguments received in response to the proposed
7 rule making shall be made available to a person upon request.

8 4. Nothing in this subsection shall be construed as requiring a separate hearing
9 on each proposed rule. Proposed rules may be grouped for the convenience of the
10 commission at hearings required by this subsection.

11 (j) Following the public hearing the commission shall consider all written and
12 oral comments timely received.

13 (k) The commission shall, by majority vote of all delegates, take final action on
14 the proposed rule and shall determine the effective date of the rule, if adopted, based
15 on the rule-making record and the full text of the rule.

16 1. If adopted, the rule shall be posted on the commission's website.

17 2. The commission may adopt changes to the proposed rule provided the
18 changes do not enlarge the original purpose of the proposed rule.

19 3. The commission shall provide on its website an explanation of the reasons
20 for substantive changes made to the proposed rule as well as reasons for substantive
21 changes not made that were recommended by commenters.

22 4. The commission shall determine a reasonable effective date for the rule.
23 Except for an emergency as provided in par. (L), the effective date of the rule shall
24 be no sooner than thirty (30) days after the commission issued the notice that it
25 adopted the rule.

1 (L) Upon determination that an emergency exists, the commission may
2 consider and adopt an emergency rule with twenty-four (24) hours prior notice,
3 without the opportunity for comment, or hearing, provided that the usual
4 rule-making procedures provided in this compact and in this subsection shall be
5 retroactively applied to the rule as soon as reasonably possible, in no event later than
6 ninety (90) days after the effective date of the rule. For the purposes of this provision,
7 an emergency rule is one that must be adopted immediately by the commission in
8 order to:

- 9 1. Meet an imminent threat to public health, safety, or welfare;
- 10 2. Prevent a loss of commission or participating state funds;
- 11 3. Meet a deadline for the promulgation of a commission rule that is established
12 by federal law or rule; or
- 13 4. Protect public health and safety.

14 (m) The commission or an authorized committee of the commission may direct
15 revisions to a previously adopted commission rule for purposes of correcting
16 typographical errors, errors in format, errors in consistency, or grammatical errors.
17 Public notice of any revisions shall be posted on the website of the commission. The
18 revision shall be subject to challenge by any person for a period of thirty (30) days
19 after posting. The revision may be challenged only on grounds that the revision
20 results in a material change to a rule. A challenge shall be made as set forth in the
21 notice of revisions and delivered to the commission prior to the end of the notice
22 period. If no challenge is made, the revision will take effect without further action.
23 If the revision is challenged, the revision may not take effect without the approval
24 of the commission.

1 (n) No participating state's rule-making requirements shall apply under this
2 compact.

3 **(10) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1. The
4 executive and judicial branches of state government in each participating state shall
5 enforce this compact and take all actions necessary and appropriate to implement
6 the compact.

7 2. Venue is proper and judicial proceedings by or against the commission shall
8 be brought solely and exclusively in a court of competent jurisdiction where the
9 principal office of the commission is located. The commission may waive venue and
10 jurisdictional defenses to the extent it adopts or consents to participate in alternative
11 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
12 propriety of venue in any action against a licensee for professional malpractice,
13 misconduct or any such similar matter.

14 3. The commission shall be entitled to receive service of process in any
15 proceeding regarding the enforcement or interpretation of the compact or the
16 commission's rules and shall have standing to intervene in such a proceeding for all
17 purposes. Failure to provide the commission with service of process shall render a
18 judgment or order in such proceeding void as to the commission, this compact, or
19 commission rules.

20 (b) *Default, technical assistance, and termination.* 1. If the commission
21 determines that a participating state has defaulted in the performance of its
22 obligations or responsibilities under this compact or the commission rules, the
23 commission shall provide written notice to the defaulting state and other
24 participating states. The notice shall describe the default, the proposed means of

1 curing the default and any other action that the commission may take and shall offer
2 remedial training and specific technical assistance regarding the default.

3 2. If a state in default fails to cure the default, the defaulting state may be
4 terminated from this compact upon an affirmative vote of a majority of the delegates
5 of the participating states, and all rights, privileges and benefits conferred by this
6 compact upon such state may be terminated on the effective date of termination. A
7 cure of the default does not relieve the offending state of obligations or liabilities
8 incurred during the period of default.

9 3. Termination of participation in this compact shall be imposed only after all
10 other means of securing compliance have been exhausted. Notice of intent to
11 suspend or terminate shall be given by the commission to the governor, the majority
12 and minority leaders of the defaulting state's legislature, and to the licensing
13 board(s) of each of the participating states.

14 4. A state that has been terminated is responsible for all assessments,
15 obligations, and liabilities incurred through the effective date of termination,
16 including obligations that extend beyond the effective date of termination.

17 5. The commission shall not bear any costs related to a state that is found to
18 be in default or that has been terminated from this compact, unless agreed upon in
19 writing between the commission and the defaulting state.

20 6. The defaulting state may appeal its termination from the compact by the
21 commission by petitioning the U.S. District Court for the District of Columbia or the
22 federal district where the commission has its principal offices. The prevailing
23 member shall be awarded all costs of such litigation, including reasonable attorney's
24 fees.

1 7. Upon the termination of a state's participation in the compact, the state shall
2 immediately provide notice to all licensees within that state of such termination:

3 a. Licensees who have been granted a compact privilege in that state shall
4 retain the compact privilege for one hundred eighty (180) days following the effective
5 date of such termination.

6 b. Licensees who are licensed in that state who have been granted a compact
7 privilege in a participating state shall retain the compact privilege for one hundred
8 eighty (180) days unless the licensee also has a qualifying license in a participating
9 state or obtains a qualifying license in a participating state before the one hundred
10 eighty (180)-day period ends, in which case the compact privilege shall continue.

11 (c) *Dispute resolution.* 1. Upon request by a participating state, the commission
12 shall attempt to resolve disputes related to this compact that arise among
13 participating states and between participating and nonparticipating states.

14 2. The commission shall promulgate a rule providing for both mediation and
15 binding dispute resolution for disputes as appropriate.

16 (d) *Enforcement.* 1. The commission, in the reasonable exercise of its
17 discretion, shall enforce the provisions of this compact and rules of the commission.

18 2. If compliance is not secured after all means to secure compliance have been
19 exhausted, by majority vote, the commission may initiate legal action in the United
20 States District Court for the District of Columbia or the federal district where the
21 commission has its principal offices, against a participating state in default to
22 enforce compliance with the provisions of this compact and the commission's
23 promulgated rules and bylaws. The relief sought may include both injunctive relief
24 and damages. In the event judicial enforcement is necessary, the prevailing party
25 shall be awarded all costs of such litigation, including reasonable attorney's fees.

1 3. The remedies herein shall not be the exclusive remedies of the commission.
2 The commission may pursue any other remedies available under federal or state law.

3 (e) *Legal action against the commission.* 1. A participating state may initiate
4 legal action against the commission in the U.S. District Court for the District of
5 Columbia or the federal district where the commission has its principal offices to
6 enforce compliance with the provisions of the compact and its rules. The relief sought
7 may include both injunctive relief and damages. In the event judicial enforcement
8 is necessary, the prevailing party shall be awarded all costs of such litigation,
9 including reasonable attorney's fees.

10 2. No person other than a participating state shall enforce this compact against
11 the commission.

12 **(11) DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION.** (a)
13 This compact shall come into effect on the date on which this compact statute is
14 enacted into law in the seventh participating state.

15 1. On or after the effective date of the compact, the commission shall convene
16 and review the enactment of each of the states that enacted the compact prior to the
17 commission convening ("charter participating states") to determine if the statute
18 enacted by each such charter participating state is materially different than the
19 model compact.

20 a. A charter participating state whose enactment is found to be materially
21 different from the model compact shall be entitled to the default process set forth in
22 sub. (10) (b).

23 b. If any participating state later withdraws from the compact or its
24 participation is terminated, the commission shall remain in existence and the
25 compact shall remain in effect even if the number of participating states should be

1 less than seven. Participating states enacting the compact subsequent to the
2 commission convening shall be subject to the process set forth in sub. (7) (c) 21. to
3 determine if their enactments are materially different from the model compact and
4 whether they qualify for participation in the compact.

5 2. Participating states enacting the compact subsequent to the seven initial
6 charter participating states shall be subject to the process set forth in sub. (7) (c) 21.
7 to determine if their enactments are materially different from the model compact
8 and whether they qualify for participation in the compact.

9 3. All actions taken for the benefit of the commission or in furtherance of the
10 purposes of the administration of the compact prior to the effective date of the
11 compact or the commission coming into existence shall be considered to be actions
12 of the commission unless specifically repudiated by the commission.

13 (b) Any state that joins this compact shall be subject to the commission's rules
14 and bylaws as they exist on the date on which this compact becomes law in that state.
15 Any rule that has been previously adopted by the commission shall have the full force
16 and effect of law on the day this compact becomes law in that state.

17 (c) Any participating state may withdraw from this compact by enacting a
18 statute repealing the same.

19 1. A participating state's withdrawal shall not take effect until one hundred
20 eighty (180) days after enactment of the repealing statute. During this one hundred
21 eighty (180) day-period, all compact privileges that were in effect in the withdrawing
22 state and were granted to licensees licensed in the withdrawing state shall remain
23 in effect. If any licensee licensed in the withdrawing state is also licensed in another
24 participating state or obtains a license in another participating state within the one

1 hundred eighty (180) days, the licensee's compact privileges in other participating
2 states shall not be affected by the passage of the one hundred eighty (180) days.

3 2. Withdrawal shall not affect the continuing requirement of the state licensing
4 board(s) of the withdrawing state to comply with the investigative, and adverse
5 action reporting requirements of this compact prior to the effective date of
6 withdrawal.

7 3. Upon the enactment of a statute withdrawing a state from this compact, the
8 state shall immediately provide notice of such withdrawal to all licensees within that
9 state. Such withdrawing state shall continue to recognize all licenses granted
10 pursuant to this compact for a minimum of one hundred eighty (180) days after the
11 date of such notice of withdrawal.

12 (d) Nothing contained in this compact shall be construed to invalidate or
13 prevent any PA licensure agreement or other cooperative arrangement between
14 participating states and between a participating state and nonparticipating state
15 that does not conflict with the provisions of this compact.

16 (e) This compact may be amended by the participating states. No amendment
17 to this compact shall become effective and binding upon any participating state until
18 it is enacted materially in the same manner into the laws of all participating states
19 as determined by the commission.

20 **(12) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the commission's
21 rule-making authority shall be liberally construed so as to effectuate the purposes,
22 and the implementation and administration of the compact. Provisions of the
23 compact expressly authorizing or requiring the promulgation of rules shall not be
24 construed to limit the commission's rule-making authority solely for those purposes.

1 (b) The provisions of this compact shall be severable and if any phrase, clause,
2 sentence or provision of this compact is held by a court of competent jurisdiction to
3 be contrary to the constitution of any participating state, a state seeking
4 participation in the compact, or of the United States, or the applicability thereof to
5 any government, agency, person or circumstance is held to be unconstitutional by a
6 court of competent jurisdiction, the validity of the remainder of this compact and the
7 applicability thereof to any other government, agency, person or circumstance shall
8 not be affected thereby.

9 (c) Notwithstanding par. (b) or this subsection, the commission may deny a
10 state's participation in the compact or, in accordance with the requirements of sub.
11 (10) (b), terminate a participating state's participation in the compact, if it
12 determines that a constitutional requirement of a participating state is, or would be
13 with respect to a state seeking to participate in the compact, a material departure
14 from the compact. Otherwise, if this compact shall be held to be contrary to the
15 constitution of any participating state, the compact shall remain in full force and
16 effect as to the remaining participating states and in full force and effect as to the
17 participating state affected as to all severable matters.

18 **(13) BINDING EFFECT OF COMPACT.** (a) Nothing herein prevents the enforcement
19 of any other law of a participating state that is not inconsistent with this compact.

20 (b) Any laws in a participating state in conflict with this compact are
21 superseded to the extent of the conflict.

22 (c) All agreements between the commission and the participating states are
23 binding in accordance with their terms.

24 **448.9885 Implementation of the PA licensure compact.** (1) In this
25 section:

- 1 (a) “Board” means the physician assistant affiliated credentialing board.
- 2 (b) “Compact” means the PA licensure compact under s. 448.988.
- 3 (c) “Compact privilege” means a compact privilege, as defined in s. 448.988 (2)
- 4 (b), that is granted under the compact to an individual to practice in this state.
- 5 (2) The department may impose a fee for an individual to receive a compact
- 6 privilege as provided in s. 448.988 (3) (b).
- 7 (3) (a) An individual who holds a compact privilege shall comply with s. 440.03
- 8 (13) (am).
- 9 (b) Subject to s. 448.988 and any rules promulgated thereunder, ss. 440.20 to
- 10 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
- 11 holds a compact privilege in the same manner that they apply to holders of licenses
- 12 issued under subch. IX.

13 **SECTION 233.** 449.06 (1) of the statutes is amended to read:

14 449.06 (1) Persons practicing optometry shall, on or before the applicable

15 renewal date specified determined under s. 440.08 (2) (a), ~~register with, submit a~~

16 renewal application to the department, pay the applicable renewal fee determined

17 by the department under s. 440.03 (9) (a), and provide evidence satisfactory to the

18 examining board that he or she has complied with the rules promulgated under sub.

19 (2m).

20 **SECTION 234.** 449.06 (2m) of the statutes is amended to read:

21 449.06 (2m) The examining board shall promulgate rules requiring a person

22 who is issued a license to practice optometry to complete, during ~~the~~ each 2-year

23 period within the 4-year period immediately preceding the person’s renewal date

24 ~~specified in~~ determined under s. 440.08 (2) (a), not less than 30 hours of continuing

25 education. The rules shall include requirements that apply only to optometrists who

1 are allowed to use topical ocular diagnostic pharmaceutical agents under s. 449.17
2 or who are allowed to use therapeutic pharmaceutical agents or remove foreign
3 bodies from an eye or from an appendage to the eye under s. 449.18.

4 **SECTION 235.** 450.04 (4) of the statutes is created to read:

5 450.04 (4) (a) The board may not require an applicant to pass a statutes and
6 rules examination as a condition of licensure as a pharmacist.

7 (b) The board may require an applicant to affirm that the applicant has read
8 and understands the statutes and rules that apply to the applicant's practice.

9 **SECTION 236.** 450.08 (1) of the statutes is amended to read:

10 450.08 (1) The renewal dates for all licenses and registrations granted by the
11 board are ~~specified~~ determined under s. 440.08 (2) ~~(a)~~. Except as provided under sub.
12 (2) (a), only a holder of an unexpired license or registration may engage in his or her
13 licensed activity.

14 **SECTION 237.** 450.08 (2) (a) of the statutes is amended to read:

15 450.08 (2) (a) A pharmacist's license may be renewed by complying with
16 continuing education requirements under s. 450.085 and paying the applicable fee
17 determined by the department under s. 440.03 (9) (a) on or before the applicable
18 renewal date ~~specified~~ determined under s. 440.08 (2) ~~(a)~~. Notwithstanding s. 440.08
19 (3) (a), if a pharmacist fails to obtain renewal by that date, the board may suspend
20 the pharmacist's license, and the board may require the pharmacist to pass an
21 examination to the satisfaction of the board to restore that license.

22 **SECTION 238.** 450.08 (2) (b) of the statutes is amended to read:

23 450.08 (2) (b) A pharmacy, pharmacy technician's, manufacturer's,
24 distributor's, or home medical oxygen provider's license or registration may be
25 renewed by paying the applicable fee determined by the department under s. 440.03

1 (9) (a) on or before the applicable renewal date ~~specified~~ determined under s. 440.08

2 (2) (a).

3 **SECTION 239.** 450.085 (1) of the statutes is amended to read:

4 450.085 (1) An applicant for renewal of a license under s. 450.08 (2) (a) shall
5 submit proof that he or she has completed, within ~~the each~~ 2-year period within the
6 4-year period immediately preceding the date of his or her application, 30 hours of
7 continuing education in courses conducted by a provider that is approved by the
8 Accreditation Council for Pharmacy Education or in courses approved by the board.
9 Courses specified in s. 450.035 (1r) and (2) are courses in continuing education for
10 purposes of this subsection. This subsection does not apply to an applicant for
11 renewal of a license that expires on the first renewal date after the date on which the
12 board initially granted the license.

13 **SECTION 240.** 450.10 (3) (a) 5. of the statutes, as affected by 2021 Wisconsin Act
14 251, is amended to read:

15 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical
16 therapist, physical therapist assistant, occupational therapist, occupational therapy
17 assistant, or genetic counselor licensed under ch. 448, a physical therapist or
18 physical therapist assistant who holds a compact privilege under subch. XI of ch. 448,
19 ~~or~~ an occupational therapist or occupational therapy assistant who holds a compact
20 privilege under subch. XII of ch. 448, or a physician assistant who holds a compact
21 privilege under subch. XIII of ch. 448.

22 **SECTION 241.** 450.10 (3) (a) 10. of the statutes is amended to read:

23 450.10 (3) (a) 10. A social worker, marriage and family therapist, or
24 professional counselor ~~certified or licensed under ch. 457,~~ as those terms are defined
25 under subch. I of ch. 457.

1 **SECTION 242.** 450.10 (3) (a) 11. of the statutes is amended to read:

2 450.10 **(3)** (a) 11. A speech-language pathologist or audiologist who is licensed
3 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,
4 or a speech and language pathologist licensed by the department of public
5 instruction.

6 **SECTION 243.** 451.04 (4) of the statutes is amended to read:

7 451.04 **(4)** EXPIRATION AND RENEWAL. Renewal applications shall be submitted
8 to the department on a form provided by the department on or before the applicable
9 renewal date ~~specified~~ determined under s. 440.08 (2) ~~(a)~~ and shall include the
10 applicable renewal fee determined by the department under s. 440.03 (9) (a).

11 **SECTION 244.** 452.05 (1) (d) of the statutes is amended to read:

12 452.05 **(1)** (d) After consultation with the council on real estate curriculum and
13 examinations, brokers and salespersons licensed under this chapter, and interested
14 members of the public, establish continuing educational requirements that require
15 brokers and salespersons to complete 18 hours of continuing education per 2-year
16 period. The board shall also establish criteria for the approval of continuing
17 educational programs and courses in real estate related subjects ~~required for~~
18 ~~renewal under s. 452.12 (5) (e).~~

19 **SECTION 245.** 452.10 (2) of the statutes is repealed.

20 **SECTION 246.** 452.12 (1) of the statutes is amended to read:

21 452.12 **(1)** EXPIRATION. A license granted by the board entitles the holder to act
22 as a broker or salesperson, as the case may be, until the applicable renewal date
23 ~~specified~~ determined under s. 440.08 (2) ~~(a)~~.

24 **SECTION 247.** 452.12 (5) (a) of the statutes is amended to read:

1 452.12 (5) (a) Renewal applications for all licenses shall be submitted with the
2 applicable renewal fee determined by the department under s. 440.03 (9) (a) on or
3 before the applicable renewal date ~~specified~~ determined under s. 440.08 (2) (a). The
4 department shall pay \$10 of each renewal fee received under this paragraph to the
5 Board of Regents of the University of Wisconsin System for research and
6 educational, public outreach, and grant activities under s. 36.25 (34).

7 **SECTION 248.** 452.12 (5) (c) of the statutes is amended to read:

8 452.12 (5) (c) At the time of renewal, each broker or salesperson who is an
9 individual shall submit proof of ~~attendance at and successful completion of~~
10 ~~continuing education programs or courses approved~~ satisfying the continuing
11 education requirements established under s. 452.05 (1) (g) (d).

12 **SECTION 249.** 452.132 (2) (c) of the statutes is amended to read:

13 452.132 (2) (c) Before a licensee becomes associated with the firm and at the
14 beginning of each ~~biennial~~ 4-year licensure period, ensure that the licensee holds a
15 valid license.

16 **SECTION 250.** 454.06 (8) of the statutes is amended to read:

17 454.06 (8) EXPIRATION AND RENEWAL. The renewal date for licenses issued under
18 subs. (2) to (6) ~~is specified~~ shall be as determined under s. 440.08 (2) (a), and the
19 renewal fees for such licenses are determined by the department under s. 440.03 (9)
20 (a). The examining board may not renew a license issued to a person under subs. (2)
21 to (6) unless the person certifies to the examining board that the person has reviewed
22 the current digest under s. 454.125.

23 **SECTION 251.** 454.08 (9) of the statutes is amended to read:

1 454.08 (9) The renewal date for licenses issued under this section ~~is specified~~
2 shall be as determined under s. 440.08 (2) (a), and the renewal fee for such licenses
3 is determined by the department under s. 440.03 (9) (a).

4 **SECTION 252.** 454.23 (5) of the statutes is amended to read:

5 454.23 (5) EXPIRATION AND RENEWAL. The renewal date for a license granted
6 under sub. (2) ~~is specified~~ shall be as determined under s. 440.08 (2) (a), and the
7 renewal fee for that license is determined by the department under s. 440.03 (9) (a).
8 The department may not renew a license granted to a person under this section
9 unless the person certifies to the department that the person has reviewed the
10 current digest under s. 454.267.

11 **SECTION 253.** 454.25 (9) of the statutes is amended to read:

12 454.25 (9) The renewal date for a barbering establishment license ~~is specified~~
13 shall be as determined under s. 440.08 (2) (a), and the renewal fee for a barbering
14 establishment license is determined by the department under s. 440.03 (9) (a).

15 **SECTION 254.** 455.06 (1) (a) of the statutes is amended to read:

16 455.06 (1) (a) Except as provided in par. (b), the renewal dates for licenses
17 issued under this subchapter or under s. 455.04 (4), 2019 stats., ~~are specified~~ shall
18 be as determined under s. 440.08 (2) (a), and the renewal fee for such licenses is
19 determined by the department under s. 440.03 (9) (a).

20 **SECTION 255.** 455.065 (7) of the statutes is amended to read:

21 455.065 (7) Grant an exemption from the continuing education requirements
22 under this section to a psychologist who certifies to the examining board that he or
23 she has permanently retired from the practice of psychology. A psychologist who has
24 been granted an exemption under this subsection may not return to active practice
25 without submitting evidence satisfactory to the examining board of having

1 completed the required continuing education credits within the ~~2-year~~ 4-year period
2 prior to the return to the practice of psychology.

3 **SECTION 256.** 456.07 (title) of the statutes is repealed and recreated to read:

4 **456.07 (title) Renewal.**

5 **SECTION 257.** 456.07 (1) and (3) of the statutes are repealed.

6 **SECTION 258.** 456.07 (2) of the statutes is amended to read:

7 456.07 (2) ~~The application for a new certificate of registration~~ The renewal date
8 for a license issued under this subchapter shall be as determined under s. 440.08 (2).

9 A renewal application shall include the applicable renewal fee determined by the
10 department under s. 440.03 (9) (a), a report of any facts requested by the examining
11 board on forms provided for such purpose, and evidence satisfactory to the examining
12 board that during the biennial period immediately preceding ~~application for~~
13 ~~registration~~ the renewal date, the applicant has attended a continuing education
14 program or course of study. During the time between initial licensure and
15 commencement of a full ~~2-year~~ licensure period, new licensees shall not be required
16 to meet continuing education requirements. ~~All registration fees are payable on or~~
17 ~~before the applicable renewal date specified under s. 440.08 (2) (a).~~

18 **SECTION 259.** 456.07 (5) of the statutes is amended to read:

19 456.07 (5) Only an individual who ~~has qualified as a~~ is licensed and registered
20 as a nursing home administrator under this chapter and who holds a valid current
21 registration certificate under this section for the current registration period may use
22 the title “Nursing Home Administrator”, and the abbreviation “N.H.A.” after the
23 person’s name. No other person may use or be designated by such title or such
24 abbreviation or any other words, letters, sign, card or device tending to or intended
25 to indicate that the person is a licensed ~~and registered~~ nursing home administrator.

1 **SECTION 260.** Chapter 457 (title) of the statutes is amended to read:

2 **CHAPTER 457**
3 **MARRIAGE AND FAMILY THERAPY,**
4 **PROFESSIONAL COUNSELING, AND**
5 **SOCIAL WORK EXAMINING BOARD**

6 **SECTION 261.** Subchapter I (title) of chapter 457 [precedes 457.01] of the
7 statutes is created to read:

8 **CHAPTER 457**
9 **SUBCHAPTER I**
10 **REGULATION OF MARRIAGE AND**
11 **FAMILY THERAPY, PROFESSIONAL**
12 **COUNSELING, AND SOCIAL WORK**

13 **SECTION 262.** 457.01 (intro.) of the statutes is amended to read:

14 **457.01 Definitions.** (intro.) In this ~~chapter~~ subchapter:

15 **SECTION 263.** 457.01 (1c) of the statutes is amended to read:

16 457.01 (1c) “Advanced practice social worker” means an individual who holds
17 an advanced practice social worker certificate granted by the social worker section
18 or who is exercising a multistate authorization to practice under a master’s-category
19 multistate license.

20 **SECTION 264.** 457.01 (1g) of the statutes is amended to read:

21 457.01 (1g) “Certificate holder” means an individual who is certified under this
22 ~~chapter~~ subchapter.

23 **SECTION 265.** 457.01 (1r) of the statutes is amended to read:

24 457.01 (1r) “Clinical social worker” means an individual who holds a license
25 to practice clinical social work granted by the social worker section or who is

1 exercising a multistate authorization to practice under a clinical-category
2 multistate license.

3 **SECTION 266.** 457.01 (1t) of the statutes is created to read:

4 457.01 (1t) “Counseling compact” means the counseling compact under s.
5 457.50.

6 **SECTION 267.** 457.01 (1w) of the statutes is amended to read:

7 457.01 (1w) “Credential” means a license ~~or, certificate,~~ or privilege to practice
8 granted under this chapter subchapter.

9 **SECTION 268.** 457.01 (2r) of the statutes is amended to read:

10 457.01 (2r) “Licensee” means a person who is licensed under this ~~chapter~~
11 subchapter.

12 **SECTION 269.** 457.01 (5g) of the statutes is created to read:

13 457.01 (5g) “Multistate authorization to practice” means the multistate
14 authorization to practice, as defined in s. 457.70 (2) (q), of an individual to practice
15 the appropriate category of social work in this state under a multistate license
16 granted by another state that is a party to the social work licensure compact.

17 **SECTION 270.** 457.01 (5m) of the statutes is created to read:

18 457.01 (5m) “Multistate license” has the meaning given in s. 457.70 (2) (r).

19 **SECTION 271.** 457.01 (5r) of the statutes is created to read:

20 457.01 (5r) “Privilege to practice” has the meaning given in s. 457.50 (2) (s).

21 **SECTION 272.** 457.01 (7) of the statutes is amended to read:

22 457.01 (7) “Professional counselor” means an individual who holds a license to
23 practice professional counseling granted by the professional counselor section or who
24 holds a valid professional counselor privilege to practice in this state.

25 **SECTION 273.** 457.01 (10) of the statutes is amended to read:

1 457.01 (10) “Social worker” means an individual who holds a social worker
2 certificate granted by the social worker section or who is exercising a multistate
3 authorization to practice under a bachelor’s-category multistate license.

4 **SECTION 274.** 457.01 (12) of the statutes is created to read:

5 457.01 (12) “Social work licensure compact” means the social work licensure
6 compact under s. 457.70.

7 **SECTION 275.** 457.02 (intro.), (1), (2), (3), (4), (5), (5m) and (6) (c) of the statutes
8 are amended to read:

9 **457.02 Applicability.** (intro.) This ~~chapter~~ subchapter does not do any of the
10 following:

11 (1) Require any individual to be certified or licensed under this ~~chapter~~
12 subchapter in order to use the title “pastoral counselor,” “investment counselor,”
13 “vocational counselor,” “career counselor,” “alcohol and drug counselor,” “chemical
14 dependency counselor,” or “employee assistance counselor,” or to engage in such
15 counseling, if the individual does not use any other title or designation that
16 represents or may tend to represent that he or she is certified or licensed under this
17 ~~chapter~~ subchapter, and does not represent himself or herself as an individual who
18 engages in social work, advanced practice social work, independent social work,
19 clinical social work, marriage and family therapy, or professional counseling.

20 (2) Require any individual who is licensed as a school social worker or school
21 counselor by the department of public instruction to be certified or licensed under
22 this ~~chapter~~ subchapter in order to use the title “school social worker” or “school
23 counselor.”

24 (3) Require a person who is a psychologist or a psychiatrist to be licensed under
25 this ~~chapter~~ subchapter in order to use the title “marriage and family therapist,”

1 “marriage and family counselor,” or “professional counselor” if the psychologist or
2 psychiatrist does not use the term “licensed,” “certified,” or “registered” or any
3 similar term in connection with the title “marriage and family therapist,” “marriage
4 and family counselor,” or “professional counselor.”

5 (4) Authorize any individual who is certified or licensed under this ~~chapter~~
6 subchapter to use the title “school social worker” or “school counselor” unless the
7 individual is licensed as a school social worker or school counselor by the department
8 of public instruction.

9 (5) Authorize any individual who is certified under s. 457.08 (1), 457.09 (1), or
10 457.14 (1) (a) to (c) or who is exercising a multistate authorization to practice to use
11 the title “alcohol and drug counselor” or “chemical dependency counselor” unless the
12 individual is certified as an alcohol and drug counselor or as a chemical dependency
13 counselor through a process recognized by the department.

14 (5m) Authorize any individual who is certified under s. 457.08 (1), 457.09 (1),
15 or 457.14 (1) (a) to (c) or who is exercising a multistate authorization to practice to
16 treat substance use disorder as a specialty unless the individual is a certified
17 substance abuse counselor, clinical supervisor, or prevention specialist under s.
18 440.88, or unless the individual satisfies educational and supervised training
19 requirements established in rules promulgated by the examining board. In
20 promulgating rules under this subsection, the examining board shall consider the
21 requirements for qualifying as a certified substance abuse counselor, clinical
22 supervisor, or prevention specialist under s. 440.88.

23 (6) (c) Provide a consultation or demonstration with an individual licensed
24 under this ~~chapter~~ subchapter if the person providing the consultation or

1 demonstration is licensed to practice marriage and family therapy, professional
2 counseling, or clinical social work in another state or territory of the United States.

3 **SECTION 276.** 457.03 (1), (1m) and (2) of the statutes are amended to read:

4 457.03 (1) Upon the advice of the social worker section, marriage and family
5 therapist section, and professional counselor section, promulgate rules establishing
6 minimum standards for educational programs that must be completed for
7 certification or licensure under this ~~chapter~~ subchapter and for supervised clinical
8 training that must be completed for licensure as a clinical social worker, marriage
9 and family therapist, or professional counselor under this ~~chapter~~ subchapter and
10 approve educational programs and supervised clinical training programs in
11 accordance with those standards.

12 (1m) Upon the advice of the social worker section, marriage and family
13 therapist section, and professional counselor section, and consistent with s. 457.16,
14 promulgate rules establishing examination requirements for certification and
15 licensure under this ~~chapter~~ subchapter.

16 (2) Upon the advice of the social worker section, marriage and family therapist
17 section, and professional counselor section, promulgate rules establishing a code of
18 ethics to govern the professional conduct of certificate holders ~~and~~, licensees, ~~and~~
19 individuals exercising a multistate authorization to practice. The rules shall specify
20 the services included within the practice of social work, advanced practice social
21 work, or independent social work that ~~an individual who is certified under this~~
22 ~~chapter~~ as a social worker, advanced practice social worker, or independent social
23 worker may perform and the degree of supervision, if any, required to perform those
24 services.

25 **SECTION 277.** 457.033 of the statutes is amended to read:

1 **457.033 Psychometric testing.** The marriage and family therapy,
2 professional counseling, and social work examining board and the psychology
3 examining board shall jointly promulgate rules that specify the different levels of
4 psychometric testing that an individual who is certified or licensed under this
5 ~~chapter~~ subchapter, an individual who holds a valid professional counselor privilege
6 to practice in this state, or an individual who is exercising a multistate authorization
7 to practice is qualified to perform. Such rules shall be consistent with the guidelines
8 of the American Psychological Association, or other nationally recognized guidelines,
9 for performing psychometric testing. A certificate holder ~~or~~, licensee, holder of a
10 professional counselor privilege to practice, or holder of a multistate license may not
11 engage in psychometric testing except as provided under the rules promulgated
12 under this section.

13 **SECTION 278.** 457.035 (1) and (2) of the statutes are amended to read:

14 457.035 (1) The individual is ~~licensed under this chapter~~ as a clinical social
15 worker, marriage and family therapist, or professional counselor.

16 (2) The individual is ~~certified~~ as an advanced practice or independent social
17 worker and the individual engages in psychotherapy only under the supervision of
18 an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

19 **SECTION 279.** 457.04 (1), (2), (3), (4), (5) (a) and (b), (6) and (7) of the statutes
20 are amended to read:

21 457.04 (1) Use the title “social worker” unless the person is certified as a social
22 worker under this ~~chapter~~ subchapter or holds a bachelor’s-category multistate
23 license granted in another state that is a party to the social work licensure compact.

24 (2) Use the title “advanced practice social worker” unless the person is certified
25 as an advanced practice social worker under this ~~chapter~~ subchapter or holds a

1 master's-category multistate license granted in another state that is a party to the
2 social work licensure compact.

3 (3) Use the title "independent social worker" unless the person is certified as
4 an independent social worker under this ~~chapter~~ subchapter.

5 (4) Practice clinical social work or designate himself or herself as a clinical
6 social worker or use or assume the title "clinical social worker" or any other title or
7 designation that represents or may tend to represent the person as a clinical social
8 worker unless the person is licensed as a clinical social worker under this ~~chapter~~
9 subchapter or holds a clinical-category multistate license granted in another state
10 that is a party to the social work licensure compact or unless the person is certified
11 under this ~~chapter~~ subchapter as an advanced practice social worker or independent
12 social worker or holds a master's-category multistate license granted in another
13 state that is a party to the social work licensure compact, and the person practices
14 clinical social work under the supervision of a ~~person who is licensed as a~~ clinical
15 social worker ~~under this chapter~~.

16 (5) (a) The person is licensed as a marriage and family therapist under this
17 ~~chapter~~ subchapter.

18 (b) The person is licensed as a clinical social worker under this ~~chapter~~
19 subchapter and initially became certified as an independent clinical social worker
20 under ch. 457, 1999 stats., on or before May 31, 1995.

21 (6) Practice professional counseling or designate himself or herself as a
22 professional counselor or use or assume the title "professional counselor,"
23 "professional rehabilitation counselor," "vocational rehabilitation counselor,"
24 "rehabilitation counselor," or any other title or designation that represents or may
25 tend to represent the person as a professional counselor unless the person is licensed

1 as a professional counselor under this ~~chapter~~ subchapter or holds a valid
2 professional counselor privilege to practice in this state.

3 ~~(7) Practice psychotherapy unless the person is licensed under this chapter or~~
4 ~~unless the person is a certificate holder who may practice psychotherapy under~~
5 except in accordance with the rules promulgated under ss. 457.03 and 457.035.

6 **SECTION 280.** 457.06 (intro.) of the statutes is amended to read:

7 **457.06 General requirements for certification or licensure.** (intro.) The
8 social worker section, marriage and family therapist section, or professional
9 counselor section may not grant any certificate or license under this ~~chapter~~
10 subchapter unless the applicant does all of the following:

11 **SECTION 281.** 457.08 (4m) of the statutes is created to read:

12 457.08 **(4m)** MULTISTATE SOCIAL WORK LICENSES. (a) The social worker section
13 shall grant a clinical-category multistate license to any of the following:

14 1. An individual who holds or is eligible for a clinical social worker license under
15 sub. (4), satisfies the requirements under s. 457.70 (4) (a) and (b), and pays the fee
16 specified in s. 440.05 (1).

17 2. An individual who holds a clinical-category multistate license in another
18 state that is a party to the social work licensure compact, has changed his or her state
19 of primary domicile to this state, satisfies the requirements under s. 457.70 (7) (b),
20 and pays the fee specified in s. 440.05 (1).

21 (b) The social worker section shall grant a master's-category multistate license
22 to any of the following:

23 1. An individual who holds or is eligible for an advanced practice social worker
24 certificate under sub. (2), satisfies the requirements under s. 457.70 (4) (a) and (c),
25 and pays the fee specified in s. 440.05 (1).

1 2. An individual who holds a master's-category multistate license in another
2 state that is a party to the social work licensure compact, has changed his or her state
3 of primary domicile to this state, satisfies the requirements under s. 457.70 (7) (b),
4 and pays the fee specified in s. 440.05 (1).

5 (c) The social worker section shall grant a bachelor's-category multistate
6 license to any of the following:

7 1. An individual who holds or is eligible for a social worker certificate under
8 sub. (1), satisfies the requirements under s. 457.70 (4) (a) and (d), and pays the fee
9 specified in s. 440.05 (1).

10 2. An individual who holds a bachelor's-category multistate license in another
11 state that is a party to the social work licensure compact, has changed his or her state
12 of primary domicile to this state, satisfies the requirements under s. 457.70 (7) (b)
13 and pays the fee specified in s. 440.05 (1).

14 **SECTION 282.** 457.09 (2) (b) and (4) (b) 1. and 2. of the statutes are amended to
15 read:

16 457.09 (2) (b) A social worker training certificate holder is a social worker
17 certified under this ~~chapter~~ subchapter for purposes of any law governing social
18 workers certified under this ~~chapter~~ subchapter.

19 (4) (b) 1. A human services internship that involves direct practice with clients
20 and that is supervised by a social worker ~~certified under this chapter~~ who has a
21 bachelor's or master's degree in social work.

22 2. One year of social work employment that involves direct practice with clients
23 and that is supervised by a social worker ~~certified under this chapter~~ who has a
24 bachelor's or master's degree in social work.

25 **SECTION 283.** 457.12 (title) of the statutes is amended to read:

1 **457.12 (title) Professional counselor license; privilege to practice.**

2 **SECTION 284.** 457.12 of the statutes is renumbered 457.12 (1m), and 457.12
3 (1m) (intro.), (a), (b), (c) (intro.), 1. d. and 2. d. and (d), as renumbered, are amended
4 to read:

5 457.12 **(1m) LICENSE.** (intro.) The professional counselor section shall, subject
6 to sub. (4m), grant a professional counselor license to any individual who does to
7 whom all of the following apply:

8 (a) ~~Satisfies~~ The individual satisfies the requirements in s. 457.06.

9 (b) ~~Submits~~ The individual submits evidence satisfactory to the professional
10 counselor section that he or she has received a master's or doctorate degree in
11 professional counseling or its equivalent from a program approved by the
12 professional counselor section.

13 (c) (intro.) ~~Submits~~ The individual submits evidence satisfactory to the
14 professional counselor section that he or she has done any of the following:

15 1. d. An individual, other than an individual specified in subd. ~~1., 2., or 3.~~ a.,
16 b., or c., who is approved by the professional counselor section or satisfies
17 requirements for supervision that are specified in rules promulgated by the
18 examining board upon the advice of the professional counselor section.

19 2. d. An individual, other than an individual specified in subd. ~~1., 2., or 3.~~ a.,
20 b., or c., who is approved by the professional counselor section or satisfies
21 requirements for supervision that are specified in rules promulgated by the
22 examining board upon the advice of the professional counselor section.

23 (d) ~~Passes~~ The individual passes one or more examinations under s. 457.16
24 approved by the professional counselor section to determine minimum competence
25 to practice professional counseling.

1 **SECTION 285.** 457.12 (1m) (bm) and (2m) to (4m) of the statutes are created to
2 read:

3 457.12 **(1m)** (bm) The individual does not, subject to ss. 111.321, 111.322, and
4 111.335, have a conviction record.

5 **(2m)** LICENSE BASED UPON PRIVILEGE TO PRACTICE. The professional counselor
6 section shall grant a professional counselor license to any individual to whom all of
7 the following apply:

8 (a) The individual satisfies the requirements in s. 457.06.

9 (b) The individual holds a home state license in another state that is a party
10 to the counseling compact, has changed his or her primary state of residence to this
11 state, and satisfies all other requirements under s. 457.50 (5).

12 (bm) The individual does not, subject to ss. 111.321, 111.322, and 111.335, have
13 a conviction record.

14 (d) The individual passes an examination described under s. 457.16 (1) (b), if
15 required.

16 **(3m)** PRIVILEGE TO PRACTICE. The professional counselor section shall grant a
17 professional counselor privilege to practice to any individual to whom all of the
18 following apply:

19 (a) The individual holds an unencumbered home state license in another state
20 that is a party to the counseling compact and satisfies all other requirements under
21 s. 457.50 (4).

22 (b) The individual applies for the privilege to practice in the manner prescribed
23 by the department.

24 (c) The individual pays any fee established by the department under s. 457.51
25 (2).

1 (d) The individual passes an examination described under s. 457.16 (1) (b), if
2 required.

3 **(4m)** TYPES OF LICENSE. (a) A professional counselor license granted under sub.
4 (1m) may be either of the following:

5 1. A license that, subject to s. 457.50 (4), entitles the holder to obtain and
6 exercise a privilege to practice in other states that are parties to the counseling
7 compact.

8 2. A single-state license, which only entitles the holder to practice in this state.
9 Nothing in the counseling compact applies to the holder of a single-state license
10 unless otherwise applicable under this subchapter.

11 (b) When applying for a license under sub. (1m), an individual shall specify
12 whether he or she is applying for a license under par. (a) 1. or 2.

13 **SECTION 286.** 457.125 of the statutes is created to read:

14 **457.125 Professional counselor statutes and rules examination. (1)**

15 The examining board may not require an applicant for a license to practice as a
16 professional counselor to pass a statutes and rules examination as a condition of
17 receiving an initial license or a license renewal.

18 **(2)** The examining board may require an applicant for a license to practice as
19 a professional counselor to affirm that the applicant has read and understands the
20 statutes and rules that apply to the applicant's practice.

21 **SECTION 287.** 457.13 (1) (c) of the statutes is amended to read:

22 457.13 **(1)** (c) Satisfies the requirements in s. 457.12 ~~(2)~~ (1m) (b).

23 **SECTION 288.** 457.14 (1) (f) of the statutes is amended to read:

1 457.14 (1) (f) Satisfies the requirements under s. 457.12 ~~(1) to (3)~~ (1m) (a) to
2 (c) and has submitted an application to take the next available examination for
3 licensure under s. 457.12 ~~(4)~~ (1m) (d).

4 **SECTION 289.** 457.15 (3) of the statutes is amended to read:

5 457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),
6 the professional counselor section may grant a professional counselor license to any
7 individual who holds a similar certificate or license in another state or territory of
8 the United States and who passes an examination approved by the professional
9 counselor section that tests knowledge of state law relating to professional
10 counseling, if the professional counselor section determines that the requirements
11 for obtaining the certificate or license in the other state or territory are substantially
12 equivalent to the requirements under s. 457.12 (1m).

13 **SECTION 290.** 457.16 (1) of the statutes is renumbered 457.16 (1) (a).

14 **SECTION 291.** 457.16 (1) (b) of the statutes is created to read:

15 457.16 (1) (b) The professional counselor section may, in accordance with par.
16 (a), arrange for an examination that tests an applicant's knowledge of state law
17 relating to the practice of professional counseling in accordance with s. 457.51 (3),
18 if such an examination is required for applicants for licensure under s. 457.12 (1m).

19 **SECTION 292.** 457.18 of the statutes is created to read:

20 **457.18 Practice under counseling compact.** An individual who holds a
21 valid privilege to practice in this state may, subject to s. 457.51 (4), do any of the
22 following:

23 (1) Practice professional counseling in this state, subject to s. 457.50 (4).

24 (2) Practice professional counseling in this state via telehealth, as defined in
25 s. 457.50 (2) (y), subject to s. 457.50 (7).

1 **SECTION 293.** 457.20 (1) and (2) of the statutes are amended to read:

2 457.20 (1) The department shall issue a certificate of certification or licensure
3 to each individual who is certified or licensed under this ~~chapter~~ subchapter.

4 (2) The renewal dates for certificates and licenses granted under this ~~chapter~~
5 subchapter, other than training certificates and licenses or temporary certificates or
6 licenses, are specified under s. 440.08 (2) (a).

7 **SECTION 294.** 457.20 (2) of the statutes, as affected by 2023 Wisconsin Act
8 (this act), is amended to read:

9 457.20 (2) The renewal dates for certificates and licenses granted under this
10 subchapter, other than training certificates and licenses or temporary certificates or
11 licenses, ~~are specified~~ shall be as determined under s. 440.08 (2) (a).

12 **SECTION 295.** 457.22 (2) of the statutes is amended to read:

13 457.22 (2) The rules promulgated under sub. (1) may not require an individual
14 to complete more than 30 hours of continuing education programs or courses of study
15 per 2-year period in order to qualify for renewal. The appropriate section of the
16 examining board may waive all or part of the requirements established in rules
17 promulgated under this section if it determines that prolonged illness, disability, or
18 other exceptional circumstances have prevented the individual from completing the
19 requirements.

20 **SECTION 296.** 457.24 (1) of the statutes is amended to read:

21 457.24 (1) Except as provided in sub. (2), a ~~person licensed as a~~ clinical social
22 worker, marriage and family therapist, or professional counselor ~~under this chapter~~
23 may not practice clinical social work, marriage and family therapy, or professional
24 counseling unless he or she has in effect professional liability insurance. The

1 examining board shall promulgate rules establishing the minimum amount of
2 insurance required under this subsection.

3 **SECTION 297.** 457.25 (1) of the statutes is renumbered 457.25 (1r).

4 **SECTION 298.** 457.25 (1g) of the statutes is created to read:

5 457.25 (1g) In this section, “credential holder” also includes an individual
6 practicing under a multistate authorization to practice.

7 **SECTION 299.** 457.26 (1) and (2) (intro.) and (h) of the statutes are amended to
8 read:

9 457.26 (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate
10 section of the examining board may make investigations and conduct hearings to
11 determine whether a violation of this ~~chapter~~ subchapter or any rule promulgated
12 under this ~~chapter~~ subchapter has occurred.

13 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the appropriate
14 section of the examining board may reprimand a credential holder or an individual
15 practicing under a multistate authorization to practice or deny, limit, suspend, or
16 revoke a credential under this ~~chapter~~ subchapter or a multistate authorization to
17 practice if it finds that the ~~applicant or credential holder~~ individual has done any of
18 the following:

19 (h) Violated this ~~chapter~~ subchapter or any rule promulgated under this
20 ~~chapter~~ subchapter.

21 **SECTION 300.** Subchapter II of chapter 457 [precedes 457.50] of the statutes is
22 created to read:

23 **CHAPTER 457**

24 **SUBCHAPTER II**

25 **COUNSELING COMPACT**

1 **457.50 Counseling compact. (1) PURPOSE.** The purpose of this compact is
2 to facilitate interstate practice of licensed professional counselors with the goal of
3 improving public access to professional counseling services. The practice of
4 professional counseling occurs in the state where the client is located at the time of
5 the counseling services. The compact preserves the regulatory authority of states to
6 protect public health and safety through the current system of state licensure. This
7 compact is designed to achieve the following objectives:

8 (a) Increase public access to professional counseling services by providing for
9 the mutual recognition of other member state licenses;

10 (b) Enhance the states' ability to protect the public's health and safety;

11 (c) Encourage the cooperation of member states in regulating multistate
12 practice for licensed professional counselors;

13 (d) Support spouses of relocating active duty military personnel;

14 (e) Enhance the exchange of licensure, investigative, and disciplinary
15 information among member states;

16 (f) Allow for the use of telehealth technology to facilitate increased access to
17 professional counseling services;

18 (g) Support the uniformity of professional counseling licensure requirements
19 throughout the states to promote public safety and public health benefits;

20 (h) Invest all member states with the authority to hold a licensed professional
21 counselor accountable for meeting all state practice laws in the state in which the
22 client is located at the time care is rendered through the mutual recognition of
23 member state licenses;

24 (i) Eliminate the necessity for licenses in multiple states; and

1 (j) Provide opportunities for interstate practice by licensed professional
2 counselors who meet uniform licensure requirements.

3 (2) DEFINITIONS. As used in this section, and except as otherwise provided, the
4 following definitions apply:

5 (a) “Active duty military” means full-time duty status in the active uniformed
6 service of the United States, including members of the national guard and reserve
7 on active duty orders pursuant to 10 USC chs. 1209 and 1211.

8 (b) “Adverse action” means any administrative, civil, equitable or criminal
9 action permitted by a state’s laws which is imposed by a licensing board or other
10 authority against a licensed professional counselor, including actions against an
11 individual’s license or privilege to practice such as revocation, suspension, probation,
12 monitoring of the licensee, limitation on the licensee’s practice, or any other
13 encumbrance on licensure affecting a licensed professional counselor’s authorization
14 to practice, including issuance of a cease and desist action.

15 (c) “Alternative program” means a nondisciplinary monitoring or practice
16 remediation process approved by a professional counseling licensing board to
17 address impaired practitioners.

18 (d) “Continuing competence/education” means a requirement, as a condition of
19 license renewal, to provide evidence of participation in, and/or completion of,
20 educational and professional activities relevant to practice or area of work.

21 (e) “Counseling compact commission” or “commission” means the national
22 administrative body whose membership consists of all states that have enacted the
23 compact.

24 (f) “Current significant investigative information” means any of the following:

1 1. Investigative information that a licensing board, after a preliminary inquiry
2 that includes notification and an opportunity for the licensed professional counselor
3 to respond, if required by state law, has reason to believe is not groundless and, if
4 proved true, would indicate more than a minor infraction; or

5 2. Investigative information that indicates that the licensed professional
6 counselor represents an immediate threat to public health and safety regardless of
7 whether the licensed professional counselor has been notified and had an
8 opportunity to respond.

9 (g) “Data system” means a repository of information about licensees, including,
10 but not limited to, continuing education, examination, licensure, investigative,
11 privilege to practice and adverse action information.

12 (h) “Encumbered license” means a license in which an adverse action restricts
13 the practice of licensed professional counseling by the licensee and said adverse
14 action has been reported to the national practitioners data bank (NPDB).

15 (i) “Encumbrance” means a revocation or suspension of, or any limitation on,
16 the full and unrestricted practice of licensed professional counseling by a licensing
17 board.

18 (j) “Executive committee” means a group of directors elected or appointed to act
19 on behalf of, and within the powers granted to them by, the commission.

20 (k) “Home state” means the member state that is the licensee’s primary state
21 of residence.

22 (L) “Impaired practitioner” means an individual who has a condition(s) that
23 may impair their ability to practice as a licensed professional counselor without some
24 type of intervention and may include, but is not limited to, alcohol and drug
25 dependence, mental health impairment, and neurological or physical impairments.

1 (m) “Investigative information” means information, records, and documents
2 received or generated by a professional counseling licensing board pursuant to an
3 investigation.

4 (n) “Jurisprudence requirement” if required by a member state, means the
5 assessment of an individual’s knowledge of the laws and rules governing the practice
6 of professional counseling in a state.

7 (o) “Licensed professional counselor” means a counselor licensed by a member
8 state, regardless of the title used by that state, to independently assess, diagnose,
9 and treat behavioral health conditions.

10 (p) “Licensee” means an individual who currently holds an authorization from
11 the state to practice as a licensed professional counselor.

12 (q) “Licensing board” means the agency of a state, or equivalent, that is
13 responsible for the licensing and regulation of licensed professional counselors.

14 (r) “Member state” means a state that has enacted the compact.

15 (s) “Privilege to practice” means a legal authorization, which is equivalent to
16 a license, permitting the practice of professional counseling in a remote state.

17 (t) “Professional counseling” means the assessment, diagnosis, and treatment
18 of behavioral health conditions by a licensed professional counselor.

19 (u) “Remote state” means a member state other than the home state, where a
20 licensee is exercising or seeking to exercise the privilege to practice.

21 (v) “Rule” means a regulation promulgated by the commission that has the
22 force of law.

23 (w) “Single state license” means a licensed professional counselor license
24 issued by a member state that authorizes practice only within the issuing state and
25 does not include a privilege to practice in any other member state.

1 (x) “State” means any state, commonwealth, district, or territory of the United
2 States of America that regulates the practice of professional counseling.

3 (y) “Telehealth” means the application of telecommunication technology to
4 deliver professional counseling services remotely to assess, diagnose, and treat
5 behavioral health conditions.

6 (z) “Unencumbered license” means a license that authorizes a licensed
7 professional counselor to engage in the full and unrestricted practice of professional
8 counseling.

9 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To participate in the compact, a
10 state must currently:

11 1. License and regulate licensed professional counselors.

12 2. Require licensees to pass a nationally recognized exam approved by the
13 commission.

14 3. Require licensees to have a 60 semester-hour (or 90 quarter-hour) master’s
15 degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course
16 work including the following topic areas:

17 a. Professional counseling orientation and ethical practice;

18 b. Social and cultural diversity;

19 c. Human growth and development;

20 d. Career development;

21 e. Counseling and helping relationships;

22 f. Group counseling and group work;

23 g. Diagnosis and treatment; assessment and testing;

24 h. Research and program evaluation; and

25 i. Other areas as determined by the commission.

1 4. Require licensees to complete a supervised postgraduate professional
2 experience as defined by the commission.

3 5. Have a mechanism in place for receiving and investigating complaints about
4 licensees.

5 (b) A member state shall:

6 1. Participate fully in the commission's data system, including using the
7 commission's unique identifier as defined in rules;

8 2. Notify the commission, in compliance with the terms of the compact and
9 rules, of any adverse action or the availability of investigative information regarding
10 a licensee;

11 3. Implement or utilize procedures for considering the criminal history records
12 of applicants for an initial privilege to practice. These procedures shall include the
13 submission of fingerprints or other biometric-based information by applicants for
14 the purpose of obtaining an applicant's criminal history record information from the
15 federal bureau of investigation and the agency responsible for retaining that state's
16 criminal records;

17 a. A member state must fully implement a criminal background check
18 requirement, within a time frame established by rule, by receiving the results of the
19 federal bureau of investigation record search and shall use the results in making
20 licensure decisions.

21 b. Communication between a member state, the commission and among
22 member states regarding the verification of eligibility for licensure through the
23 compact shall not include any information received from the federal bureau of
24 investigation relating to a federal criminal records check performed by a member
25 state under P. L. 92-544.

- 1 4. Comply with the rules of the commission;
- 2 5. Require an applicant to obtain or retain a license in the home state and meet
- 3 the home state's qualifications for licensure or renewal of licensure, as well as all
- 4 other applicable state laws;
- 5 6. Grant the privilege to practice to a licensee holding a valid unencumbered
- 6 license in another member state in accordance with the terms of the compact and
- 7 rules; and
- 8 7. Provide for the attendance of the state's commissioner to the counseling
- 9 compact commission meetings.
- 10 (c) Member states may charge a fee for granting the privilege to practice.
- 11 (d) Individuals not residing in a member state shall continue to be able to apply
- 12 for a member state's single state license as provided under the laws of each member
- 13 state. However, the single state license granted to these individuals shall not be
- 14 recognized as granting a privilege to practice professional counseling in any other
- 15 member state.
- 16 (e) Nothing in this compact shall affect the requirements established by a
- 17 member state for the issuance of a single state license.
- 18 (f) A license issued to a licensed professional counselor by a home state to a
- 19 resident in that state shall be recognized by each member state as authorizing a
- 20 licensed professional counselor to practice professional counseling, under a privilege
- 21 to practice, in each member state.
- 22 **(4) PRIVILEGE TO PRACTICE.** (a) To exercise the privilege to practice under the
- 23 terms and provisions of the compact, the licensee shall:
- 24 1. Hold a license in the home state;

1 2. Have a valid United States social security number or national practitioner
2 identifier;

3 3. Be eligible for a privilege to practice in any member state in accordance with
4 pars. (d), (g), and (h);

5 4. Have not had any encumbrance or restriction against any license or privilege
6 to practice within the previous 2 years;

7 5. Notify the commission that the licensee is seeking the privilege to practice
8 within a remote state(s);

9 6. Pay any applicable fees, including any state fee, for the privilege to practice;

10 7. Meet any continuing competence/education requirements established by the
11 home state;

12 8. Meet any jurisprudence requirements established by the remote state(s) in
13 which the licensee is seeking a privilege to practice; and

14 9. Report to the commission any adverse action, encumbrance, or restriction on
15 license taken by any non-member state within 30 days from the date the action is
16 taken.

17 (b) The privilege to practice is valid until the expiration date of the home state
18 license. The licensee must comply with the requirements of par. (a) to maintain the
19 privilege to practice in the remote state.

20 (c) A licensee providing professional counseling in a remote state under the
21 privilege to practice shall adhere to the laws and regulations of the remote state.

22 (d) A licensee providing professional counseling services in a remote state is
23 subject to that state's regulatory authority. A remote state may, in accordance with
24 due process and that state's laws, remove a licensee's privilege to practice in the
25 remote state for a specific period of time, impose fines, and/or take any other

1 necessary actions to protect the health and safety of its citizens. The licensee may
2 be ineligible for a privilege to practice in any member state until the specific time for
3 removal has passed and all fines are paid.

4 (e) If a home state license is encumbered, the licensee shall lose the privilege
5 to practice in any remote state until the following occur:

- 6 1. The home state license is no longer encumbered; and
- 7 2. Have not had any encumbrance or restriction against any license or privilege
8 to practice within the previous 2 years.

9 (f) Once an encumbered license in the home state is restored to good standing,
10 the licensee must meet the requirements of par. (a) to obtain a privilege to practice
11 in any remote state.

12 (g) If a licensee's privilege to practice in any remote state is removed, the
13 individual may lose the privilege to practice in all other remote states until the
14 following occur:

- 15 1. The specific period of time for which the privilege to practice was removed
16 has ended;
- 17 2. All fines have been paid; and
- 18 3. Have not had any encumbrance or restriction against any license or privilege
19 to practice within the previous 2 years.

20 (h) Once the requirements of par. (g) have been met, the licensee must meet the
21 requirements in par. (a) to obtain a privilege to practice in a remote state.

22 **(5) OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE.** (a)
23 A licensed professional counselor may hold a home state license, which allows for a
24 privilege to practice in other member states, in only one member state at a time.

1 (b) If a licensed professional counselor changes primary state of residence by
2 moving between 2 member states:

3 1. The licensed professional counselor shall file an application for obtaining a
4 new home state license based on a privilege to practice, pay all applicable fees, and
5 notify the current and new home state in accordance with applicable rules adopted
6 by the commission.

7 2. Upon receipt of an application for obtaining a new home state license by
8 virtue of a privilege to practice, the new home state shall verify that the licensed
9 professional counselor meets the pertinent criteria outlined in sub. (4) via the data
10 system, without need for primary source verification except for:

11 a. A federal bureau of investigation fingerprint based criminal background
12 check if not previously performed or updated pursuant to applicable rules adopted
13 by the commission in accordance with P. L. 92-544;

14 b. Other criminal background check as required by the new home state; and

15 c. Completion of any requisite jurisprudence requirements of the new home
16 state.

17 3. The former home state shall convert the former home state license into a
18 privilege to practice once the new home state has activated the new home state
19 license in accordance with applicable rules adopted by the commission.

20 4. Notwithstanding any other provision of this compact, if the licensed
21 professional counselor cannot meet the criteria in sub. (4), the new home state may
22 apply its requirements for issuing a new single state license.

23 5. The licensed professional counselor shall pay all applicable fees to the new
24 home state in order to be issued a new home state license.

1 (c) If a licensed professional counselor changes primary state of residence by
2 moving from a member state to a non-member state, or from a non-member state
3 to a member state, the state criteria shall apply for issuance of a single state license
4 in the new state.

5 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
6 single state license in multiple states, however for the purposes of this compact, a
7 licensee shall have only one home state license.

8 (e) Nothing in this compact shall affect the requirements established by a
9 member state for the issuance of a single state license.

10 **(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.** Active duty military
11 personnel, or their spouse, shall designate a home state where the individual has a
12 current license in good standing. The individual may retain the home state
13 designation during the period the service member is on active duty. Subsequent to
14 designating a home state, the individual shall only change their home state through
15 application for licensure in the new state, or through the process outlined in sub. (5).

16 **(7) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.** (a) Member states shall
17 recognize the right of a licensed professional counselor, licensed by a home state in
18 accordance with sub. (3) and under rules promulgated by the commission, to practice
19 professional counseling in any member state via telehealth under a privilege to
20 practice as provided in the compact and rules promulgated by the commission.

21 (b) A licensee providing professional counseling services in a remote state
22 under the privilege to practice shall adhere to the laws and regulations of the remote
23 state.

1 **(8) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state law,
2 a remote state shall have the authority, in accordance with existing state due process
3 law, to:

4 1. Take adverse action against a licensed professional counselor's privilege to
5 practice within that member state; and

6 2. Issue subpoenas for both hearings and investigations that require the
7 attendance and testimony of witnesses as well as the production of evidence.
8 Subpoenas issued by a licensing board in a member state for the attendance and
9 testimony of witnesses or the production of evidence from another member state
10 shall be enforced in the latter state by any court of competent jurisdiction, according
11 to the practice and procedure of that court applicable to subpoenas issued in
12 proceedings pending before it. The issuing authority shall pay any witness fees,
13 travel expenses, mileage, and other fees required by the service statutes of the state
14 in which the witnesses or evidence are located.

15 3. Only the home state shall have the power to take adverse action against a
16 licensed professional counselor's license issued by the home state.

17 (b) For purposes of taking adverse action, the home state shall give the same
18 priority and effect to reported conduct received from a member state as it would if
19 the conduct had occurred within the home state. In so doing, the home state shall
20 apply its own state laws to determine appropriate action.

21 (c) The home state shall complete any pending investigations of a licensed
22 professional counselor who changes primary state of residence during the course of
23 the investigations. The home state shall also have the authority to take appropriate
24 action(s) and shall promptly report the conclusions of the investigations to the

1 administrator of the data system. The administrator of the coordinated licensure
2 information system shall promptly notify the new home state of any adverse actions.

3 (d) A member state, if otherwise permitted by state law, may recover from the
4 affected licensed professional counselor the costs of investigations and dispositions
5 of cases resulting from any adverse action taken against that licensed professional
6 counselor.

7 (e) A member state may take adverse action based on the factual findings of the
8 remote state, provided that the member state follows its own procedures for taking
9 the adverse action.

10 (f) Joint investigations:

11 1. In addition to the authority granted to a member state by its respective
12 professional counseling practice act or other applicable state law, any member state
13 may participate with other member states in joint investigations of licensees.

14 2. Member states shall share any investigative, litigation, or compliance
15 materials in furtherance of any joint or individual investigation initiated under the
16 compact.

17 (g) If adverse action is taken by the home state against the license of a licensed
18 professional counselor, the licensed professional counselor's privilege to practice in
19 all other member states shall be deactivated until all encumbrances have been
20 removed from the state license. All home state disciplinary orders that impose
21 adverse action against the license of a licensed professional counselor shall include
22 a statement that the licensed professional counselor's privilege to practice is
23 deactivated in all member states during the pendency of the order.

1 (h) If a member state takes adverse action, it shall promptly notify the
2 administrator of the data system. The administrator of the data system shall
3 promptly notify the home state of any adverse actions by remote states.

4 (i) Nothing in this compact shall override a member state's decision that
5 participation in an alternative program may be used in lieu of adverse action.

6 **(9) ESTABLISHMENT OF COUNSELING COMPACT COMMISSION.** (a) The compact
7 member states hereby create and establish a joint public agency known as the
8 counseling compact commission:

9 1. The commission is an instrumentality of the compact states.

10 2. Venue is proper and judicial proceedings by or against the commission shall
11 be brought solely and exclusively in a court of competent jurisdiction where the
12 principal office of the commission is located. The commission may waive venue and
13 jurisdictional defenses to the extent it adopts or consents to participate in alternative
14 dispute resolution proceedings.

15 3. Nothing in this compact shall be construed to be a waiver of sovereign
16 immunity.

17 (b) *Membership, voting, and meetings.* 1. Each member state shall have and
18 be limited to one delegate selected by that member state's licensing board.

19 2. The delegate shall be either:

20 a. A current member of the licensing board at the time of appointment, who is
21 a licensed professional counselor or public member; or

22 b. An administrator of the licensing board.

23 3. Any delegate may be removed or suspended from office as provided by the
24 law of the state from which the delegate is appointed.

1 4. The member state licensing board shall fill any vacancy occurring on the
2 commission within 60 days.

3 5. Each delegate shall be entitled to one vote with regard to the promulgation
4 of rules and creation of bylaws and shall otherwise have an opportunity to participate
5 in the business and affairs of the commission.

6 6. A delegate shall vote in person or by such other means as provided in the
7 bylaws. The bylaws may provide for delegates' participation in meetings by
8 telephone or other means of communication.

9 7. The commission shall meet at least once during each calendar year.
10 Additional meetings shall be held as set forth in the bylaws.

11 8. The commission shall by rule establish a term of office for delegates and may
12 by rule establish term limits.

13 (c) The commission shall have the following powers and duties:

14 1. Establish the fiscal year of the commission;

15 2. Establish bylaws;

16 3. Maintain its financial records in accordance with the bylaws;

17 4. Meet and take such actions as are consistent with the provisions of this
18 compact and the bylaws;

19 5. Promulgate rules which shall be binding to the extent and in the manner
20 provided for in the compact;

21 6. Bring and prosecute legal proceedings or actions in the name of the
22 commission, provided that the standing of any state licensing board to sue or be sued
23 under applicable law shall not be affected;

24 7. Purchase and maintain insurance and bonds;

1 8. Borrow, accept, or contract for services of personnel, including, but not
2 limited to, employees of a member state;

3 9. Hire employees, elect or appoint officers, fix compensation, define duties,
4 grant such individuals appropriate authority to carry out the purposes of the
5 compact, and establish the commission's personnel policies and programs relating
6 to conflicts of interest, qualifications of personnel, and other related personnel
7 matters;

8 10. Accept any and all appropriate donations and grants of money, equipment,
9 supplies, materials, and services, and to receive, utilize, and dispose of the same;
10 provided that at all times the commission shall avoid any appearance of impropriety
11 and/or conflict of interest;

12 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to
13 own, hold, improve or use, any property, real, personal or mixed; provided that at all
14 times the commission shall avoid any appearance of impropriety;

15 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise
16 dispose of any property real, personal, or mixed;

17 13. Establish a budget and make expenditures;

18 14. Borrow money;

19 15. Appoint committees, including standing committees composed of members,
20 state regulators, state legislators or their representatives, and consumer
21 representatives, and such other interested persons as may be designated in this
22 compact and the bylaws;

23 16. Provide and receive information from, and cooperate with, law enforcement
24 agencies;

25 17. Establish and elect an executive committee; and

1 18. Perform such other functions as may be necessary or appropriate to achieve
2 the purposes of this compact consistent with the state regulation of professional
3 counseling licensure and practice.

4 (d) *The executive committee.* 1. The executive committee shall have the power
5 to act on behalf of the commission according to the terms of this compact.

6 2. The executive committee shall be composed of up to 11 members:

7 a. Seven voting members who are elected by the commission from the current
8 membership of the commission; and

9 b. Up to 4 ex officio, nonvoting members from 4 recognized national
10 professional counselor organizations.

11 c. The ex officio members will be selected by their respective organizations.

12 3. The commission may remove any member of the executive committee as
13 provided in bylaws.

14 4. The executive committee shall meet at least annually.

15 5. The executive committee shall have the following duties and responsibilities:

16 a. Recommend to the entire commission changes to the rules or bylaws, changes
17 to this compact legislation, fees paid by compact member states such as annual dues,
18 and any commission compact fee charged to licensees for the privilege to practice;

19 b. Ensure compact administration services are appropriately provided,
20 contractual or otherwise;

21 c. Prepare and recommend the budget;

22 d. Maintain financial records on behalf of the commission;

23 e. Monitor compact compliance of member states and provide compliance
24 reports to the commission;

25 f. Establish additional committees as necessary; and

1 g. Other duties as provided in rules or bylaws.

2 (e) *Meetings of the commission.* 1. All meetings shall be open to the public, and
3 public notice of meetings shall be given in the same manner as required under the
4 rule-making provisions in sub. (11).

5 2. The commission or the executive committee or other committees of the
6 commission may convene in a closed, nonpublic meeting if the commission or
7 executive committee or other committees of the commission must discuss:

8 a. Noncompliance of a member state with its obligations under the compact;

9 b. The employment, compensation, discipline or other matters, practices or
10 procedures related to specific employees or other matters related to the commission's
11 internal personnel practices and procedures;

12 c. Current, threatened, or reasonably anticipated litigation;

13 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
14 real estate;

15 e. Accusing any person of a crime or formally censuring any person;

16 f. Disclosure of trade secrets or commercial or financial information that is
17 privileged or confidential;

18 g. Disclosure of information of a personal nature where disclosure would
19 constitute a clearly unwarranted invasion of personal privacy;

20 h. Disclosure of investigative records compiled for law enforcement purposes;

21 i. Disclosure of information related to any investigative reports prepared by or
22 on behalf of or for use of the commission or other committee charged with
23 responsibility of investigation or determination of compliance issues pursuant to the
24 compact; or

1 j. Matters specifically exempted from disclosure by federal or member state
2 statute.

3 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
4 commission's legal counsel or designee shall certify that the meeting may be closed
5 and shall reference each relevant exempting provision.

6 4. The commission shall keep minutes that fully and clearly describe all
7 matters discussed in a meeting and shall provide a full and accurate summary of
8 actions taken, and the reasons therefore, including a description of the views
9 expressed. All documents considered in connection with an action shall be identified
10 in such minutes. All minutes and documents of a closed meeting shall remain under
11 seal, subject to release by a majority vote of the commission or order of a court of
12 competent jurisdiction.

13 (f) *Financing of the commission.* 1. The commission shall pay, or provide for
14 the payment of, the reasonable expenses of its establishment, organization, and
15 ongoing activities.

16 2. The commission may accept any and all appropriate revenue sources,
17 donations, and grants of money, equipment, supplies, materials, and services.

18 3. The commission may levy on and collect an annual assessment from each
19 member state or impose fees on other parties to cover the cost of the operations and
20 activities of the commission and its staff, which must be in a total amount sufficient
21 to cover its annual budget as approved each year for which revenue is not provided
22 by other sources. The aggregate annual assessment amount shall be allocated based
23 upon a formula to be determined by the commission, which shall promulgate a rule
24 binding upon all member states.

1 4. The commission shall not incur obligations of any kind prior to securing the
2 funds adequate to meet the same; nor shall the commission pledge the credit of any
3 of the member states, except by and with the authority of the member state.

4 5. The commission shall keep accurate accounts of all receipts and
5 disbursements. The receipts and disbursements of the commission shall be subject
6 to the audit and accounting procedures established under its bylaws. However, all
7 receipts and disbursements of funds handled by the commission shall be audited
8 yearly by a certified or licensed public accountant, and the report of the audit shall
9 be included in and become part of the annual report of the commission.

10 (g) *Qualified immunity, defense, and indemnification.* 1. The members,
11 officers, executive director, employees and representatives of the commission shall
12 be immune from suit and liability, either personally or in their official capacity, for
13 any claim for damage to or loss of property or personal injury or other civil liability
14 caused by or arising out of any actual or alleged act, error or omission that occurred,
15 or that the person against whom the claim is made had a reasonable basis for
16 believing occurred within the scope of commission employment, duties or
17 responsibilities; provided that nothing in this subdivision shall be construed to
18 protect any such person from suit and/or liability for any damage, loss, injury, or
19 liability caused by the intentional or willful or wanton misconduct of that person.

20 2. The commission shall defend any member, officer, executive director,
21 employee or representative of the commission in any civil action seeking to impose
22 liability arising out of any actual or alleged act, error, or omission that occurred
23 within the scope of commission employment, duties, or responsibilities, or that the
24 person against whom the claim is made had a reasonable basis for believing occurred
25 within the scope of commission employment, duties, or responsibilities; provided

1 that nothing herein shall be construed to prohibit that person from retaining his or
2 her own counsel; and provided further, that the actual or alleged act, error, or
3 omission did not result from that person's intentional or willful or wanton
4 misconduct.

5 3. The commission shall indemnify and hold harmless any member, officer,
6 executive director, employee, or representative of the commission for the amount of
7 any settlement or judgment obtained against that person arising out of any actual
8 or alleged act, error, or omission that occurred within the scope of commission
9 employment, duties, or responsibilities, or that such person had a reasonable basis
10 for believing occurred within the scope of commission employment, duties, or
11 responsibilities, provided that the actual or alleged act, error, or omission did not
12 result from the intentional or willful or wanton misconduct of that person.

13 **(10) DATA SYSTEM.** (a) The commission shall provide for the development,
14 maintenance, operation, and utilization of a coordinated database and reporting
15 system containing licensure, adverse action, and investigative information on all
16 licensed individuals in member states.

17 (b) Notwithstanding any other provision of state law to the contrary, a member
18 state shall submit a uniform data set to the data system on all individuals to whom
19 this compact is applicable as required by the rules of the commission, including:

- 20 1. Identifying information;
- 21 2. Licensure data;
- 22 3. Adverse actions against a license or privilege to practice;
- 23 4. Nonconfidential information related to alternative program participation;
- 24 5. Any denial of application for licensure, and the reason(s) for such denial;
- 25 6. Current significant investigative information; and

1 7. Other information that may facilitate the administration of this compact, as
2 determined by the rules of the commission.

3 (c) Investigative information pertaining to a licensee in any member state will
4 only be available to other member states.

5 (d) The commission shall promptly notify all member states of any adverse
6 action taken against a licensee or an individual applying for a license. Adverse action
7 information pertaining to a licensee in any member state will be available to any
8 other member state.

9 (e) Member states contributing information to the data system may designate
10 information that may not be shared with the public without the express permission
11 of the contributing state.

12 (f) Any information submitted to the data system that is subsequently required
13 to be expunged by the laws of the member state contributing the information shall
14 be removed from the data system.

15 **(11) RULE MAKING.** (a) The commission shall promulgate reasonable rules in
16 order to effectively and efficiently achieve the purpose of the compact.
17 Notwithstanding the foregoing, in the event the commission exercises its
18 rule-making authority in a manner that is beyond the scope of the purposes of the
19 compact, or the powers granted hereunder, then such an action by the commission
20 shall be invalid and have no force or effect.

21 (b) The commission shall exercise its rule-making powers pursuant to the
22 criteria set forth in this subsection and the rules adopted thereunder. Rules and
23 amendments shall become binding as of the date specified in each rule or
24 amendment.

1 (c) If a majority of the legislatures of the member states rejects a rule, by
2 enactment of a statute or resolution in the same manner used to adopt the compact
3 within 4 years of the date of adoption of the rule, then such rule shall have no further
4 force and effect in any member state.

5 (d) Rules or amendments to the rules shall be adopted at a regular or special
6 meeting of the commission.

7 (e) Prior to promulgation and adoption of a final rule or rules by the
8 commission, and at least 30 days in advance of the meeting at which the rule will be
9 considered and voted upon, the commission shall file a notice of proposed rule
10 making:

- 11 1. On the website of the commission or other publicly accessible platform; and
- 12 2. On the website of each member state professional counseling licensing board
13 or other publicly accessible platform or the publication in which each state would
14 otherwise publish proposed rules.

15 (f) The notice of proposed rule making shall include:

- 16 1. The proposed time, date, and location of the meeting in which the rule will
17 be considered and voted upon;
- 18 2. The text of the proposed rule or amendment and the reason for the proposed
19 rule;
- 20 3. A request for comments on the proposed rule from any interested person; and
- 21 4. The manner in which interested persons may submit notice to the
22 commission of their intention to attend the public hearing and any written
23 comments.

1 (g) Prior to adoption of a proposed rule, the commission shall allow persons to
2 submit written data, facts, opinions, and arguments, which shall be made available
3 to the public.

4 (h) The commission shall grant an opportunity for a public hearing before it
5 adopts a rule or amendment if a hearing is requested by:

- 6 1. At least 25 persons;
- 7 2. A state or federal governmental subdivision or agency; or
- 8 3. An association having at least 25 members.

9 (i) If a hearing is held on the proposed rule or amendment, the commission shall
10 publish the place, time, and date of the scheduled public hearing. If the hearing is
11 held via electronic means, the commission shall publish the mechanism for access
12 to the electronic hearing.

13 1. All persons wishing to be heard at the hearing shall notify the executive
14 director of the commission or other designated member in writing of their desire to
15 appear and testify at the hearing not less than 5 business days before the scheduled
16 date of the hearing.

17 2. Hearings shall be conducted in a manner providing each person who wishes
18 to comment a fair and reasonable opportunity to comment orally or in writing.

19 3. All hearings will be recorded. A copy of the recording will be made available
20 on request.

21 4. Nothing in this subsection shall be construed as requiring a separate hearing
22 on each rule. Rules may be grouped for the convenience of the commission at
23 hearings required by this subsection.

1 (j) Following the scheduled hearing date, or by the close of business on the
2 scheduled hearing date if the hearing was not held, the commission shall consider
3 all written and oral comments received.

4 (k) If no written notice of intent to attend the public hearing by interested
5 parties is received, the commission may proceed with promulgation of the proposed
6 rule without a public hearing.

7 (L) The commission shall, by majority vote of all members, take final action on
8 the proposed rule and shall determine the effective date of the rule, if any, based on
9 the rule-making record and the full text of the rule.

10 (m) Upon determination that an emergency exists, the commission may
11 consider and adopt an emergency rule without prior notice, opportunity for
12 comment, or hearing, provided that the usual rule-making procedures provided in
13 the compact and in this subsection shall be retroactively applied to the rule as soon
14 as reasonably possible, in no event later than 90 days after the effective date of the
15 rule. For the purposes of this provision, an emergency rule is one that must be
16 adopted immediately in order to:

- 17 1. Meet an imminent threat to public health, safety, or welfare;
- 18 2. Prevent a loss of commission or member state funds;
- 19 3. Meet a deadline for the promulgation of an administrative rule that is
20 established by federal law or rule; or
- 21 4. Protect public health and safety.

22 (n) The commission or an authorized committee of the commission may direct
23 revisions to a previously adopted rule or amendment for purposes of correcting
24 typographical errors, errors in format, errors in consistency, or grammatical errors.
25 Public notice of any revisions shall be posted on the website of the commission. The

1 revision shall be subject to challenge by any person for a period of 30 days after
2 posting. The revision may be challenged only on grounds that the revision results
3 in a material change to a rule. A challenge shall be made in writing and delivered
4 to the chair of the commission prior to the end of the notice period. If no challenge
5 is made, the revision will take effect without further action. If the revision is
6 challenged, the revision may not take effect without the approval of the commission.

7 **(12) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) 1. The executive,
8 legislative, and judicial branches of state government in each member state shall
9 enforce this compact and take all actions necessary and appropriate to effectuate the
10 compact's purposes and intent. The provisions of this compact and the rules
11 promulgated hereunder shall have standing as statutory law.

12 2. All courts shall take judicial notice of the compact and the rules in any
13 judicial or administrative proceeding in a member state pertaining to the subject
14 matter of this compact which may affect the powers, responsibilities, or actions of the
15 commission.

16 3. The commission shall be entitled to receive service of process in any such
17 proceeding and shall have standing to intervene in such a proceeding for all
18 purposes. Failure to provide service of process to the commission shall render a
19 judgment or order void as to the commission, this compact, or promulgated rules.

20 (b) 1. If the commission determines that a member state has defaulted in the
21 performance of its obligations or responsibilities under this compact or the
22 promulgated rules, the commission shall:

23 a. Provide written notice to the defaulting state and other member states of the
24 nature of the default, the proposed means of curing the default and/or any other
25 action to be taken by the commission; and

1 b. Provide remedial training and specific technical assistance regarding the
2 default.

3 (c) If a state in default fails to cure the default, the defaulting state may be
4 terminated from the compact upon an affirmative vote of a majority of the member
5 states, and all rights, privileges, and benefits conferred by this compact may be
6 terminated on the effective date of termination. A cure of the default does not relieve
7 the offending state of obligations or liabilities incurred during the period of default.

8 (d) Termination of membership in the compact shall be imposed only after all
9 other means of securing compliance have been exhausted. Notice of intent to
10 suspend or terminate shall be given by the commission to the governor, the majority
11 and minority leaders of the defaulting state's legislature, and each of the member
12 states.

13 (e) A state that has been terminated is responsible for all assessments,
14 obligations, and liabilities incurred through the effective date of termination,
15 including obligations that extend beyond the effective date of termination.

16 (f) The commission shall not bear any costs related to a state that is found to
17 be in default or that has been terminated from the compact, unless agreed upon in
18 writing between the commission and the defaulting state.

19 (g) The defaulting state may appeal the action of the commission by petitioning
20 the U.S. district court for the District of Columbia or the federal district where the
21 commission has its principal offices. The prevailing member shall be awarded all
22 costs of such litigation, including reasonable attorney's fees.

23 (h) 1. Upon request by a member state, the commission shall attempt to resolve
24 disputes related to the compact that arise among member states and between
25 member and non-member states.

1 2. The commission shall promulgate a rule providing for both mediation and
2 binding dispute resolution for disputes as appropriate.

3 (i) 1. The commission, in the reasonable exercise of its discretion, shall enforce
4 the provisions and rules of this compact.

5 2. By majority vote, the commission may initiate legal action in the United
6 States district court for the District of Columbia or the federal district where the
7 commission has its principal offices against a member state in default to enforce
8 compliance with the provisions of the compact and its promulgated rules and bylaws.
9 The relief sought may include both injunctive relief and damages. In the event
10 judicial enforcement is necessary, the prevailing member shall be awarded all costs
11 of such litigation, including reasonable attorney's fees.

12 3. The remedies herein shall not be the exclusive remedies of the commission.
13 The commission may pursue any other remedies available under federal or state law.

14 **(13) DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND**
15 **ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall come into
16 effect on the date on which the compact statute is enacted into law in the 10th
17 member state. The provisions, which become effective at that time, shall be limited
18 to the powers granted to the commission relating to assembly and the promulgation
19 of rules. Thereafter, the commission shall meet and exercise rule-making powers
20 necessary to the implementation and administration of the compact.

21 (b) Any state that joins the compact subsequent to the commission's initial
22 adoption of the rules shall be subject to the rules as they exist on the date on which
23 the compact becomes law in that state. Any rule that has been previously adopted
24 by the commission shall have the full force and effect of law on the day the compact
25 becomes law in that state.

1 (c) Any member state may withdraw from this compact by enacting a statute
2 repealing the same.

3 1. A member state's withdrawal shall not take effect until 6 months after
4 enactment of the repealing statute.

5 2. Withdrawal shall not affect the continuing requirement of the withdrawing
6 state's professional counseling licensing board to comply with the investigative and
7 adverse action reporting requirements of this act prior to the effective date of
8 withdrawal.

9 (d) Nothing contained in this compact shall be construed to invalidate or
10 prevent any professional counseling licensure agreement or other cooperative
11 arrangement between a member state and a non-member state that does not conflict
12 with the provisions of this compact.

13 (e) This compact may be amended by the member states. No amendment to this
14 compact shall become effective and binding upon any member state until it is enacted
15 into the laws of all member states.

16 **(14) CONSTRUCTION AND SEVERABILITY.** This compact shall be liberally construed
17 so as to effectuate the purposes thereof. The provisions of this compact shall be
18 severable and if any phrase, clause, sentence or provision of this compact is declared
19 to be contrary to the constitution of any member state or of the United States or the
20 applicability thereof to any government, agency, person or circumstance is held
21 invalid, the validity of the remainder of this compact and the applicability thereof to
22 any government, agency, person or circumstance shall not be affected thereby. If this
23 compact shall be held contrary to the constitution of any member state, the compact
24 shall remain in full force and effect as to the remaining member states and in full
25 force and effect as to the member state affected as to all severable matters.

1 **(15) BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) A licensee providing
2 professional counseling services in a remote state under the privilege to practice
3 shall adhere to the laws and regulations, including scope of practice, of the remote
4 state.

5 (b) Nothing herein prevents the enforcement of any other law of a member state
6 that is not inconsistent with the compact.

7 (c) Any laws in a member state in conflict with the compact are superseded to
8 the extent of the conflict.

9 (d) Any lawful actions of the commission, including all rules and bylaws
10 properly promulgated by the commission, are binding upon the member states.

11 (e) All permissible agreements between the commission and the member states
12 are binding in accordance with their terms.

13 (f) In the event any provision of the compact exceeds the constitutional limits
14 imposed on the legislature of any member state, the provision shall be ineffective to
15 the extent of the conflict with the constitutional provision in question in that member
16 state.

17 **457.51 Implementation of the counseling compact. (1)** In this section:

18 (a) “Examining board” means the marriage and family therapy, professional
19 counseling, and social work examining board.

20 (b) “Privilege to practice” has the meaning given in s. 457.50 (2) (s).

21 (c) “Professional counselor section” means the professional counselor section
22 of the examining board.

23 **(2)** The department may impose a fee for an individual to receive a privilege
24 to practice as provided in s. 457.50 (3) (c).

1 **(3)** The professional counselor section may, by rule, require an individual
2 applying for a license under s. 457.12 (2m) or an individual seeking a privilege to
3 practice under s. 457.12 (3m) to meet a jurisprudence requirement in accordance
4 with s. 457.50 (4) (a) 8., if such a requirement is imposed by the professional
5 counselor section under s. 457.16 in order to obtain a license under s. 457.12 (1m).

6 **(4)** (a) An individual who is exercising the privilege to practice in this state
7 shall comply with s. 440.03 (13) (am).

8 (b) Subject to s. 457.50 and any rules promulgated thereunder, ss. 440.20 to
9 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
10 is exercising the privilege to practice in this state in the same manner that they apply
11 to holders of licenses issued under subch. I.

12 **SECTION 301.** Subchapter III of chapter 457 [precedes 457.70] of the statutes
13 is created to read:

14 **CHAPTER 457**

15 **SUBCHAPTER III**

16 **SOCIAL WORK LICENSURE COMPACT**

17 **457.70 Social work licensure compact. (1) PURPOSE.** The purpose of this
18 compact is to facilitate interstate practice of regulated social workers by improving
19 public access to competent social work services. The compact preserves the
20 regulatory authority of states to protect public health and safety through the current
21 system of state licensure. This compact is designed to achieve the following
22 objectives:

23 (a) Increase public access to social work services;

24 (b) Reduce overly burdensome and duplicative requirements associated with
25 holding multiple licenses;

1 (c) Enhance the member states' ability to protect the public's health and safety;

2 (d) Encourage the cooperation of member states in regulating multistate
3 practice;

4 (e) Promote mobility and address workforce shortages by eliminating the
5 necessity for licenses in multiple states by providing for the mutual recognition of
6 other member state licenses;

7 (f) Support military families;

8 (g) Facilitate the exchange of licensure and disciplinary information among
9 member states;

10 (h) Authorize all member states to hold a regulated social worker accountable
11 for abiding by a member state's laws, regulations, and applicable professional
12 standards in the member state in which the client is located at the time care is
13 rendered; and

14 (i) Allow for the use of telehealth to facilitate increased access to regulated
15 social work services.

16 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided, the
17 following definitions shall apply:

18 (a) "Active military member" means any individual with full-time duty status
19 in the active armed forces of the United States including members of the national
20 guard and reserve.

21 (b) "Adverse action" means any administrative, civil, equitable or criminal
22 action permitted by a state's laws which is imposed by a licensing authority or other
23 authority against a regulated social worker, including actions against an individual's
24 license or multistate authorization to practice such as revocation, suspension,
25 probation, monitoring of the licensee, limitation on the licensee's practice, or any

1 other encumbrance on licensure affecting a regulated social worker's authorization
2 to practice, including issuance of a cease and desist action.

3 (c) "Alternative program" means a nondisciplinary monitoring or practice
4 remediation process approved by a licensing authority to address practitioners with
5 an impairment.

6 (d) "Charter member states" - member states who have enacted legislation to
7 adopt this compact where such legislation predates the effective date of this compact
8 as described in sub. (14).

9 (e) "Compact commission" or "commission" means the government agency
10 whose membership consists of all states that have enacted this compact, which is
11 known as the social work licensure compact commission, as described in sub. (10),
12 and which shall operate as an instrumentality of the member states.

13 (f) "Current significant investigative information" means:

14 1. Investigative information that a licensing authority, after a preliminary
15 inquiry that includes notification and an opportunity for the regulated social worker
16 to respond has reason to believe is not groundless and, if proved true, would indicate
17 more than a minor infraction as may be defined by the commission; or

18 2. Investigative information that indicates that the regulated social worker
19 represents an immediate threat to public health and safety, as may be defined by the
20 commission, regardless of whether the regulated social worker has been notified and
21 has had an opportunity to respond.

22 (g) "Data system" means a repository of information about licensees, including,
23 continuing education, examination, licensure, current significant investigative
24 information, disqualifying event, multistate license(s) and adverse action
25 information or other information as required by the commission.

1 (h) “Disqualifying event” means any adverse action or incident which results
2 in an encumbrance that disqualifies or makes the licensee ineligible to either obtain,
3 retain or renew a multistate license.

4 (i) “Domicile” means the jurisdiction in which the licensee resides and intends
5 to remain indefinitely.

6 (j) “Encumbrance” means a revocation or suspension of, or any limitation on,
7 the full and unrestricted practice of social work licensed and regulated by a licensing
8 authority.

9 (k) “Executive committee” means a group of delegates elected or appointed to
10 act on behalf of, and within the powers granted to them by, the compact and
11 commission.

12 (L) “Home state” means the member state that is the licensee’s primary
13 domicile.

14 (m) “Impairment” means a condition(s) that may impair a practitioner’s ability
15 to engage in full and unrestricted practice as a regulated social worker without some
16 type of intervention and may include alcohol and drug dependence, mental health
17 impairment, and neurological or physical impairments.

18 (n) “Licensee(s)” means an individual who currently holds a license from a state
19 to practice as a regulated social worker.

20 (o) “Licensing authority” means the board or agency of a member state, or
21 equivalent, that is responsible for the licensing and regulation of regulated social
22 workers.

23 (p) “Member state” means a state, commonwealth, district, or territory of the
24 United States of America that has enacted this compact.

1 (q) “Multistate authorization to practice” means a legally authorized privilege
2 to practice, which is equivalent to a license, associated with a multistate license
3 permitting the practice of social work in a remote state.

4 (r) “Multistate license” means a license to practice as a regulated social worker
5 issued by a home state licensing authority that authorizes the regulated social
6 worker to practice in all member states under multistate authorization to practice.

7 (s) “Qualifying national exam” means a national licensing examination
8 approved by the commission.

9 (t) “Regulated social worker” means any clinical, master’s or bachelor’s social
10 worker licensed by a member state regardless of the title used by that member state.

11 (u) “Remote state” means a member state other than the licensee’s home state.

12 (v) “Rule(s)” or “rule(s) of the commission” means a regulation or regulations
13 duly promulgated by the commission, as authorized by the compact, that has the
14 force of law.

15 (w) “Single state license” means a social work license issued by any state that
16 authorizes practice only within the issuing state and does not include multistate
17 authorization to practice in any member state.

18 (x) “Social work” or “social work services” means the application of social work
19 theory, knowledge, methods, ethics, and the professional use of self to restore or
20 enhance social, psychosocial, or biopsychosocial functioning of individuals, couples,
21 families, groups, organizations, and communities through the care and services
22 provided by a regulated social worker as set forth in the member state’s statutes and
23 regulations in the state where the services are being provided.

24 (y) “State” means any state, commonwealth, district, or territory of the United
25 States of America that regulates the practice of social work.

1 (z) “Unencumbered license” means a license that authorizes a regulated social
2 worker to engage in the full and unrestricted practice of social work.

3 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To be eligible to participate in the
4 compact, a potential member state must currently meet all of the following criteria:

5 1. License and regulate the practice of social work at either the clinical,
6 master’s, or bachelor’s category.

7 2. Require applicants for licensure to graduate from a program that is:

8 a. Operated by a college or university recognized by the licensing authority;

9 b. Accredited, or in candidacy by an institution that subsequently becomes
10 accredited, by an accrediting agency recognized by either the Council for Higher
11 Education Accreditation, or its successor; or the United States department of
12 education; and

13 c. Corresponds to the licensure sought as outlined in sub. (4).

14 3. Require applicants for clinical licensure to complete a period of supervised
15 practice.

16 4. Have a mechanism in place for receiving, investigating, and adjudicating
17 complaints about licensees.

18 (b) To maintain membership in the compact a member state shall:

19 1. Require that applicants for a multistate license pass a qualifying national
20 exam for the corresponding category of multistate license sought as outlined in sub.
21 (4).

22 2. Participate fully in the commission’s data system, including using the
23 commission’s unique identifier as defined in rules;

1 3. Notify the commission, in compliance with the terms of the compact and
2 rules, of any adverse action or the availability of current significant investigative
3 information regarding a licensee;

4 4. Implement procedures for considering the criminal history records of
5 applicants for a multistate license. Such procedures shall include the submission of
6 fingerprints or other biometric-based information by applicants for the purpose of
7 obtaining an applicant's criminal history record information from the federal bureau
8 of investigation and the agency responsible for retaining that state's criminal
9 records.

10 5. Comply with the rules of the commission;

11 6. Require an applicant to obtain or retain a license in the home state and meet
12 the home state's qualifications for licensure or renewal of licensure, as well as all
13 other applicable home state laws;

14 7. Authorize a licensee holding a multistate license in any member state to
15 practice in accordance with the terms of the compact and rules of the commission;
16 and

17 8. Designate a delegate to participate in the commission meetings.

18 (c) A member state meeting the requirements of pars. (a) and (b) shall designate
19 the categories of social work licensure that are eligible for issuance of a multistate
20 license for applicants in such member state. To the extent that any member state
21 does not meet the requirements for participation in the compact at any particular
22 category of social work licensure, such member state may choose, but is not obligated
23 to, issue a multistate license to applicants that otherwise meet the requirements of
24 sub. (4) for issuance of a multistate license in such category or categories of licensure.

25 (d) The home state may charge a fee for granting the multistate license.

1 **(4) SOCIAL WORKER PARTICIPATION IN THE COMPACT.** (a) To be eligible for a
2 multistate license under the terms and provisions of the compact, an applicant,
3 regardless of category must:

4 1. Hold or be eligible for an active, unencumbered license in the home state;

5 2. Pay any applicable fees, including any state fee, for the multistate license;

6 3. Submit, in connection with an application for a multistate license,
7 fingerprints or other biometric data for the purpose of obtaining criminal history
8 record information from the federal bureau of investigation and the agency
9 responsible for retaining that state's criminal records.

10 4. Notify the home state of any adverse action, encumbrance, or restriction on
11 any professional license taken by any member state or nonmember state within 30
12 days from the date the action is taken.

13 5. Meet any continuing competence requirements established by the home
14 state;

15 6. Abide by the laws, regulations, and applicable standards in the member state
16 where the client is located at the time care is rendered.

17 (b) An applicant for a clinical-category multistate license must meet all of the
18 following requirements:

19 1. Fulfill a competency requirement, which shall be satisfied by either:

20 a. Passage of a clinical-category qualifying national exam; or

21 b. Licensure of the applicant in their home state at the clinical category,
22 beginning prior to such time as a qualifying national exam was required by the home
23 state and accompanied by a period of continuous social work licensure thereafter, all
24 of which may be further governed by the rules of the commission; or

1 c. The substantial equivalency of the foregoing competency requirements
2 which the commission may determine by rule.

3 2. Attain at least a master's degree in social work from a program that is:

4 a. Operated by a college or university recognized by the licensing authority; and

5 b. Accredited, or in candidacy that subsequently becomes accredited, by an
6 accrediting agency recognized by either the Council for Higher Education
7 Accreditation or its successor; or the United States department of education.

8 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
9 completion of either:

10 a. A period of postgraduate supervised clinical practice equal to a minimum of
11 three thousand hours; or

12 b. A minimum of 2 years of full-time postgraduate supervised clinical practice;
13 or

14 c. The substantial equivalency of the foregoing practice requirements which
15 the commission may determine by rule.

16 (c) An applicant for a master's-category multistate license must meet all of the
17 following requirements:

18 1. Fulfill a competency requirement, which shall be satisfied by either:

19 a. Passage of a masters-category qualifying national exam;

20 b. Licensure of the applicant in their home state at the master's category,
21 beginning prior to such time as a qualifying national exam was required by the home
22 state at the master's category and accompanied by a continuous period of social work
23 licensure thereafter, all of which may be further governed by the rules of the
24 commission; or

1 c. The substantial equivalency of the foregoing competency requirements
2 which the commission may determine by rule.

3 2. Attain at least a master's degree in social work from a program that is:

4 a. Operated by a college or university recognized by the licensing authority; and

5 b. Accredited, or in candidacy that subsequently becomes accredited, by an
6 accrediting agency recognized by either the Council for Higher Education
7 Accreditation or its successor; or the United States department of education.

8 (d) An applicant for a bachelor's-category multistate license must meet all of
9 the following requirements:

10 1. Fulfill a competency requirement, which shall be satisfied by either:

11 a. Passage of a bachelor's-category qualifying national exam;

12 b. Licensure of the applicant in their home state at the bachelor's category,
13 beginning prior to such time as a qualifying national exam was required by the home
14 state and accompanied by a period of continuous social work licensure thereafter, all
15 of which may be further governed by the rules of the commission; or

16 c. The substantial equivalency of the foregoing competency requirements
17 which the commission may determine by rule.

18 2. Attain at least a bachelor's degree in social work from a program that is:

19 a. Operated by a college or university recognized by the licensing authority; and

20 b. Accredited, or in candidacy that subsequently becomes accredited, by an
21 accrediting agency recognized by either the Council for Higher Education
22 Accreditation or its successor; or the United States department of education.

23 (e) The multistate license for a regulated social worker is subject to the renewal
24 requirements of the home state. The regulated social worker must maintain

1 compliance with the requirements of par. (a) to be eligible to renew a multistate
2 license.

3 (f) The regulated social worker's services in a remote state are subject to that
4 member state's regulatory authority. A remote state may, in accordance with due
5 process and that member state's laws, remove a regulated social worker's multistate
6 authorization to practice in the remote state for a specific period of time, impose
7 fines, and take any other necessary actions to protect the health and safety of its
8 citizens.

9 (g) If a multistate license is encumbered, the regulated social worker's
10 multistate authorization to practice shall be deactivated in all remote states until the
11 multistate license is no longer encumbered.

12 (h) If a multistate authorization to practice is encumbered in a remote state,
13 the regulated social worker's multistate authorization to practice may be
14 deactivated in that state until the multistate authorization to practice is no longer
15 encumbered.

16 **(5) ISSUANCE OF A MULTISTATE LICENSE.** (a) Upon receipt of an application for
17 multistate license, the home state licensing authority shall determine the applicant's
18 eligibility for a multistate license in accordance with sub. (4).

19 (b) If such applicant is eligible pursuant to sub. (4), the home state licensing
20 authority shall issue a multistate license that authorizes the applicant or regulated
21 social worker to practice in all member states under a multistate authorization to
22 practice.

23 (c) Upon issuance of a multistate license, the home state licensing authority
24 shall designate whether the regulated social worker holds a multistate license in the
25 bachelor's, master's, or clinical category of social work.

1 (d) A multistate license issued by a home state to a resident in that state shall
2 be recognized by all compact member states as authorizing social work practice
3 under a multistate authorization to practice corresponding to each category of
4 licensure regulated in each member state.

5 **(6) AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING**
6 **AUTHORITIES.** (a) Nothing in this compact, nor any rule of the commission, shall be
7 construed to limit, restrict, or in any way reduce the ability of a member state to enact
8 and enforce laws, regulations, or other rules related to the practice of social work in
9 that state, where those laws, regulations, or other rules are not inconsistent with the
10 provisions of this compact.

11 (b) Nothing in this compact shall affect the requirements established by a
12 member state for the issuance of a single state license.

13 (c) Nothing in this compact, nor any rule of the commission, shall be construed
14 to limit, restrict, or in any way reduce the ability of a member state to take adverse
15 action against a licensee's single state license to practice social work in that state.

16 (d) Nothing in this compact, nor any rule of the commission, shall be construed
17 to limit, restrict, or in any way reduce the ability of a remote state to take adverse
18 action against a licensee's multistate authorization to practice in that state.

19 (e) Nothing in this compact, nor any rule of the commission, shall be construed
20 to limit, restrict, or in any way reduce the ability of a licensee's home state to take
21 adverse action against a licensee's multistate license based upon information
22 provided by a remote state.

23 **(7) REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE.** (a) A licensee can
24 hold a multistate license, issued by their home state, in only one member state at any
25 given time.

1 (b) If a licensee changes their home state by moving between 2 member states:

2 1. The licensee shall immediately apply for the reissuance of their multistate
3 license in their new home state. The licensee shall pay all applicable fees and notify
4 the prior home state in accordance with the rules of the commission.

5 2. Upon receipt of an application to reissue a multistate license, the new home
6 state shall verify that the multistate license is active, unencumbered and eligible for
7 reissuance under the terms of the compact and the rules of the commission. The
8 multistate license issued by the prior home state will be deactivated and all member
9 states notified in accordance with the applicable rules adopted by the commission.

10 3. Prior to the reissuance of the multistate license, the new home state shall
11 conduct procedures for considering the criminal history records of the licensee. Such
12 procedures shall include the submission of fingerprints or other biometric-based
13 information by applicants for the purpose of obtaining an applicant's criminal
14 history record information from the federal bureau of investigation and the agency
15 responsible for retaining that state's criminal records.

16 4. If required for initial licensure, the new home state may require completion
17 of jurisprudence requirements in the new home state.

18 5. Notwithstanding any other provision of this compact, if a licensee does not
19 meet the requirements set forth in this compact for the reissuance of a multistate
20 license by the new home state, then the licensee shall be subject to the new home
21 state requirements for the issuance of a single state license in that state.

22 (c) If a licensee changes their primary state of residence by moving from a
23 member state to a nonmember state, or from a nonmember state to a member state,
24 then the licensee shall be subject to the state requirements for the issuance of a single
25 state license in the new home state.

1 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
2 single state license in multiple states; however, for the purposes of this compact, a
3 licensee shall have only one home state, and only one multistate license.

4 (e) Nothing in this compact shall interfere with the requirements established
5 by a member state for the issuance of a single state license.

6 **(8) MILITARY FAMILIES.** An active military member or their spouse shall
7 designate a home state where the individual has a multistate license. The individual
8 may retain their home state designation during the period the service member is on
9 active duty.

10 **(9) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state law,
11 a remote state shall have the authority, in accordance with existing state due process
12 law, to:

13 1. Take adverse action against a regulated social worker's multistate
14 authorization to practice only within that member state, and issue subpoenas for
15 both hearings and investigations that require the attendance and testimony of
16 witnesses as well as the production of evidence. Subpoenas issued by a licensing
17 authority in a member state for the attendance and testimony of witnesses or the
18 production of evidence from another member state shall be enforced in the latter
19 state by any court of competent jurisdiction, according to the practice and procedure
20 of that court applicable to subpoenas issued in proceedings pending before it. The
21 issuing licensing authority shall pay any witness fees, travel expenses, mileage, and
22 other fees required by the service statutes of the state in which the witnesses or
23 evidence are located.

24 2. Only the home state shall have the power to take adverse action against a
25 regulated social worker's multistate license.

1 (b) For purposes of taking adverse action, the home state shall give the same
2 priority and effect to reported conduct received from a member state as it would if
3 the conduct had occurred within the home state. In so doing, the home state shall
4 apply its own state laws to determine appropriate action.

5 (c) The home state shall complete any pending investigations of a regulated
6 social worker who changes their home state during the course of the investigations.
7 The home state shall also have the authority to take appropriate action(s) and shall
8 promptly report the conclusions of the investigations to the administrator of the data
9 system. The administrator of the data system shall promptly notify the new home
10 state of any adverse actions.

11 (d) A member state, if otherwise permitted by state law, may recover from the
12 affected regulated social worker the costs of investigations and dispositions of cases
13 resulting from any adverse action taken against that regulated social worker.

14 (e) A member state may take adverse action based on the factual findings of
15 another member state, provided that the member state follows its own procedures
16 for taking the adverse action.

17 (f) *Joint investigations.* 1. In addition to the authority granted to a member
18 state by its respective social work practice act or other applicable state law, any
19 member state may participate with other member states in joint investigations of
20 licensees.

21 2. Member states shall share any investigative, litigation, or compliance
22 materials in furtherance of any joint or individual investigation initiated under the
23 compact.

24 (g) If adverse action is taken by the home state against the multistate license
25 of a regulated social worker, the regulated social worker's multistate authorization

1 to practice in all other member states shall be deactivated until all encumbrances
2 have been removed from the multistate license. All home state disciplinary orders
3 that impose adverse action against the license of a regulated social worker shall
4 include a statement that the regulated social worker's multistate authorization to
5 practice is deactivated in all member states until all conditions of the decision, order
6 or agreement are satisfied.

7 (h) If a member state takes adverse action, it shall promptly notify the
8 administrator of the data system. The administrator of the data system shall
9 promptly notify the home state and all other member states of any adverse actions
10 by remote states.

11 (i) Nothing in this compact shall override a member state's decision that
12 participation in an alternative program may be used in lieu of adverse action.

13 (j) Nothing in this compact shall authorize a member state to demand the
14 issuance of subpoenas for attendance and testimony of witnesses or the production
15 of evidence from another member state for lawful actions within that member state.

16 (k) Nothing in this compact shall authorize a member state to impose discipline
17 against a regulated social worker who holds a multistate authorization to practice
18 for lawful actions within another member state.

19 **(10) ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION.** (a) The
20 compact member states hereby create and establish a joint government agency
21 whose membership consists of all member states that have enacted the compact
22 known as the social work licensure compact commission. The commission is an
23 instrumentality of the compact states acting jointly and not an instrumentality of
24 any one state. The commission shall come into existence on or after the effective date
25 of the compact as set forth in sub. (14).

1 (b) 1. Each member state shall have and be limited to one (1) delegate selected
2 by that member state's state licensing authority.

3 2. The delegate shall be either:

4 a. A current member of the state licensing authority at the time of appointment,
5 who is a regulated social worker or public member of the state licensing authority;
6 or

7 b. An administrator of the state licensing authority or their designee.

8 3. The commission shall by rule or bylaw establish a term of office for delegates
9 and may by rule or bylaw establish term limits.

10 4. The commission may recommend removal or suspension any delegate from
11 office.

12 5. A member state's state licensing authority shall fill any vacancy of its
13 delegate occurring on the commission within 60 days of the vacancy.

14 6. Each delegate shall be entitled to one vote on all matters before the
15 commission requiring a vote by commission delegates.

16 7. A delegate shall vote in person or by such other means as provided in the
17 bylaws. The bylaws may provide for delegates to meet by telecommunication,
18 videoconference, or other means of communication.

19 8. The commission shall meet at least once during each calendar year.
20 Additional meetings may be held as set forth in the bylaws. The commission may
21 meet by telecommunication, video conference or other similar electronic means.

22 (c) The commission shall have the following powers:

23 1. Establish the fiscal year of the commission;

24 2. Establish code of conduct and conflict of interest policies;

25 3. Establish and amend rules and bylaws;

- 1 4. Maintain its financial records in accordance with the bylaws;
- 2 5. Meet and take such actions as are consistent with the provisions of this
- 3 compact, the commission's rules, and the bylaws;
- 4 6. Initiate and conclude legal proceedings or actions in the name of the
- 5 commission, provided that the standing of any state licensing board to sue or be sued
- 6 under applicable law shall not be affected;
- 7 7. Maintain and certify records and information provided to a member state as
- 8 the authenticated business records of the commission, and designate an agent to do
- 9 so on the commission's behalf;
- 10 8. Purchase and maintain insurance and bonds;
- 11 9. Borrow, accept, or contract for services of personnel, including, but not
- 12 limited to, employees of a member state;
- 13 10. Conduct an annual financial review;
- 14 11. Hire employees, elect or appoint officers, fix compensation, define duties,
- 15 grant such individuals appropriate authority to carry out the purposes of the
- 16 compact, and establish the commission's personnel policies and programs relating
- 17 to conflicts of interest, qualifications of personnel, and other related personnel
- 18 matters;
- 19 12. Assess and collect fees;
- 20 13. Accept any and all appropriate gifts, donations, grants of money, other
- 21 sources of revenue, equipment, supplies, materials, and services, and receive, utilize,
- 22 and dispose of the same; provided that at all times the commission shall avoid any
- 23 appearance of impropriety or conflict of interest;
- 24 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
- 25 personal, or mixed, or any undivided interest therein;

1 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
2 dispose of any property real, personal, or mixed;

3 16. Establish a budget and make expenditures;

4 17. Borrow money;

5 18. Appoint committees, including standing committees, composed of
6 members, state regulators, state legislators or their representatives, and consumer
7 representatives, and such other interested persons as may be designated in this
8 compact and the bylaws;

9 19. Provide and receive information from, and cooperate with, law enforcement
10 agencies;

11 20. Establish and elect an executive committee, including a chair and a vice
12 chair;

13 21. Determine whether a state's adopted language is materially different from
14 the model compact language such that the state would not qualify for participation
15 in the compact; and

16 22. Perform such other functions as may be necessary or appropriate to achieve
17 the purposes of this compact.

18 (d) 1. The executive committee shall have the power to act on behalf of the
19 commission according to the terms of this compact. The powers, duties, and
20 responsibilities of the executive committee shall include:

21 a. Oversee the day-to-day activities of the administration of the compact
22 including enforcement and compliance with the provisions of the compact, its rules
23 and bylaws, and other such duties as deemed necessary;

1 b. Recommend to the commission changes to the rules or bylaws, changes to
2 this compact legislation, fees charged to compact member states, fees charged to
3 licensees, and other fees;

4 c. Ensure compact administration services are appropriately provided,
5 including by contract;

6 d. Prepare and recommend the budget;

7 e. Maintain financial records on behalf of the commission;

8 f. Monitor compact compliance of member states and provide compliance
9 reports to the commission;

10 g. Establish additional committees as necessary;

11 h. Exercise the powers and duties of the commission during the interim
12 between commission meetings, except for adopting or amending rules, adopting or
13 amending bylaws, and exercising any other powers and duties expressly reserved to
14 the commission by rule or bylaw; and

15 i. Other duties as provided in the rules or bylaws of the commission.

16 2. The executive committee shall be composed of up to eleven (11) members:

17 a. The chair and vice chair of the commission shall be voting members of the
18 executive committee; and

19 b. The commission shall elect five voting members from the current
20 membership of the commission.

21 c. Up to four (4) ex officio, nonvoting members from four (4) recognized national
22 social work organizations.

23 d. The ex officio members will be selected by their respective organizations.

24 3. The commission may remove any member of the executive committee as
25 provided in the commission's bylaws.

1 4. The executive committee shall meet at least annually.

2 a. Executive committee meetings shall be open to the public, except that the
3 executive committee may meet in a closed, nonpublic meeting as provided in par. (f)
4 2. below.

5 b. The executive committee shall give seven (7) days' notice of its meetings,
6 posted on its website and as determined to provide notice to persons with an interest
7 in the business of the commission.

8 c. The executive committee may hold a special meeting in accordance with par.
9 (f) 1. b. below.

10 (e) The commission shall adopt and provide to the member states an annual
11 report.

12 (f) 1. All meetings shall be open to the public, except that the commission may
13 meet in a closed, nonpublic meeting as provided in par. (f) 2. below.

14 a. Public notice for all meetings of the full commission of meetings shall be
15 given in the same manner as required under the rule-making provisions in sub. (12),
16 except that the commission may hold a special meeting as provided in par. (f) 1. b.
17 below.

18 b. The commission may hold a special meeting when it must meet to conduct
19 emergency business by giving 48 hours' notice to all commissioners, on the
20 commission's website, and other means as provided in the commission's rules. The
21 commission's legal counsel shall certify that the commission's need to meet qualifies
22 as an emergency.

23 2. The commission or the executive committee or other committees of the
24 commission may convene in a closed, nonpublic meeting for the commission or

1 executive committee or other committees of the commission to receive legal advice
2 or to discuss:

3 a. Noncompliance of a member state with its obligations under the compact;

4 b. The employment, compensation, discipline or other matters, practices or
5 procedures related to specific employees;

6 c. Current or threatened discipline of a licensee by the commission or by a
7 member state's licensing authority;

8 d. Current, threatened, or reasonably anticipated litigation;

9 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
10 real estate;

11 f. Accusing any person of a crime or formally censuring any person;

12 g. Trade secrets or commercial or financial information that is privileged or
13 confidential;

14 h. Information of a personal nature where disclosure would constitute a clearly
15 unwarranted invasion of personal privacy;

16 i. Investigative records compiled for law enforcement purposes;

17 j. Information related to any investigative reports prepared by or on behalf of
18 or for use of the commission or other committee charged with responsibility of
19 investigation or determination of compliance issues pursuant to the compact;

20 k. Matters specifically exempted from disclosure by federal or member state
21 law; or

22 L. Other matters as promulgated by the Commission by Rule.

23 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state
24 that the meeting will be closed and reference each relevant exempting provision, and
25 such reference shall be recorded in the minutes.

1 4. The commission shall keep minutes that fully and clearly describe all
2 matters discussed in a meeting and shall provide a full and accurate summary of
3 actions taken, and the reasons therefore, including a description of the views
4 expressed. All documents considered in connection with an action shall be identified
5 in such minutes. All minutes and documents of a closed meeting shall remain under
6 seal, subject to release only by a majority vote of the commission or order of a court
7 of competent jurisdiction.

8 (g) 1. The commission shall pay, or provide for the payment of, the reasonable
9 expenses of its establishment, organization, and ongoing activities.

10 2. The commission may accept any and all appropriate revenue sources as
11 provided in par. (c) 13.

12 3. The commission may levy on and collect an annual assessment from each
13 member state and impose fees on licensees of member states to whom it grants a
14 multistate license to cover the cost of the operations and activities of the commission
15 and its staff, which must be in a total amount sufficient to cover its annual budget
16 as approved each year for which revenue is not provided by other sources. The
17 aggregate annual assessment amount for member states shall be allocated based
18 upon a formula that the commission shall promulgate by rule.

19 4. The commission shall not incur obligations of any kind prior to securing the
20 funds adequate to meet the same; nor shall the commission pledge the credit of any
21 of the member states, except by and with the authority of the member state.

22 5. The commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the commission shall be subject
24 to the financial review and accounting procedures established under its bylaws.
25 However, all receipts and disbursements of funds handled by the commission shall

1 be subject to an annual financial review by a certified or licensed public accountant,
2 and the report of the financial review shall be included in and become part of the
3 annual report of the commission.

4 (h) 1. The members, officers, executive director, employees and representatives
5 of the commission shall be immune from suit and liability, both personally and in
6 their official capacity, for any claim for damage to or loss of property or personal
7 injury or other civil liability caused by or arising out of any actual or alleged act,
8 error, or omission that occurred, or that the person against whom the claim is made
9 had a reasonable basis for believing occurred within the scope of commission
10 employment, duties or responsibilities; provided that nothing in this subdivision
11 shall be construed to protect any such person from suit or liability for any damage,
12 loss, injury, or liability caused by the intentional or willful or wanton misconduct of
13 that person. The procurement of insurance of any type by the commission shall not
14 in any way compromise or limit the immunity granted hereunder.

15 2. The commission shall defend any member, officer, executive director,
16 employee, and representative of the commission in any civil action seeking to impose
17 liability arising out of any actual or alleged act, error, or omission that occurred
18 within the scope of commission employment, duties, or responsibilities, or as
19 determined by the commission that the person against whom the claim is made had
20 a reasonable basis for believing occurred within the scope of commission
21 employment, duties, or responsibilities; provided that nothing herein shall be
22 construed to prohibit that person from retaining their own counsel at their own
23 expense; and provided further, that the actual or alleged act, error, or omission did
24 not result from that person's intentional or willful or wanton misconduct.

1 3. The commission shall indemnify and hold harmless any member, officer,
2 executive director, employee, and representative of the commission for the amount
3 of any settlement or judgment obtained against that person arising out of any actual
4 or alleged act, error, or omission that occurred within the scope of commission
5 employment, duties, or responsibilities, or that such person had a reasonable basis
6 for believing occurred within the scope of commission employment, duties, or
7 responsibilities, provided that the actual or alleged act, error, or omission did not
8 result from the intentional or willful or wanton misconduct of that person.

9 4. Nothing herein shall be construed as a limitation on the liability of any
10 licensee for professional malpractice or misconduct, which shall be governed solely
11 by any other applicable state laws.

12 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate
13 a member state's state action immunity or state action affirmative defense with
14 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
15 or federal antitrust or anticompetitive law or regulation.

16 6. Nothing in this compact shall be construed to be a waiver of sovereign
17 immunity by the member states or by the commission.

18 **(11) DATA SYSTEM.** (a) The commission shall provide for the development,
19 maintenance, operation, and utilization of a coordinated data system.

20 (b) The commission shall assign each applicant for a multistate license a
21 unique identifier, as determined by the rules of the commission.

22 (c) Notwithstanding any other provision of state law to the contrary, a member
23 state shall submit a uniform data set to the data system on all individuals to whom
24 this compact is applicable as required by the rules of the commission, including:

- 25 1. Identifying information;

1 2. Licensure data;

2 3. Adverse actions against a license and information related thereto;

3 4. Nonconfidential information related to alternative program participation,
4 the beginning and ending dates of such participation, and other information related
5 to such participation not made confidential under member state law;

6 5. Any denial of application for licensure, and the reason(s) for such denial;

7 6. The presence of current significant investigative information; and

8 7. Other information that may facilitate the administration of this compact or
9 the protection of the public, as determined by the rules of the commission.

10 (d) The records and information provided to a member state pursuant to this
11 compact or through the data system, when certified by the commission or an agent
12 thereof, shall constitute the authenticated business records of the commission, and
13 shall be entitled to any associated hearsay exception in any relevant judicial,
14 quasi-judicial or administrative proceedings in a member state.

15 (e) Current significant investigative information pertaining to a licensee in any
16 member state will only be available to other member states.

17 1. It is the responsibility of the member states to report any adverse action
18 against a licensee and to monitor the database to determine whether adverse action
19 has been taken against a licensee. Adverse action information pertaining to a
20 licensee in any member state will be available to any other member state.

21 (f) Member states contributing information to the data system may designate
22 information that may not be shared with the public without the express permission
23 of the contributing state.

1 (g) Any information submitted to the data system that is subsequently
2 expunged pursuant to federal law or the laws of the member state contributing the
3 information shall be removed from the data system.

4 **(12) RULE MAKING.** (a) The commission shall promulgate reasonable rules in
5 order to effectively and efficiently implement and administer the purposes and
6 provisions of the compact. A rule shall be invalid and have no force or effect only if
7 a court of competent jurisdiction holds that the rule is invalid because the
8 commission exercised its rule-making authority in a manner that is beyond the
9 scope and purposes of the compact, or the powers granted hereunder, or based upon
10 another applicable standard of review.

11 (b) The rules of the commission shall have the force of law in each member state,
12 provided however that where the rules of the commission conflict with the laws of the
13 member state that establish the member state's laws, regulations, and applicable
14 standards that govern the practice of social work as held by a court of competent
15 jurisdiction, the rules of the commission shall be ineffective in that state to the extent
16 of the conflict.

17 (c) The commission shall exercise its rule-making powers pursuant to the
18 criteria set forth in this subsection and the rules adopted thereunder. Rules shall
19 become binding on the day following adoption or the date specified in the rule or
20 amendment, whichever is later.

21 (d) If a majority of the legislatures of the member states rejects a rule or portion
22 of a rule, by enactment of a statute or resolution in the same manner used to adopt
23 the compact within four (4) years of the date of adoption of the rule, then such rule
24 shall have no further force and effect in any member state.

25 (e) Rules shall be adopted at a regular or special meeting of the commission.

1 (f) Prior to adoption of a proposed rule, the commission shall hold a public
2 hearing and allow persons to provide oral and written comments, data, facts,
3 opinions, and arguments.

4 (g) Prior to adoption of a proposed rule by the commission, and at least thirty
5 (30) days in advance of the meeting at which the commission will hold a public
6 hearing on the proposed rule, the commission shall provide a notice of proposed rule
7 making:

8 1. On the website of the commission or other publicly accessible platform;

9 2. To persons who have requested notice of the commission's notices of proposed
10 rule making, and

11 3. In such other way(s) as the commission may by rule specify.

12 (h) The notice of proposed rule making shall include:

13 1. The time, date, and location of the public hearing at which the commission
14 will hear public comments on the proposed rule and, if different, the time, date, and
15 location of the meeting where the commission will consider and vote on the proposed
16 rule;

17 2. If the hearing is held via telecommunication, video conference, or other
18 electronic means, the commission shall include the mechanism for access to the
19 hearing in the notice of proposed rule making;

20 3. The text of the proposed rule and the reason therefor;

21 4. A request for comments on the proposed rule from any interested person; and

22 5. The manner in which interested persons may submit written comments.

23 (i) All hearings will be recorded. A copy of the recording and all written
24 comments and documents received by the commission in response to the proposed
25 rule shall be available to the public.

1 (j) Nothing in this subsection shall be construed as requiring a separate
2 hearing on each rule. Rules may be grouped for the convenience of the commission
3 at hearings required by this subsection.

4 (k) The commission shall, by majority vote of all members, take final action on
5 the proposed rule based on the rule-making record and the full text of the rule.

6 1. The commission may adopt changes to the proposed rule provided the
7 changes do not enlarge the original purpose of the proposed rule.

8 2. The commission shall provide an explanation of the reasons for substantive
9 changes made to the proposed rule as well as reasons for substantive changes not
10 made that were recommended by commenters.

11 3. The commission shall determine a reasonable effective date for the rule.
12 Except for an emergency as provided in par. (L), the effective date of the rule shall
13 be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

14 (L) Upon determination that an emergency exists, the commission may
15 consider and adopt an emergency rule with 48 hours' notice, with opportunity to
16 comment, provided that the usual rule-making procedures provided in the compact
17 and in this subsection shall be retroactively applied to the rule as soon as reasonably
18 possible, in no event later than ninety (90) days after the effective date of the rule.
19 For the purposes of this provision, an emergency rule is one that must be adopted
20 immediately in order to:

- 21 1. Meet an imminent threat to public health, safety, or welfare;
22 2. Prevent a loss of commission or member state funds;
23 3. Meet a deadline for the promulgation of a rule that is established by federal
24 law or rule; or
25 4. Protect public health and safety.

1 (m) The commission or an authorized committee of the commission may direct
2 revisions to a previously adopted rule for purposes of correcting typographical errors,
3 errors in format, errors in consistency, or grammatical errors. Public notice of any
4 revisions shall be posted on the website of the commission. The revision shall be
5 subject to challenge by any person for a period of thirty (30) days after posting. The
6 revision may be challenged only on grounds that the revision results in a material
7 change to a rule. A challenge shall be made in writing and delivered to the
8 commission prior to the end of the notice period. If no challenge is made, the revision
9 will take effect without further action. If the revision is challenged, the revision may
10 not take effect without the approval of the commission.

11 (n) No member state's rule-making requirements shall apply under this
12 compact.

13 **(13) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) 1. The executive
14 and judicial branches of state government in each member state shall enforce this
15 compact and take all actions necessary and appropriate to implement the compact.

16 2. Except as otherwise provided in this compact, venue is proper and judicial
17 proceedings by or against the commission shall be brought solely and exclusively in
18 a court of competent jurisdiction where the principal office of the commission is
19 located. The commission may waive venue and jurisdictional defenses to the extent
20 it adopts or consents to participate in alternative dispute resolution proceedings.
21 Nothing herein shall affect or limit the selection or propriety of venue in any action
22 against a licensee for professional malpractice, misconduct or any such similar
23 matter.

24 3. The commission shall be entitled to receive service of process in any
25 proceeding regarding the enforcement or interpretation of the compact and shall

1 have standing to intervene in such a proceeding for all purposes. Failure to provide
2 the commission service of process shall render a judgment or order void as to the
3 commission, this compact, or promulgated rules.

4 (b) 1. If the commission determines that a member state has defaulted in the
5 performance of its obligations or responsibilities under this compact or the
6 promulgated rules, the commission shall provide written notice to the defaulting
7 state. The notice of default shall describe the default, the proposed means of curing
8 the default, and any other action that the commission may take, and shall offer
9 training and specific technical assistance regarding the default.

10 2. The commission shall provide a copy of the notice of default to the other
11 member states.

12 (c) If a state in default fails to cure the default, the defaulting state may be
13 terminated from the compact upon an affirmative vote of a majority of the delegates
14 of the member states, and all rights, privileges and benefits conferred on that state
15 by this compact may be terminated on the effective date of termination. A cure of the
16 default does not relieve the offending state of obligations or liabilities incurred
17 during the period of default.

18 (d) Termination of membership in the compact shall be imposed only after all
19 other means of securing compliance have been exhausted. Notice of intent to
20 suspend or terminate shall be given by the commission to the governor, the majority
21 and minority leaders of the defaulting state's legislature, the defaulting state's state
22 licensing authority and each of the member states' state licensing authority.

23 (e) A state that has been terminated is responsible for all assessments,
24 obligations, and liabilities incurred through the effective date of termination,
25 including obligations that extend beyond the effective date of termination.

1 (f) Upon the termination of a state's membership from this compact, that state
2 shall immediately provide notice to all licensees within that state of such
3 termination. The terminated state shall continue to recognize all licenses granted
4 pursuant to this compact for a minimum of six (6) months after the date of said notice
5 of termination.

6 (g) The commission shall not bear any costs related to a state that is found to
7 be in default or that has been terminated from the compact, unless agreed upon in
8 writing between the commission and the defaulting state.

9 (h) The defaulting state may appeal the action of the commission by petitioning
10 the U.S. District Court for the District of Columbia or the federal district where the
11 commission has its principal offices. The prevailing party shall be awarded all costs
12 of such litigation, including reasonable attorney's fees.

13 (i) 1. Upon request by a member state, the commission shall attempt to resolve
14 disputes related to the compact that arise among member states and between
15 member and nonmember states.

16 2. The commission shall promulgate a rule providing for both mediation and
17 binding dispute resolution for disputes as appropriate.

18 (j) 1. By majority vote as provided by rule, the commission may initiate legal
19 action against a member state in default in the United States District Court for the
20 District of Columbia or the federal district where the commission has its principal
21 offices to enforce compliance with the provisions of the compact and its promulgated
22 rules. The relief sought may include both injunctive relief and damages. In the event
23 judicial enforcement is necessary, the prevailing party shall be awarded all costs of
24 such litigation, including reasonable attorney's fees. The remedies herein shall not

1 be the exclusive remedies of the commission. The commission may pursue any other
2 remedies available under federal or the defaulting member state's law.

3 2. A member state may initiate legal action against the commission in the U.S.
4 District Court for the District of Columbia or the federal district where the
5 commission has its principal offices to enforce compliance with the provisions of the
6 compact and its promulgated rules. The relief sought may include both injunctive
7 relief and damages. In the event judicial enforcement is necessary, the prevailing
8 party shall be awarded all costs of such litigation, including reasonable attorney's
9 fees.

10 3. No person other than a member state shall enforce this compact against the
11 commission.

12 **(14) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall come
13 into effect on the date on which the compact statute is enacted into law in the seventh
14 member state.

15 1. On or after the effective date of the compact, the commission shall convene
16 and review the enactment of each of the first seven member states ("charter member
17 states") to determine if the statute enacted by each such charter member state is
18 materially different than the model compact statute.

19 a. A charter member state whose enactment is found to be materially different
20 from the model compact statute shall be entitled to the default process set forth in
21 sub. (13).

22 b. If any member state is later found to be in default, or is terminated or
23 withdraws from the compact, the commission shall remain in existence and the
24 compact shall remain in effect even if the number of member states should be less
25 than seven.

1 2. Member states enacting the compact subsequent to the seven initial charter
2 member states shall be subject to the process set forth in sub. (10) (c) 21. to determine
3 if their enactments are materially different from the model compact statute and
4 whether they qualify for participation in the compact.

5 3. All actions taken for the benefit of the commission or in furtherance of the
6 purposes of the administration of the compact prior to the effective date of the
7 compact or the commission coming into existence shall be considered to be actions
8 of the commission unless specifically repudiated by the commission.

9 4. Any state that joins the compact subsequent to the commission's initial
10 adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist
11 on the date on which the compact becomes law in that state. Any rule that has been
12 previously adopted by the commission shall have the full force and effect of law on
13 the day the compact becomes law in that state.

14 (b) Any member state may withdraw from this compact by enacting a statute
15 repealing the same.

16 1. A member state's withdrawal shall not take effect until 180 days after
17 enactment of the repealing statute.

18 2. Withdrawal shall not affect the continuing requirement of the withdrawing
19 state's licensing authority to comply with the investigative and adverse action
20 reporting requirements of this compact prior to the effective date of withdrawal.

21 3. Upon the enactment of a statute withdrawing from this compact, a state
22 shall immediately provide notice of such withdrawal to all licensees within that
23 state. Notwithstanding any subsequent statutory enactment to the contrary, such
24 withdrawing state shall continue to recognize all licenses granted pursuant to this
25 compact for a minimum of 180 days after the date of such notice of withdrawal.

1 (c) Nothing contained in this compact shall be construed to invalidate or
2 prevent any licensure agreement or other cooperative arrangement between a
3 member state and a nonmember state that does not conflict with the provisions of
4 this compact.

5 (d) This compact may be amended by the member states. No amendment to this
6 compact shall become effective and binding upon any member state until it is enacted
7 into the laws of all member states.

8 **(15) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the commission's
9 rule-making authority shall be liberally construed so as to effectuate the purposes,
10 and the implementation and administration of the compact. Provisions of the
11 compact expressly authorizing or requiring the promulgation of rules shall not be
12 construed to limit the commission's rule-making authority solely for those purposes.

13 (b) The provisions of this compact shall be severable and if any phrase, clause,
14 sentence or provision of this compact is held by a court of competent jurisdiction to
15 be contrary to the constitution of any member state, a state seeking participation in
16 the compact, or of the United States, or the applicability thereof to any government,
17 agency, person or circumstance is held to be unconstitutional by a court of competent
18 jurisdiction, the validity of the remainder of this compact and the applicability
19 thereof to any other government, agency, person or circumstance shall not be affected
20 thereby.

21 (c) Notwithstanding par. (b), the commission may deny a state's participation
22 in the compact or, in accordance with the requirements of sub. (13) (b), terminate a
23 member state's participation in the compact, if it determines that a constitutional
24 requirement of a member state is a material departure from the compact. Otherwise,
25 if this compact shall be held to be contrary to the constitution of any member state,

1 the compact shall remain in full force and effect as to the remaining member states
2 and in full force and effect as to the member state affected as to all severable matters.

3 **(16) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.** (a) A licensee
4 providing services in a remote state under a multistate authorization to practice
5 shall adhere to the laws and regulations, including laws, regulations, and applicable
6 standards, of the remote state where the client is located at the time care is rendered.

7 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of
8 a member state that is not inconsistent with the compact.

9 (c) Any laws, statutes, regulations, or other legal requirements in a member
10 state in conflict with the compact are superseded to the extent of the conflict.

11 (d) All permissible agreements between the commission and the member states
12 are binding in accordance with their terms.

13 **457.71 Implementation of the social work licensure compact.** (1) In this
14 section, “multistate authorization to practice ” has the meaning given in s. 457.70 (2)
15 (q).

16 **(2)** (a) An individual who is exercising the multistate authorization to practice
17 in this state shall comply with s. 440.03 (13) (am).

18 (b) Subject to s. 457.70 and any rules promulgated thereunder, ss. 440.20 to
19 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
20 is exercising the multistate authorization to practice in this state in the same
21 manner that they apply to holders of certificates or licenses issued under subch. I.

22 **SECTION 302.** 458.085 (3) of the statutes is amended to read:

23 458.085 **(3)** Continuing education requirements for renewal of certificates
24 issued under this subchapter. The rules shall require the completion of 28 class

1 hours of continuing education per 2-year period, subject to s. 458.09 (3) and other
2 exceptions as the department may prescribe.

3 **SECTION 303.** 458.09 (3) of the statutes is amended to read:

4 458.09 (3) The number of hours of attendance at and completion of continuing
5 education programs or courses of study required under the rules promulgated under
6 s. 458.085 (3) shall be reduced by one hour for each hour of attendance at and
7 completion of, within the ~~2 years immediately preceding the date on which the~~
8 ~~renewal application is submitted~~ applicable 2-year period, continuing education
9 programs or courses of study that the applicant has attended and completed in order
10 to continue to qualify for employment as an assessor and that the department
11 determines is substantially equivalent to attendance at and completion of continuing
12 education programs or courses of study for certified general appraisers, certified
13 residential appraisers or licensed appraisers, as appropriate.

14 **SECTION 304.** 458.11 of the statutes is amended to read:

15 **458.11 Expiration and renewal.** Renewal applications shall be submitted
16 to the department on a form provided by the department on or before the applicable
17 renewal date ~~specified~~ determined under s. 440.08 (2) (a) and shall include the
18 applicable renewal fee determined by the department under s. 440.03 (9) (a).
19 Renewal of an appraiser certificate automatically renews the individual's appraiser
20 license without payment of the renewal fee for the appraiser license or completion
21 of any additional continuing education requirements that would otherwise be
22 required for renewal of the appraiser license. Renewal applications shall be
23 accompanied by proof of completion of the continuing education requirements in s.
24 458.13. Notwithstanding s. 458.06 (3) (b) 2. and (4) (b) 2., 1989 stats., and s. 458.08
25 (3) (b) 2. and (c) 2., 1991 stats., the department may not renew a certificate that was

1 granted under s. 458.06 (3) or (4) before May 29, 1993, unless the holder of the
2 certificate submits evidence satisfactory to the department that he or she has
3 successfully completed the applicable educational requirements specified in rules
4 promulgated under s. 458.085 (1) and the department may not renew a certificate
5 that was granted under s. 458.08 (3) before May 29, 1993, unless the holder of the
6 certificate submits evidence satisfactory to the department that he or she has
7 successfully completed the applicable education and experience requirements
8 specified in rules promulgated under s. 458.085 (1) and (2).

9 **SECTION 305.** 458.13 of the statutes is amended to read:

10 **458.13 Continuing education requirements.** At the time of renewal of a
11 certificate issued under this subchapter, each applicant shall submit proof that,
12 ~~within the 2 years immediately preceding the date on which the renewal application~~
13 ~~is submitted,~~ he or she has satisfied the continuing education requirements specified
14 in the rules promulgated under s. 458.085 (3).

15 **SECTION 306.** 458.33 (5) of the statutes is amended to read:

16 458.33 (5) RENEWALS. A licensed appraisal management company shall submit
17 a renewal application, along with the applicable renewal fee determined by the
18 department under s. 440.03 (9) (a), but not to exceed \$2,000, to the department on
19 a form prescribed by the department by the applicable renewal date ~~specified~~
20 determined under s. 440.08 (2) (a). A renewal under this subsection is subject to sub.
21 (4).

22 **SECTION 307.** 459.09 (1) (intro.) of the statutes is amended to read:

23 459.09 (1) (intro.) Each person issued a license under this subchapter shall, on
24 or before the applicable renewal date ~~specified~~ determined under s. 440.08 (2) (a), do
25 all of the following:

1 **SECTION 308.** 459.09 (1) (b) of the statutes is amended to read:

2 459.09 (1) (b) Submit with the renewal application proof that he or she
3 completed, within the ~~2 years~~ each 2-year period within the 4-year period
4 immediately preceding the date of his or her application, 20 hours of continuing
5 education programs or courses of study approved or required under rules
6 promulgated under s. 459.095. This paragraph does not apply to an applicant for
7 renewal of a license that expires on the first renewal date after the date on which the
8 examining board initially granted the license.

9 **SECTION 309.** 459.20 (2k) of the statutes is created to read:

10 459.20 (2k) “Compact” means the audiology and speech-language pathology
11 interstate compact.

12 **SECTION 310.** 459.20 (2m) of the statutes is created to read:

13 459.20 (2m) “Compact privilege” means a compact privilege, as defined in s.
14 459.70 (2) (h), that is granted under the audiology and speech-language pathology
15 interstate compact under s. 459.70 to an individual to practice in this state.

16 **SECTION 311.** 459.20 (3v) of the statutes is created to read:

17 459.20 (3v) “Single-state license” has the meaning given in s. 459.70 (2) (t).

18 **SECTION 312.** 459.22 (2) (b) of the statutes is amended to read:

19 459.22 (2) (b) Authorize a speech-language pathologist who is licensed under
20 this subchapter or who holds a valid compact privilege to dispense or sell hearing aids
21 without obtaining a hearing instrument specialist license under subch. I.

22 **SECTION 313.** 459.24 (1) (a) of the statutes is amended to read:

23 459.24 (1) (a) Engage in the practice of speech-language pathology or use the
24 title “speech-language pathologist” or any similar title unless the person holds a

1 current speech-language pathologist license granted by the examining board under
2 sub. (2) or (6) (a) or holds a valid compact privilege.

3 **SECTION 314.** 459.24 (1) (b) of the statutes is amended to read:

4 459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist,”
5 “clinical audiologist,” or any similar title unless the person holds a current
6 audiologist license granted by the examining board under sub. (3) or (6) (b) or holds
7 a valid compact privilege.

8 **SECTION 315.** 459.24 (3c) of the statutes is created to read:

9 459.24 (3c) TYPES OF LICENSES. (a) A license granted under sub. (2) or (3) may
10 be either of the following:

11 1. A license that, subject to s. 459.70 (4), entitles the holder to obtain and
12 exercise a compact privilege in other states that are parties to the compact.

13 2. A single-state license, which only entitles the holder to practice in this state.
14 Nothing in the compact applies to the holder of a single-state license unless
15 otherwise applicable under this subchapter.

16 (b) When applying for a license under sub. (2) or (3), an individual shall specify
17 whether he or she is applying for a license under par. (a) 1. or 2.

18 **SECTION 316.** 459.24 (3e) of the statutes is created to read:

19 459.24 (3e) COMPACT PRIVILEGE. The examining board shall grant to any
20 individual to whom all of the following apply an audiologist or speech-language
21 pathologist, whichever is applicable, compact privilege:

22 (a) The individual holds an unencumbered home state license in another state
23 that is a party to the compact and satisfies all other requirements under s. 459.70
24 (4).

1 (b) The individual applies for the compact privilege in the manner prescribed
2 by the department.

3 (c) The individual pays any fee established by the department under s. 459.71
4 (2).

5 **SECTION 317.** 459.24 (3m) of the statutes is renumbered 459.30 (2), and 459.30
6 (2) (intro.) and (a), as renumbered, are amended to read:

7 459.30 (2) FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed
8 under this subchapter, an audiologist who holds a valid compact privilege, or an
9 individual granted a permit to practice audiology under this subchapter who engages
10 in the practice of fitting and dealing in hearing aids shall do all of the following:

11 (a) Deliver to each person supplied with a hearing aid a receipt. The receipt
12 shall contain the signature and show the business address, license or permit title,
13 and number of the licensee, compact privilege holder, or permittee, together with
14 specifications as to the make and model of the hearing aid and full terms of sale
15 clearly stated. If a hearing aid that is not new is sold, the receipt and the container
16 must be clearly marked as “used” or “reconditioned”, whichever is applicable. The
17 terms of the guarantee, if there is any given, shall be set out in not less than 8-point
18 type.

19 **SECTION 318.** 459.24 (5) (intro.) of the statutes is amended to read:

20 459.24 (5) EXPIRATION AND RENEWAL. (intro.) The renewal dates for licenses
21 granted under this subchapter, other than temporary licenses granted under sub.
22 (6), ~~are specified~~ shall be as determined under in s. 440.08 (2) (a). Renewal
23 applications shall be submitted to the department on a form provided by the
24 department and shall include all of the following:

25 **SECTION 319.** 459.24 (5) (b) of the statutes is amended to read:

1 459.24 (5) (b) Proof that the applicant completed, within the ~~2 years~~ each
2 2-year period within the 4-year period immediately preceding the date of his or her
3 application, 20 hours of continuing education programs or courses of study approved
4 or required under rules promulgated under sub. (5m). This paragraph does not apply
5 to an applicant for renewal of a license that expires on the first renewal date after
6 the date on which the examining board initially granted the license.

7 **SECTION 320.** 459.30 of the statutes is created to read:

8 **459.30 Practice. (1) PRACTICE UNDER COMPACT.** (a) *Audiology.* An individual
9 who holds a valid audiologist compact privilege may, subject to s. 459.71 (3), do any
10 of the following:

11 1. Practice audiology in this state, subject to s. 459.70 (4).

12 2. Practice audiology in this state via telehealth, as defined in s. 459.70 (2) (y),
13 subject to s. 459.70 (5).

14 (b) *Speech-language pathology.* An individual who holds a valid
15 speech-language pathologist compact privilege may, subject to s. 459.71 (3), do any
16 of the following:

17 1. Practice speech-language pathology in this state, subject to s. 459.70 (4).

18 2. Practice speech-language pathology in this state via telehealth, as defined
19 in s. 459.70 (2) (y), subject to s. 459.70 (5).

20 **SECTION 321.** 459.34 (2) (intro.) of the statutes is amended to read:

21 459.34 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
22 examining board may reprimand a licensee, compact privilege holder, or permittee
23 or deny, limit, suspend, or revoke a license or permit under this subchapter or a
24 compact privilege if it finds that the applicant, licensee, compact privilege holder, or
25 permittee has done any of the following:

1 **SECTION 322.** 459.34 (2m) (a) (intro.) of the statutes is amended to read:

2 459.34 **(2m)** (a) (intro.) An individual whose license, compact privilege, or
3 limited permit is limited by the examining board under this subchapter may
4 continue to practice under the license, compact privilege, or permit if the individual
5 does all of the following:

6 **SECTION 323.** 459.34 (2m) (b) of the statutes is amended to read:

7 459.34 **(2m)** (b) The examining board may, as a condition of removing a
8 limitation on a license, compact privilege, or limited permit issued under this
9 subchapter or of reinstating a license, compact privilege, or limited permit that has
10 been suspended or revoked under this subchapter, require the license, compact
11 privilege, or permit holder to obtain minimum results specified by the examining
12 board on one or more physical, mental, or professional competency examinations if
13 the examining board determines that obtaining the minimum results is related to
14 correcting one or more of the bases upon which the limitation, suspension, or
15 revocation was imposed.

16 **SECTION 324.** 459.34 (2m) (c) of the statutes is amended to read:

17 459.34 **(2m)** (c) The examining board may, as a condition of reinstating a license
18 or compact privilege that has been suspended under this subchapter, require the
19 license or compact privilege holder to pass an examination required for initial
20 licensure under s. 459.26 (2).

21 **SECTION 325.** 459.34 (3) of the statutes is amended to read:

22 459.34 **(3)** In addition to or in lieu of a reprimand or denial, limitation,
23 suspension, or revocation of a license, compact privilege, or permit under sub. (2), the
24 examining board may assess against an applicant, licensee, compact privilege

1 holder, or permittee a forfeiture of not less than \$100 nor more than \$2,500 for each
2 violation enumerated under sub. (2).

3 **SECTION 326.** Subchapter III of chapter 459 [precedes 459.70] of the statutes
4 is created to read:

5 **CHAPTER 459**

6 **SUBCHAPTER III**

7 **AUDIOLOGY AND SPEECH-LANGUAGE**

8 **PATHOLOGY INTERSTATE COMPACT**

9 **459.70 Audiology and speech-language pathology interstate compact.**

10 **(1) PURPOSE.** (a) The purpose of this compact is to facilitate interstate practice of
11 audiology and speech-language pathology with the goal of improving public access
12 to audiology and speech-language pathology services. The practice of audiology and
13 speech-language pathology occurs in the state where the patient/client/student is
14 located at the time of the patient/client/student encounter. The compact preserves
15 the regulatory authority of states to protect public health and safety through the
16 current system of state licensure.

17 (b) This compact is designed to achieve all of the following objectives:

- 18 1. Increase public access to audiology and speech-language pathology services
19 by providing for the mutual recognition of other member state licenses.
- 20 2. Enhance the states' ability to protect the public's health and safety.
- 21 3. Encourage the cooperation of member states in regulating multistate
22 audiology and speech-language pathology practice.
- 23 4. Support spouses of relocating active duty military personnel.
- 24 5. Enhance the exchange of licensure, investigative, and disciplinary
25 information between member states.

1 6. Allow a remote state to hold a provider of services with a compact privilege
2 in that state accountable to that state’s practice standards.

3 7. Allow for the use of telehealth technology to facilitate increased access to
4 audiology and speech–language pathology services.

5 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided, the
6 following definitions shall apply:

7 (a) “Active duty military” means full-time duty status in the active uniformed
8 service of the United States, including members of the National Guard and Reserve
9 on active duty orders pursuant to 10 USC 1209 and 1211.

10 (b) “Adverse action” means any administrative, civil, equitable, or criminal
11 action permitted by a state’s laws which is imposed by a licensing board or other
12 authority against an audiologist or speech–language pathologist, including actions
13 against an individual’s license or privilege to practice such as revocation, suspension,
14 probation, monitoring of the licensee, or restriction on the licensee’s practice.

15 (c) “Alternative program” means a nondisciplinary monitoring process
16 approved by an audiology or speech–language pathology licensing board to address
17 impaired practitioners.

18 (d) “Audiologist” means an individual who is licensed by a state to practice
19 audiology.

20 (e) “Audiology” means the care and services provided by a licensed audiologist
21 as set forth in the member state’s statutes and rules.

22 (f) “Audiology and speech–language pathology compact commission” or
23 “commission” means the national administrative body whose membership consists
24 of all states that have enacted the compact.

1 (g) “Audiology and speech–language pathology licensing board,” “audiology
2 licensing board,” “speech–language pathology licensing board,” or “licensing board”
3 means the agency of a state that is responsible for the licensing and regulation of
4 audiologists and/or speech–language pathologists.

5 (h) “Compact privilege” means the authorization granted by a remote state to
6 allow a licensee from another member state to practice as an audiologist or
7 speech–language pathologist in the remote state under its laws and rules. The
8 practice of audiology or speech–language pathology occurs in the member state
9 where the patient/client/student is located at the time of the patient/client/student
10 encounter.

11 (i) “Current significant investigative information” means investigative
12 information that a licensing board, after an inquiry or investigation that includes
13 notification and an opportunity for the audiologist or speech–language pathologist
14 to respond, if required by state law, has reason to believe is not groundless and, if
15 proved true, would indicate more than a minor infraction.

16 (j) “Data system” means a repository of information about licensees, including,
17 but not limited to, continuing education, examination, licensure, investigative,
18 compact privilege, and adverse action.

19 (k) “Encumbered license” means a license in which an adverse action restricts
20 the practice of audiology or speech–language pathology by the licensee and said
21 adverse action has been reported to the National Practitioners Data Bank (NPDB).

22 (L) “Executive committee” means a group of directors elected or appointed to
23 act on behalf of, and within the powers granted to them by, the commission.

24 (m) “Home state” means the member state that is the licensee’s primary state
25 of residence.

1 (n) “Impaired practitioner” means individuals whose professional practice is
2 adversely affected by substance abuse, addiction, or other health-related conditions.

3 (o) “Licensee” means an individual who currently holds an authorization from
4 the state licensing board to practice as an audiologist or speech-language
5 pathologist.

6 (p) “Member state” means a state that has enacted the compact.

7 (q) “Privilege to practice” means a legal authorization permitting the practice
8 of audiology or speech-language pathology in a remote state.

9 (r) “Remote state” means a member state other than the home state where a
10 licensee is exercising or seeking to exercise the compact privilege.

11 (s) “Rule” means a regulation, principle, or directive promulgated by the
12 commission that has the force of law.

13 (t) “Single-state license” means an audiology or speech-language pathology
14 license issued by a member state that authorizes practice only within the issuing
15 state and does not include a privilege to practice in any other member state.

16 (u) “Speech-language pathologist” means an individual who is licensed by a
17 state to practice speech-language pathology.

18 (v) “Speech-language pathology” means the care and services provided by a
19 licensed speech-language pathologist as set forth in the member state’s statutes and
20 rules.

21 (w) “State” means any state, commonwealth, district, or territory of the United
22 States of America that regulates the practice of audiology and speech-language
23 pathology.

24 (x) “State practice laws” means a member state’s laws, rules, and regulations
25 that govern the practice of audiology or speech-language pathology, define the scope

1 of audiology or speech-language pathology practice, and create the methods and
2 grounds for imposing discipline.

3 (y) “Telehealth” means the application of telecommunication technology to
4 deliver audiology or speech-language pathology services at a distance for
5 assessment, intervention, and/or consultation.

6 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) A license issued to an audiologist
7 or speech-language pathologist by a home state to a resident in that state shall be
8 recognized by each member state as authorizing an audiologist or speech-language
9 pathologist to practice audiology or speech-language pathology, under a privilege to
10 practice, in each member state.

11 (b) 1. A state must implement or utilize procedures for considering the criminal
12 history records of applicants for initial privilege to practice. These procedures shall
13 include the submission of fingerprints or other biometric-based information by
14 applicants for the purpose of obtaining an applicant’s criminal history record
15 information from the federal bureau of investigation and the agency responsible for
16 retaining that state’s criminal records.

17 2. A member state must fully implement a criminal background check
18 requirement, within a time frame established by rule, by receiving the results of the
19 federal bureau of investigation record search on criminal background checks and use
20 the results in making licensure decisions.

21 3. Communication between a member state, the commission, and among
22 member states regarding the verification of eligibility for licensure through the
23 compact shall not include any information received from the federal bureau of
24 investigation relating to a federal criminal records check performed by a member
25 state under P.L. 92-544.

1 (c) Upon application for a privilege to practice, the licensing board in the
2 issuing remote state shall ascertain, through the data system, whether the applicant
3 has ever held, or is the holder of, a license issued by any other state, whether there
4 are any encumbrances on any license or privilege to practice held by the applicant,
5 and whether any adverse action has been taken against any license or privilege to
6 practice held by the applicant.

7 (d) Each member state shall require an applicant to obtain or retain a license
8 in the home state and meet the home state's qualifications for licensure or renewal
9 of licensure, as well as, all other applicable state laws.

10 (e) For an audiologist:

11 1. Must meet one of the following educational requirements:

12 a. On or before, December 31, 2007, has graduated with a master's degree or
13 doctorate in audiology, or equivalent degree regardless of degree name, from a
14 program that is accredited by an accrediting agency recognized by the Council for
15 Higher Education Accreditation, or its successor, or by the U.S. department of
16 education and operated by a college or university accredited by a regional or national
17 accrediting organization recognized by the board.

18 b. On or after, January 1, 2008, has graduated with a doctoral degree in
19 audiology, or equivalent degree, regardless of degree name, from a program that is
20 accredited by an accrediting agency recognized by the Council for Higher Education
21 Accreditation, or its successor, or by the U.S. department of education and operated
22 by a college or university accredited by a regional or national accrediting
23 organization recognized by the board.

24 c. Has graduated from an audiology program that is housed in an institution
25 of higher education outside of the United States for which the program and

1 institution have been approved by the authorized accrediting body in the applicable
2 country and the degree program has been verified by an independent credentials
3 review agency to be comparable to a state licensing board-approved program.

4 2. Has completed a supervised clinical practicum experience from an accredited
5 educational institution or its cooperating programs as required by the commission.

6 3. Has successfully passed a national examination approved by the
7 commission.

8 4. Holds an active, unencumbered license.

9 5. Has not been convicted or found guilty, and has not entered into an agreed
10 disposition, of a felony related to the practice of audiology, under applicable state or
11 federal criminal law.

12 6. Has a valid U.S. social security or national practitioner identification
13 number.

14 (f) For a speech-language pathologist:

15 1. Must meet one of the following educational requirements:

16 a. Has graduated with a master's degree from a speech-language pathology
17 program that is accredited by an organization recognized by the U.S. department of
18 education and operated by a college or university accredited by a regional or national
19 accrediting organization recognized by the board.

20 b. Has graduated from a speech-language pathology program that is housed
21 in an institution of higher education outside of the United States for which the
22 program and institution have been approved by the authorized accrediting body in
23 the applicable country and the degree program has been verified by an independent
24 credentials review agency to be comparable to a state licensing board-approved
25 program.

1 2. Has completed a supervised clinical practicum experience from an
2 educational institution or its cooperating programs as required by the commission.

3 3. Has completed a supervised postgraduate professional experience as
4 required by the commission.

5 4. Has successfully passed a national examination approved by the
6 commission.

7 5. Holds an active, unencumbered license.

8 6. Has not been convicted or found guilty, and has not entered into an agreed
9 disposition, of a felony related to the practice of speech-language pathology, under
10 applicable state or federal criminal law.

11 7. Has a valid U.S. social security or national practitioner identification
12 number.

13 (g) The privilege to practice is derived from the home state license.

14 (h) An audiologist or speech-language pathologist practicing in a member state
15 must comply with the state practice laws of the state in which the client is located
16 at the time service is provided. The practice of audiology and speech-language
17 pathology shall include all audiology and speech-language pathology practice as
18 defined by the state practice laws of the member state in which the client is located.
19 The practice of audiology and speech-language pathology in a member state under
20 a privilege to practice shall subject an audiologist or speech-language pathologist to
21 the jurisdiction of the licensing board, the courts, and the laws of the member state
22 in which the client is located at the time service is provided.

23 (i) Individuals not residing in a member state shall continue to be able to apply
24 for a member state's single-state license as provided under the laws of each member
25 state. However, the single-state license granted to these individuals shall not be

1 recognized as granting the privilege to practice audiology or speech-language
2 pathology in any other member state. Nothing in this compact shall affect the
3 requirements established by a member state for the issuance of a single-state
4 license.

5 (j) Member states may charge a fee for granting a compact privilege.

6 (k) Member states must comply with the bylaws and rules and regulations of
7 the commission.

8 **(4) COMPACT PRIVILEGE.** (a) To exercise the compact privilege under the terms
9 and provisions of the compact, the audiologist or speech-language pathologist shall:

10 1. Hold an active license in the home state.

11 2. Have no encumbrance on any state license.

12 3. Be eligible for a compact privilege in any member state in accordance with
13 sub. (3).

14 4. Have not had any adverse action against any license or compact privilege
15 within the previous 2 years from date of application.

16 5. Notify the commission that the licensee is seeking the compact privilege
17 within a remote state.

18 6. Pay any applicable fees, including any state fee, for the compact privilege.

19 7. Report to the commission adverse action taken by any nonmember state
20 within 30 days from the date the adverse action is taken.

21 (b) For the purposes of the compact privilege, an audiologist or
22 speech-language pathologist shall only hold one home state license at a time.

23 (c) Except as provided in sub. (6), if an audiologist or speech-language
24 pathologist changes primary state of residence by moving between 2 member states,
25 the audiologist or speech-language pathologist must apply for licensure in the new

1 home state, and the license issued by the prior home state shall be deactivated in
2 accordance with applicable rules adopted by the commission.

3 (d) The audiologist or speech-language pathologist may apply for licensure in
4 advance of a change in primary state of residence.

5 (e) A license shall not be issued by the new home state until the audiologist or
6 speech-language pathologist provides satisfactory evidence of a change in primary
7 state of residence to the new home state and satisfies all applicable requirements to
8 obtain a license from the new home state.

9 (f) If an audiologist or speech-language pathologist changes primary state of
10 residence by moving from a member state to a nonmember state, the license issued
11 by the prior home state shall convert to a single-state license, valid only in the former
12 home state.

13 (g) The compact privilege is valid until the expiration date of the home state
14 license. The licensee must comply with the requirements of par. (a) to maintain the
15 compact privilege in the remote state.

16 (h) A licensee providing audiology or speech-language pathology services in a
17 remote state under the compact privilege shall function within the laws and
18 regulations of the remote state.

19 (i) A licensee providing audiology or speech-language pathology services in a
20 remote state is subject to that state's regulatory authority. A remote state may, in
21 accordance with due process and that state's laws, remove a licensee's compact
22 privilege in the remote state for a specific period of time, impose fines, and/or take
23 any other necessary actions to protect the health and safety of its citizens.

24 (j) If a home state license is encumbered, the licensee shall lose the compact
25 privilege in any remote state until all of the following occur:

1 1. The home state license is no longer encumbered.

2 2. Two years have elapsed from the date of the adverse action.

3 (k) Once an encumbered license in the home state is restored to good standing,
4 the licensee must meet the requirements of par. (a) to obtain a compact privilege in
5 any remote state.

6 (L) Once the requirements of par. (j) have been met, the licensee must meet the
7 requirements in par. (a) to obtain a compact privilege in a remote state.

8 **(5) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.** Member states shall recognize
9 the right of an audiologist or speech-language pathologist, licensed by a home state
10 in accordance with sub. (3) and under rules promulgated by the commission, to
11 practice audiology or speech-language pathology in any member state via telehealth
12 under a privilege to practice as provided in the compact and rules promulgated by
13 the commission.

14 **(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.** Active duty military
15 personnel, or their spouse, shall designate a home state where the individual has a
16 current license in good standing. The individual may retain the home state
17 designation during the period the service member is on active duty. Subsequent to
18 designating a home state, the individual shall only change their home state through
19 application for licensure in the new state.

20 **(7) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state law,
21 a remote state shall have the authority, in accordance with existing state due process
22 law, to do any of the following:

23 1. Take adverse action against an audiologist's or speech-language
24 pathologist's privilege to practice within that member state.

1 2. Issue subpoenas for both hearings and investigations that require the
2 attendance and testimony of witnesses as well as the production of evidence.
3 Subpoenas issued by a licensing board in a member state for the attendance and
4 testimony of witnesses or the production of evidence from another member state
5 shall be enforced in the latter state by any court of competent jurisdiction, according
6 to the practice and procedure of that court applicable to subpoenas issued in
7 proceedings pending before it. The issuing authority shall pay any witness fees,
8 travel expenses, mileage, and other fees required by the service statutes of the state
9 in which the witnesses or evidence are located.

10 3. Only the home state shall have the power to take adverse action against a
11 audiologist's or speech-language pathologist's license issued by the home state.

12 (b) For purposes of taking adverse action, the home state shall give the same
13 priority and effect to reported conduct received from a member state as it would if
14 the conduct had occurred within the home state. In so doing, the home state shall
15 apply its own state laws to determine appropriate action.

16 (c) The home state shall complete any pending investigations of an audiologist
17 or speech-language pathologist who changes primary state of residence during the
18 course of the investigations. The home state shall also have the authority to take
19 appropriate action and shall promptly report the conclusions of the investigations to
20 the administrator of the data system. The administrator of the coordinated licensure
21 information system shall promptly notify the new home state of any adverse actions.

22 (d) If otherwise permitted by state law, the member state may recover from the
23 affected audiologist or speech-language pathologist the costs of investigations and
24 disposition of cases resulting from any adverse action taken against that audiologist
25 or speech-language pathologist.

1 (e) The member state may take adverse action based on the factual findings of
2 the remote state, provided that the member state follows the member state's own
3 procedures for taking the adverse action.

4 (f) 1. In addition to the authority granted to a member state by its respective
5 audiology or speech-language pathology practice act or other applicable state law,
6 any member state may participate with other member states in joint investigations
7 of licensees.

8 2. Member states shall share any investigative, litigation, or compliance
9 materials in furtherance of any joint or individual investigation initiated under the
10 compact.

11 (g) If adverse action is taken by the home state against an audiologist's or
12 speech language pathologist's license, the audiologist's or speech-language
13 pathologist's privilege to practice in all other member states shall be deactivated
14 until all encumbrances have been removed from the state license. All home state
15 disciplinary orders that impose adverse action against an audiologist's or speech
16 language pathologist's license shall include a statement that the audiologist's or
17 speech-language pathologist's privilege to practice is deactivated in all member
18 states during the pendency of the order.

19 (h) If a member state takes adverse action, it shall promptly notify the
20 administrator of the data system. The administrator of the data system shall
21 promptly notify the home state of any adverse actions by remote states.

22 (i) Nothing in this compact shall override a member state's decision that
23 participation in an alternative program may be used in lieu of adverse action.

24 **(8) ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT**
25 COMMISSION. (a) 1. The compact member states hereby create and establish a joint

1 public agency known as the audiology and speech-language pathology compact
2 commission.

3 2. The commission is an instrumentality of the compact states.

4 3. Venue is proper and judicial proceedings by or against the commission shall
5 be brought solely and exclusively in a court of competent jurisdiction where the
6 principal office of the commission is located. The commission may waive venue and
7 jurisdictional defenses to the extent it adopts or consents to participate in alternative
8 dispute resolution proceedings.

9 4. Nothing in this compact shall be construed to be a waiver of sovereign
10 immunity.

11 (b) 1. Each member state shall have 2 delegates selected by that member state's
12 licensing board. The delegates shall be current members of the licensing board. One
13 shall be an audiologist and one shall be a speech-language pathologist.

14 2. An additional 5 delegates, who are either a public member or board
15 administrator from a state licensing board, shall be chosen by the executive
16 committee from a pool of nominees provided by the commission at large.

17 3. Any delegate may be removed or suspended from office as provided by the
18 law of the state from which the delegate is appointed.

19 4. The member state board shall fill any vacancy occurring on the commission,
20 within 90 days.

21 5. Each delegate shall be entitled to one vote with regard to the promulgation
22 of rules and creation of bylaws and shall otherwise have an opportunity to participate
23 in the business and affairs of the commission.

1 6. A delegate shall vote in person or by other means as provided in the bylaws.
2 The bylaws may provide for delegates' participation in meetings by telephone or
3 other means of communication.

4 7. The commission shall meet at least once during each calendar year.
5 Additional meetings shall be held as set forth in the bylaws.

6 (c) The commission shall have the following powers and duties:

7 1. Establish the fiscal year of the commission.

8 2. Establish bylaws.

9 3. Establish a code of ethics.

10 4. Maintain its financial records in accordance with the bylaws.

11 5. Meet and take actions as are consistent with the provisions of this compact
12 and the bylaws.

13 6. Promulgate uniform rules to facilitate and coordinate implementation and
14 administration of this compact. The rules shall have the force and effect of law and
15 shall be binding in all member states.

16 7. Bring and prosecute legal proceedings or actions in the name of the
17 commission, provided that the standing of any state audiology or speech-language
18 pathology licensing board to sue or be sued under applicable law shall not be affected.

19 8. Purchase and maintain insurance and bonds.

20 9. Borrow, accept, or contract for services of personnel, including, but not
21 limited to, employees of a member state.

22 10. Hire employees, elect or appoint officers, fix compensation, define duties,
23 grant individuals appropriate authority to carry out the purposes of the compact, and
24 to establish the commission's personnel policies and programs relating to conflicts
25 of interest, qualifications of personnel, and other related personnel matters.

1 11. Accept any and all appropriate donations and grants of money, equipment,
2 supplies, materials, and services, and to receive, utilize, and dispose of the same;
3 provided that at all times the commission shall avoid any appearance of impropriety
4 and/or conflict of interest.

5 12. Lease, purchase, and accept appropriate gifts or donations of, or otherwise
6 to own, hold, improve, or use, any property, real, personal or mixed; provided that at
7 all times the commission shall avoid any appearance of impropriety.

8 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
9 dispose of any property, real, personal, or mixed.

10 14. Establish a budget and make expenditures.

11 15. Borrow money.

12 16. Appoint committees, including standing committees composed of members,
13 and other interested persons as may be designated in this compact and the bylaws.

14 17. Provide and receive information from, and cooperate with, law enforcement
15 agencies.

16 18. Establish and elect an executive committee.

17 19. Perform other functions as may be necessary or appropriate to achieve the
18 purposes of this compact consistent with the state regulation of audiology and
19 speech-language pathology licensure and practice.

20 (d) 1. The executive committee shall have the power to act on behalf of the
21 commission according to the terms of this compact.

22 2. The executive committee shall be composed of the following 10 members:

23 a. Seven voting members who are elected by the commission from the current
24 membership of the commission.

1 b. Two ex-officios, consisting of one nonvoting member from a recognized
2 national audiology professional association and one nonvoting member from a
3 recognized national speech-language pathology association.

4 c. One ex-officio, nonvoting member from the recognized membership
5 organization of the audiology and speech-language pathology licensing boards.

6 (e) 1. The ex-officio members shall be selected by their respective
7 organizations.

8 2. The commission may remove any member of the executive committee as
9 provided in bylaws.

10 3. The executive committee shall meet at least annually.

11 4. The executive committee shall have the following duties and responsibilities:

12 a. Recommend to the entire commission changes to the rules or bylaws, changes
13 to this compact legislation, fees paid by compact member states such as annual dues,
14 and any commission compact fee charged to licensees for the compact privilege.

15 b. Ensure compact administration services are appropriately provided,
16 contractual or otherwise.

17 c. Prepare and recommend the budget.

18 d. Maintain financial records on behalf of the commission.

19 e. Monitor compact compliance of member states and provide compliance
20 reports to the commission.

21 f. Establish additional committees as necessary.

22 g. Other duties as provided in rules or bylaws.

23 5. All meetings shall be open to the public, and public notice of meetings shall
24 be given in the same manner as required under the rule-making provisions in sub.

25 (10).

1 6. The commission or the executive committee or other committees of the
2 commission may convene in a closed, nonpublic meeting if the commission or
3 executive committee or other committees of the commission must discuss:

4 a. Noncompliance of a member state with its obligations under the compact.

5 b. The employment, compensation, discipline, or other matters, practices, or
6 procedures related to specific employees or other matters related to the commission's
7 internal personnel practices and procedures.

8 c. Current, threatened, or reasonably anticipated litigation.

9 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
10 real estate.

11 e. Accusing any person of a crime or formally censuring any person.

12 f. Disclosure of trade secrets or commercial or financial information that is
13 privileged or confidential.

14 g. Disclosure of information of a personal nature where disclosure would
15 constitute a clearly unwarranted invasion of personal privacy.

16 h. Disclosure of investigative records compiled for law enforcement purposes.

17 i. Disclosure of information related to any investigative reports prepared by or
18 on behalf of or for use of the commission or other committee charged with
19 responsibility of investigation or determination of compliance issues pursuant to the
20 compact.

21 j. Matters specifically exempted from disclosure by federal or member state
22 statute.

23 7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
24 commission's legal counsel or designee shall certify that the meeting may be closed
25 and shall reference each relevant exempting provision.

1 8. The commission shall keep minutes that fully and clearly describe all
2 matters discussed in a meeting and shall provide a full and accurate summary of
3 actions taken, and the reasons therefore, including a description of the views
4 expressed. All documents considered in connection with an action shall be identified
5 in minutes. All minutes and documents of a closed meeting shall remain under seal,
6 subject to release by a majority vote of the commission or order of a court of competent
7 jurisdiction.

8 9. a. The commission shall pay, or provide for the payment of, the reasonable
9 expenses of its establishment, organization, and ongoing activities.

10 b. The commission may accept any and all appropriate revenue sources,
11 donations, and grants of money, equipment, supplies, materials, and services.

12 c. The commission may levy on and collect an annual assessment from each
13 member state or impose fees on other parties to cover the cost of the operations and
14 activities of the commission and its staff, which must be in a total amount sufficient
15 to cover its annual budget as approved each year for which revenue is not provided
16 by other sources. The aggregate annual assessment amount shall be allocated based
17 upon a formula to be determined by the commission, which shall promulgate a rule
18 binding upon all member states.

19 10. The commission shall not incur obligations of any kind prior to securing the
20 funds adequate to meet the same; nor shall the commission pledge the credit of any
21 of the member states, except by and with the authority of the member state.

22 11. The commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the commission shall be subject
24 to the audit and accounting procedures established under its bylaws. However, all
25 receipts and disbursements of funds handled by the commission shall be audited

1 yearly by a certified or licensed public accountant, and the report of the audit shall
2 be included in and become part of the annual report of the commission.

3 (f) 1. The members, officers, executive director, employees, and representatives
4 of the commission shall be immune from suit and liability, either personally or in
5 their official capacity, for any claim for damage to or loss of property or personal
6 injury or other civil liability caused by or arising out of any actual or alleged act, error
7 or omission that occurred, or that the person against whom the claim is made had
8 a reasonable basis for believing occurred within the scope of commission
9 employment, duties, or responsibilities; provided that nothing in this subdivision
10 shall be construed to protect any person from suit and/or liability for any damage,
11 loss, injury, or liability caused by the intentional or willful or wanton misconduct of
12 that person.

13 2. The commission shall defend any member, officer, executive director,
14 employee, or representative of the commission in any civil action seeking to impose
15 liability arising out of any actual or alleged act, error, or omission that occurred
16 within the scope of commission employment, duties, or responsibilities, or that the
17 person against whom the claim is made had a reasonable basis for believing occurred
18 within the scope of commission employment, duties, or responsibilities; provided
19 that nothing herein shall be construed to prohibit that person from retaining his or
20 her own counsel; and provided further, that the actual or alleged act, error, or
21 omission did not result from that person's intentional or willful or wanton
22 misconduct.

23 3. The commission shall indemnify and hold harmless any member, officer,
24 executive director, employee, or representative of the commission for the amount of
25 any settlement or judgment obtained against that person arising out of any actual

1 or alleged act, error, or omission that occurred within the scope of commission
2 employment, duties, or responsibilities, or that person had a reasonable basis for
3 believing occurred within the scope of commission employment, duties, or
4 responsibilities, provided that the actual or alleged act, error, or omission did not
5 result from the intentional or willful or wanton misconduct of that person.

6 **(9) DATA SYSTEM.** (a) The commission shall provide for the development,
7 maintenance, and utilization of a coordinated database and reporting system
8 containing licensure, adverse action, and investigative information on all licensed
9 individuals in member states.

10 (b) Notwithstanding any other provision of state law to the contrary, a member
11 state shall submit a uniform data set to the data system on all individuals to whom
12 this compact is applicable as required by the rules of the commission, including:

- 13 1. Identifying information.
- 14 2. Licensure data.
- 15 3. Adverse actions against a license or compact privilege.
- 16 4. Nonconfidential information related to alternative program participation.
- 17 5. Any denial of application for licensure, and the reason for denial.
- 18 6. Other information that may facilitate the administration of this compact, as
19 determined by the rules of the commission.

20 (c) Investigative information pertaining to a licensee in any member state shall
21 only be available to other member states.

22 (d) The commission shall promptly notify all member states of any adverse
23 action taken against a licensee or an individual applying for a license. Adverse action
24 information pertaining to a licensee in any member state shall be available to any
25 other member state.

1 (e) Member states contributing information to the data system may designate
2 information that may not be shared with the public without the express permission
3 of the contributing state.

4 (f) Any information submitted to the data system that is subsequently required
5 to be expunged by the laws of the member state contributing the information shall
6 be removed from the data system.

7 **(10) RULE MAKING.** (a) The commission shall exercise its rule-making powers
8 pursuant to the criteria set forth in this subsection and the rules adopted thereunder.
9 Rules and amendments shall become binding as of the date specified in each rule or
10 amendment.

11 (b) If a majority of the legislatures of the member states rejects a rule, by
12 enactment of a statute or resolution in the same manner used to adopt the compact
13 within 4 years of the date of adoption of the rule, the rule shall have no further force
14 and effect in any member state.

15 (c) Rules or amendments to the rules shall be adopted at a regular or special
16 meeting of the commission.

17 (d) Prior to promulgation and adoption of a final rule or rules by the
18 commission, and at least 30 days in advance of the meeting at which the rule shall
19 be considered and voted upon, the commission shall file a notice of proposed rule
20 making:

- 21 1. On the website of the commission or other publicly accessible platform.
- 22 2. On the website of each member state audiology or speech-language
23 pathology licensing board or other publicly accessible platform or the publication in
24 which each state would otherwise publish proposed rules.

25 (e) The notice of proposed rule making shall include:

1 1. The proposed time, date, and location of the meeting in which the rule shall
2 be considered and voted upon.

3 2. The text of the proposed rule or amendment and the reason for the proposed
4 rule.

5 3. A request for comments on the proposed rule from any interested person.

6 4. The manner in which interested persons may submit notice to the
7 commission of their intention to attend the public hearing and any written
8 comments.

9 (f) Prior to the adoption of a proposed rule, the commission shall allow persons
10 to submit written data, facts, opinions, and arguments, which shall be made
11 available to the public.

12 (g) The commission shall grant an opportunity for a public hearing before it
13 adopts a rule or amendment if a hearing is requested by any of the following:

14 1. At least 25 persons.

15 2. A state or federal government subdivision or agency.

16 3. An association having at least 25 members.

17 (h) 1. If a hearing is held on the proposed rule or amendment, the commission
18 shall publish the place, time, and date of the scheduled public hearing. If the hearing
19 is held via electronic means, the commission shall publish the mechanism for access
20 to the electronic hearing.

21 2. All persons wishing to be heard at the hearing shall notify the executive
22 director of the commission or other designated member in writing of their desire to
23 appear and testify at the hearing not less than 5 business days before the scheduled
24 date of the hearing.

1 3. Hearings shall be conducted in a manner providing each person who wishes
2 to comment a fair and reasonable opportunity to comment orally or in writing.

3 4. All hearings shall be recorded. A copy of the recording shall be made
4 available on request.

5 5. Nothing in this subsection shall be construed as requiring a separate hearing
6 on each rule. Rules may be grouped for the convenience of the commission at
7 hearings required by this subsection.

8 (i) Following the scheduled hearing date, or by the close of business on the
9 scheduled hearing date if the hearing was not held, the commission shall consider
10 all written and oral comments received.

11 (j) If no written notice of intent to attend the public hearing by interested
12 parties is received, the commission may proceed with promulgation of the proposed
13 rule without a public hearing.

14 (k) The commission shall, by majority vote of all members, take final action on
15 the proposed rule and shall determine the effective date of the rule, if any, based on
16 the rule-making record and the full text of the rule.

17 (L) Upon determination that an emergency exists, the commission may
18 consider and adopt an emergency rule without prior notice, opportunity for
19 comment, or hearing, provided that the usual rule-making procedures provided in
20 the compact and in this subsection shall be retroactively applied to the rule as soon
21 as reasonably possible, in no event later than 90 days after the effective date of the
22 rule. For the purposes of this paragraph, an emergency rule is one that must be
23 adopted immediately in order to do any of the following:

24 1. Meet an imminent threat to public health, safety, or welfare.

25 2. Prevent a loss of commission or member state funds.

1 3. Meet a deadline for the promulgation of an administrative rule that is
2 established by federal law or rule.

3 (m) The commission or an authorized committee of the commission may direct
4 revisions to a previously adopted rule or amendment for purposes of correcting
5 typographical errors, errors in format, errors in consistency, or grammatical errors.
6 Public notice of any revisions shall be posted on the website of the commission. The
7 revision shall be subject to challenge by any person for a period of 30 days after
8 posting. The revision may be challenged only on grounds that the revision results
9 in a material change to a rule. A challenge shall be made in writing and delivered
10 to the chair of the commission prior to the end of the notice period. If no challenge
11 is made, the revision shall take effect without further action. If the revision is
12 challenged, the revision may not take effect without the approval of the commission.

13 **(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) 1. Upon request by
14 a member state, the commission shall attempt to resolve disputes related to the
15 compact that arise among member states and between member and nonmember
16 states.

17 2. The commission shall promulgate a rule providing for both mediation and
18 binding dispute resolution for disputes as appropriate.

19 (b) 1. The commission, in the reasonable exercise of its discretion, shall enforce
20 the provisions and rules of this compact.

21 2. By majority vote, the commission may initiate legal action in the United
22 States District Court for the District of Columbia or the federal district where the
23 commission has its principal offices against a member state in default to enforce
24 compliance with the provisions of the compact and its promulgated rules and bylaws.
25 The relief sought may include both injunctive relief and damages. Notwithstanding

1 s. 814.04 (1), in the event judicial enforcement is necessary, the prevailing member
2 shall be awarded all costs of litigation, including reasonable attorney's fees.

3 3. The remedies herein shall not be the exclusive remedies of the commission.
4 The commission may pursue any other remedies available under federal or state law.

5 **(12) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND**
6 **SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND**
7 **AMENDMENT.** (a) The compact shall come into effect on the date on which the compact
8 statute is enacted into law in the 10th member state. The provisions, which become
9 effective at that time, shall be limited to the powers granted to the commission
10 relating to assembly and the promulgation of rules. Thereafter, the commission shall
11 meet and exercise rule-making powers necessary to the implementation and
12 administration of the compact.

13 (b) Any state that joins the compact subsequent to the commission's initial
14 adoption of the rules shall be subject to the rules as they exist on the date on which
15 the compact becomes law in that state. Any rule that has been previously adopted
16 by the commission shall have the full force and effect of law on the day the compact
17 becomes law in that state.

18 (c) 1. Any member state may withdraw from this compact by enacting a statute
19 repealing the same.

20 2. A member state's withdrawal shall not take effect until 6 months after
21 enactment of the repealing statute.

22 3. Withdrawal shall not affect the continuing requirement of the withdrawing
23 state's audiology or speech-language pathology licensing board to comply with the
24 investigative and adverse action reporting requirements of this act prior to the
25 effective date of withdrawal.

1 (d) Nothing contained in this compact shall be construed to invalidate or
2 prevent any audiology or speech-language pathology licensure agreement or other
3 cooperative arrangement between a member state and a nonmember state that does
4 not conflict with the provisions of this compact.

5 (e) This compact may be amended by the member states. No amendment to this
6 compact shall become effective and binding upon any member state until it is enacted
7 into the laws of all member states.

8 **(13) CONSTRUCTION AND SEVERABILITY.** This compact shall be liberally construed
9 so as to effectuate the purposes thereof. The provisions of this compact shall be
10 severable and if any phrase, clause, sentence, or provision of this compact is declared
11 to be contrary to the constitution of any member state or of the United States or the
12 applicability thereof to any government, agency, person, or circumstance is held
13 invalid, the validity of the remainder of this compact and the applicability thereof to
14 any government, agency, person, or circumstance shall not be affected thereby. If this
15 compact shall be held contrary to the constitution of any member state, the compact
16 shall remain in full force and effect as to the remaining member states and in full
17 force and effect as to the member state affected as to all severable matters.

18 **(14) BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) Nothing herein prevents
19 the enforcement of any other law of a member state that is not inconsistent with the
20 compact.

21 (b) All laws in a member state in conflict with the compact are superseded to
22 the extent of the conflict.

23 (c) All lawful actions of the commission, including all rules and bylaws
24 promulgated by the commission, are binding upon the member states.

1 (d) All agreements between the commission and the member states are binding
2 in accordance with their terms.

3 (e) In the event any provision of the compact exceeds the constitutional limits
4 imposed on the legislature of any member state, the provision shall be ineffective to
5 the extent of the conflict with the constitutional provision in question in that member
6 state.

7 **459.71 Implementation of the audiology and speech-language**
8 **pathology interstate compact. (1)** In this section:

9 (a) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2)
10 (h), that is granted under the audiology and speech-language pathology interstate
11 compact under s. 459.70 to an individual to practice in this state.

12 (b) “Examining board” means the hearing and speech examining board.

13 **(2)** The department may impose a fee for an individual to receive a compact
14 privilege as provided under s. 459.70 (3) (j).

15 **(3)** (a) An individual who holds a compact privilege shall comply with s. 440.03
16 (13) (am).

17 (b) Subject to s. 459.70 and any rules promulgated thereunder, ss. 440.20 to
18 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
19 holds a compact privilege in the same manner that they apply to holders of licenses
20 and permits issued under subch. II.

21 **SECTION 327.** 460.07 (2) (intro.) of the statutes is amended to read:

22 460.07 **(2)** (intro.) Renewal applications shall be submitted to the department
23 on a form provided by the department on or before the applicable renewal date
24 specified determined under s. 440.08 (2) (a) and shall include all of the following:

25 **SECTION 328.** 460.10 (1) (a) of the statutes is amended to read:

1 460.10 (1) (a) Requirements and procedures for a license holder to complete
2 continuing education programs or courses of study to qualify for renewal of his or her
3 license. The rules promulgated under this paragraph may not require a license
4 holder to complete more than 24 hours of continuing education programs or courses
5 of study per 2-year period in order to qualify for renewal of his or her license.

6 **SECTION 329.** 462.02 (2) (e) of the statutes is amended to read:

7 462.02 (2) (e) A physician assistant ~~licensed under s. 448.974.~~

8 **SECTION 330.** 462.04 of the statutes, as affected by 2021 Wisconsin Act 251, is
9 amended to read:

10 **462.04 Prescription or order required.** A person who holds a license or
11 limited X-ray machine operator permit under this chapter may not use diagnostic
12 X-ray equipment on humans for diagnostic purposes unless authorized to do so by
13 prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic
14 doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a podiatrist
15 licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced
16 practice nurse certified under s. 441.16 (2), a physician assistant who is licensed
17 under s. 448.974 or who holds a compact privilege under subch. XIII of ch. 448, or,
18 subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who
19 holds a compact privilege under subch. XI of ch. 448.

20 **SECTION 331.** 462.05 (1) of the statutes is amended to read:

21 462.05 (1) The renewal date for licenses and limited X-ray machine operator
22 permits granted under this chapter ~~is specified in~~ shall be as determined under s.
23 440.08 (2) (a). Renewal applications shall be submitted to the department on a form
24 provided by the department and shall include the renewal fee determined by the
25 department under s. 440.03 (9) (a).

1 **SECTION 332.** 466.04 (3) (a) (intro.) of the statutes is amended to read:

2 466.04 **(3)** (a) (intro.) The renewal date for licenses granted under this chapter
3 ~~is specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~. Renewal applications shall
4 be submitted to the department on a form provided by the department. The
5 application shall include all of the following in order for the license to be renewed:

6 **SECTION 333.** 470.045 (3) (b) of the statutes is amended to read:

7 470.045 **(3)** (b) The renewal date for certificates of authorization under this
8 section ~~is specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~, and the renewal
9 fee for such certificates is determined by the department under s. 440.03 (9) (a).

10 **SECTION 334.** 470.07 of the statutes is amended to read:

11 **470.07 Renewal of licenses.** The renewal dates for licenses granted under
12 this chapter ~~are specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~. Renewal
13 applications shall be submitted to the department on a form provided by the
14 department and shall include the renewal fee determined by the department under
15 s. 440.03 (9) (a) and evidence satisfactory to the appropriate section of the examining
16 board that the applicant has completed any continuing education requirements
17 specified in rules promulgated under s. 470.03 (2).

18 **SECTION 335.** 480.08 (5) of the statutes is amended to read:

19 480.08 **(5) EXPIRATION AND RENEWAL.** The renewal date for certificates granted
20 under this chapter, other than temporary certificates granted under sub. (7), is
21 ~~specified~~ shall be as determined under s. 440.08 (2) ~~(a)~~, and the renewal fee for
22 certificates granted under this chapter, other than temporary certificates granted
23 under sub. (7), is determined by the department under s. 440.03 (9) (a). Renewal
24 applications shall include evidence satisfactory to the department that the applicant
25 holds a current permit issued under s. 77.52 (9). A renewal application for an

1 auctioneer certificate shall be accompanied by proof of completion of continuing
2 education requirements under sub. (6).

3 **SECTION 336.** 632.89 (1) (dm) of the statutes is repealed and recreated to read:

4 632.89 (1) (dm) “Licensed mental health professional” means a clinical social
5 worker, a marriage and family therapist, or a professional counselor, as those terms
6 are defined in subch. I of ch. 457.

7 **SECTION 337.** 632.89 (1) (e) 4. of the statutes is amended to read:

8 632.89 (1) (e) 4. A licensed mental health professional practicing within the
9 scope of his or her license credential under subch. I of ch. 457 and applicable rules.

10 **SECTION 338.** 632.895 (16) (b) 1. a. of the statutes is amended to read:

11 632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants
12 that are prescribed by a physician, or by an audiologist who is licensed under subch.
13 II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, in
14 accordance with accepted professional medical or audiological standards, for a child
15 covered under the policy or plan who is under 18 years of age and who is certified as
16 deaf or hearing impaired by a physician or by an audiologist who is licensed under
17 subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459.

18 **SECTION 339.** 800.035 (2m) of the statutes is amended to read:

19 800.035 (2m) A municipal court shall appoint a guardian ad litem or social
20 worker certified or licensed under subch. I of ch. 457 for any defendant that the court
21 has reason to believe lacks substantial mental capacity to understand the
22 proceedings or assist in his or her defense. The person appointed under this
23 paragraph shall assist the court in making a determination concerning the
24 defendant’s mental capacity. If the court determines that the defendant lacks the
25 mental capacity to understand the proceedings or assist in his or her defense, the

1 court shall suspend the proceedings. The cost of the guardian ad litem or social
2 worker shall be paid by the municipality or municipalities that established the court.
3 The governing body may by ordinance or bylaw authorize the appointment of a
4 guardian ad litem by the municipal judge in any other matter within the jurisdiction
5 of the municipal court.

6 **SECTION 340.** 895.48 (1m) (a) (intro.) of the statutes is amended to read:

7 895.48 **(1m)** (a) (intro.) Except as provided in par. (b), any physician,
8 ~~naturopathic doctor, physician assistant, podiatrist, or athletic trainer licensed~~
9 ~~under ch. 448, physician assistant who is licensed under subch. IX of ch. 448 or who~~
10 ~~holds a compact privilege under subch. XIII of ch. 448,~~ chiropractor licensed under
11 ch. 446, dentist licensed under ch. 447, emergency medical services practitioner
12 licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8),
13 registered nurse licensed under ch. 441, ~~or a~~ massage therapist or bodywork
14 therapist licensed under ch. 460, naturopathic doctor licensed under ch. 466 who
15 renders voluntary health care to a participant in an athletic event or contest
16 sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school,
17 as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public
18 agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is
19 immune from civil liability for his or her acts or omissions in rendering that care if
20 all of the following conditions exist:

21 **SECTION 341.** 905.04 (1) (bm) of the statutes is amended to read:

22 905.04 **(1)** (bm) “Marriage and family therapist” means an individual who is
23 licensed as a marriage and family therapist under subch. I of ch. 457 or an individual
24 reasonably believed by the patient to be a marriage and family therapist.

25 **SECTION 342.** 905.04 (1) (dm) of the statutes is amended to read:

1 905.04 (1) (dm) “Professional counselor” means an individual who is licensed
2 as a professional counselor under subch. I of ch. 457, an individual who is exercising
3 the privilege to practice, as defined in s. 457.50 (2) (s), in this state, or an individual
4 reasonably believed by the patient to be a professional counselor.

5 **SECTION 343.** 905.04 (1) (g) of the statutes is amended to read:

6 905.04 (1) (g) “Social worker” means ~~an individual who is certified or licensed~~
7 as a social worker, advanced practice social worker, independent social worker, or
8 clinical social worker, as those terms are defined under subch. I of ch. 457, or an
9 individual reasonably believed by the patient to be a social worker, advanced practice
10 social worker, independent social worker, or clinical social worker.

11 **SECTION 344.** 971.14 (4) (a) of the statutes is amended to read:

12 971.14 (4) (a) The court shall cause copies of the report to be delivered forthwith
13 to the district attorney and the defense counsel, or the defendant personally if not
14 represented by counsel. Upon the request of the sheriff or jailer charged with care
15 and control of the jail in which the defendant is being held pending or during a trial
16 or sentencing proceeding, the court shall cause a copy of the report to be delivered
17 to the sheriff or jailer. The sheriff or jailer may provide a copy of the report to the
18 person who is responsible for maintaining medical records for inmates of the jail, or
19 to a nurse ~~licensed under ch. 441,~~ to a ~~physician licensed under subch. II of ch. 448,~~
20 or to a ~~physician assistant licensed under subch. IX of ch. 448~~ who is a health care
21 provider for the defendant or who is responsible for providing health care services
22 to inmates of the jail. The report shall not be otherwise disclosed prior to the hearing
23 under this subsection.

24 **SECTION 345.** 990.01 (27s) of the statutes is amended to read:

1 990.01 (27s) PHYSICIAN ASSISTANT. “Physician assistant” means a person who
2 is licensed as a physician assistant under subch. IX of ch. 448 or who holds a compact
3 privilege under subch. XIII of ch. 448.

4 **SECTION 9138. Nonstatutory provisions; Safety and Professional**
5 **Services.**

6 (1) CREDENTIAL RENEWAL DATES.

7 (a) In this subsection:

8 1. “Credentialing board” has the meaning given in s. 440.01 (2) (bm).

9 2. “Department” means the department of safety and professional services.

10 (b) The department and each credentialing board may promulgate emergency
11 rules under s. 227.24 necessary to implement the changes act related to the
12 transition to four-year professional credential renewal cycles. Notwithstanding s.
13 227.24 (1) (c) and (2), emergency rules promulgated under this paragraph remain in
14 effect until May 1, 2025, or the date on which permanent rules take effect, whichever
15 is sooner. Notwithstanding s. 227.24 (1) (a) and (3), neither the department nor any
16 credentialing board is required to provide evidence that promulgating a rule under
17 this paragraph as an emergency rule is necessary for the preservation of the public
18 peace, health, safety, or welfare or provide a finding of emergency for a rule
19 promulgated under this paragraph.

20 **SECTION 9149. Nonstatutory provisions; Wisconsin Economic**
21 **Development Corporation.**

22 (1) PROVIDER ASSISTANCE FOR LICENSING. No later than March 1, 2024, the
23 Wisconsin Economic Development Corporation shall request the joint committee on
24 finance to supplement an appropriation for child care to be used for the program
25 known as Provider Assistance for Licensing, which is a program to assist

1 unregulated providers of child care in becoming certified child care providers under
2 s. 48.651 or licensed child care centers under s. 48.65 through methods including
3 grant funding; waiver of licensure fees; and assistance with compliance with
4 regulations, training and certification, and completing background checks under s.
5 48.686.

6 **SECTION 9150. Nonstatutory provisions; Workforce Development.**

7 (1) UNEMPLOYMENT INSURANCE; WORK SEARCH. The department of workforce
8 development shall submit a notice to the legislative reference bureau for publication
9 in the Wisconsin Administrative Register when the department determines that the
10 department has any rules in place that are necessary to implement the treatment of
11 s. 108.04 (2) (a) 3. by this act.

12 **SECTION 9328. Initial applicability; Legislature.**

13 (1) OCCUPATIONAL LICENSE REPORTS. The treatment of s. 13.0963 first applies to
14 a bill introduced on the effective date of this subsection.

15 **SECTION 9350. Initial applicability; Workforce Development.**

16 (1) UNEMPLOYMENT INSURANCE; WORK SEARCH. The treatment of s. 108.04 (2) (a)
17 3. first applies with respect to weeks of unemployment beginning on the effective
18 date of this subsection.

19 (2) UNEMPLOYMENT INSURANCE; VARIOUS CHANGES. The renumbering and
20 amendment of s. 108.04 (2) (a) 4. and (15) (a) 2., the consolidation, renumbering, and
21 amendment of s. 108.04 (15) (a) (intro.) and 1., and the creation of s. 108.04 (2) (a)
22 4. c. and 5. and (15) (a) 2. b., (am), and (ao) first apply with respect to weeks of
23 unemployment beginning on the effective date of this subsection.

24 **SECTION 9400. Effective dates; general.** Except as otherwise provided in

25 SECTIONS 9428 to 9450 of this act, this act takes effect on the day after publication.

1 **SECTION 9428. Effective dates; Legislature.**

2 (1) OCCUPATIONAL LICENSE REPORTS. The treatment of s. 13.0963 and SECTION
3 9328 (1) of this act take effect on the 14th day after publication.

4 **SECTION 9438. Effective dates; Safety and Professional Services.**

5 (1) CREDENTIAL RENEWAL DATES. The repeal of ss. 440.992 (6), 452.10 (2), and
6 456.07 (1) and (3); the renumbering of s. 440.08 (2) (d) and (e); the renumbering and
7 amendment of ss. 440.08 (2) (a) 1. to 72. and (c), 446.025 (3) (a), and 446.026 (3) (a);
8 the amendment of ss. 440.03 (14) (c) and (15), 440.032 (5), 440.08 (2) (title), (a) (intro.)
9 (by SECTION 105), and (b) and (4) (a), 440.09 (1m) (c) 1., 440.26 (3) and (5m) (b),
10 440.313 (1), 440.415 (2) (a), 440.71 (3), 440.88 (4), 440.905 (2), 440.91 (1) (c), (1m) (c),
11 and (4), 440.92 (1) (c), 440.972 (2), 440.974 (2), 440.98 (6), 440.983 (1), 440.9935,
12 441.06 (3), 441.10 (6), 441.15 (3) (b), 442.083 (1) and (2) (a), 443.015 (1e), 443.07 (6),
13 443.08 (3) (b), 443.10 (2) (e) and (5), 445.06 (1), 445.07 (1) (a) and (b), 445.095 (1) (c),
14 445.105 (3), 446.02 (1) (b) and (4), 446.025 (3) (b), 446.026 (3) (b), 447.05 (1) (a),
15 447.055 (1) (a) and (b) 1. and 2., 447.056 (1) (intro.) and (3), 447.058 (2) (b), 448.07
16 (1) (a), 448.13 (1) (a) 1. and 2. and (1m), 448.55 (2), 448.65 (2) (intro.), 448.665, 448.86
17 (2), 448.9545 (1) (a) and (b) (intro.), 448.955 (1), (2) (a), and (3) (a), 448.956 (1) (c),
18 448.967 (2), 448.9703 (3) (a), 448.9706 (2), 448.974 (2) (am) 1., 449.06 (1) and (2m),
19 450.08 (1) and (2) (a) and (b), 450.085 (1), 451.04 (4), 452.05 (1) (d), 452.12 (1) and (5)
20 (a) and (c), 452.132 (2) (c), 454.06 (8), 454.08 (9), 454.23 (5), 454.25 (9), 455.06 (1) (a),
21 455.065 (7), 456.07 (2) and (5), 457.20 (2) (by SECTION 294), 457.22 (2), 458.085 (3),
22 458.09 (3), 458.11, 458.13, 458.33 (5), 459.09 (1) (intro.) and (b), 459.24 (5) (intro.) and
23 (b), 460.07 (2) (intro.), 460.10 (1) (a), 462.05 (1), 466.04 (3) (a) (intro.), 470.045 (3) (b),
24 470.07, and 480.08 (5); the repeal and recreation of ss. 448.13 (title) and 456.07 (title);
25 and the creation of ss. 440.08 (2) (a) 1n., 2n., 3n., and 4n., (ag) (intro.), and (ar), (2r)

1 (title) and (b), and (3m), 440.20 (6), 443.015 (1c), 446.025 (3) (a) 2., and 446.026 (3)
2 (a) 2. take effect on the 6th month beginning after publication.

3 **SECTION 9450. Effective dates; Workforce Development.**

4 (1) COMMERCIAL DRIVER'S LICENSE TRAINING GRANTS. The repeal of s. 106.276
5 takes effect on July 1, 2025.

6 (2) UNEMPLOYMENT INSURANCE; WORK SEARCH. The treatment of s. 108.04 (2) (a)
7 3. and SECTION 9350 (1) of this act take effect on the Sunday after the notice under
8 SECTION 9150 (1) of this act is published in the Wisconsin Administrative Register or
9 on December 31, 2023, whichever occurs first.

10 (3) UNEMPLOYMENT INSURANCE; VARIOUS CHANGES. The treatment of ss. 108.01
11 (2m), 108.133 (2) (a) (intro.) and (am), and 108.14 (8o) and (30), the renumbering and
12 amendment of s. 108.04 (2) (a) 4. and (15) (a) 2., the consolidation, renumbering, and
13 amendment of s. 108.04 (15) (a) (intro.) and 1., and the creation of s. 108.04 (2) (a)
14 4. c. and 5. and (15) (a) 2. b., (am), and (ao) and SECTIONS 9150 (1) and 9350 (2) of this
15 act take effect on the first Sunday after publication.

16 (END)