



2007 SENATE BILL 315

November 9, 2007 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT to amend** 440.01 (1) (d) of the statutes; **relating to:** disciplinary actions
2 against credential holders (suggested as remedial legislation by the
3 Department of Regulation and Licensing).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Regulation and Licensing (department) and examining boards and affiliated credentialing boards attached to the department (boards) are generally authorized to limit a credential issued by the department or a board after disciplinary proceedings against a person who holds such a credential. Currently, “limit” is defined as imposing conditions and requirements upon the credential holder and restricting the scope of the holder’s practice.

Under the bill, “limit” is defined as imposing conditions and requirements upon the credential holder, restricting the scope of the holder’s practice, or both.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Regulation and Licensing and introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., as a result of the Revisor of

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Statutes' case and opinion review under s. 13.93 (2) (d), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 440.01 (1) (d) of the statutes is amended to read:
2 440.01 (1) (d) "Limit", when used in reference to limiting a credential, means
3 to impose conditions and requirements upon the holder of the credential, and to
4 restrict the scope of the holder's practice, or both.

NOTE: Under current law, the Department of Regulation and Licensing and affiliated credentialing boards may, as a disciplinary option against a credential holder, limit the holder's credential to practice a certain profession or trade. Long standing interpretation by the department and affiliated boards is that the current definition of "limit" allows for the imposition of rehabilitative requirements (e.g., education or treatment) without a concurrent restriction on the scope of practice when public safety does not require a restriction. The change proposed by this bill clarifies the definition of "limit," consistent with current interpretation.

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(END)