

2007 DRAFTING REQUEST

Bill

Received: **09/11/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Dombrowski**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0071 -

Topic:

Permit department to restrict scope of practice as alternative to conditions and requirements

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 10/04/2006	kfollett 10/04/2006		_____			
/1			rschluet 10/05/2006	_____	sbasford 10/05/2006		

FE Sent For:

<END>

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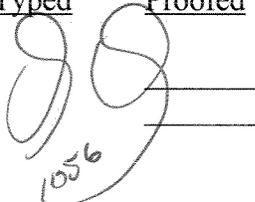
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/?	csundber	11kjf 10/4					

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Authority to Limit the Credential
- Tracking Code: BB0071
- SBO team: General Govt & Justice
- SBO analyst: Cindy Dombrowski (D)
 - Phone: 266-5878
 - Email: cynthia.dombrowski@wisconsin.gov

- Agency acronym: DRL
- Agency number: 165
- Priority (Low, Medium, High): Medium

The agency sent this over prior to Sept 15 -- please now consider it a budget draft.

3. Authority to Limit the Credential

Requested Change:

440.01(1)(d) "Limit", when used in reference to limiting a credential, means to impose conditions and requirements upon the holder of the credential, and or to restrict the scope of the holder's practice.

Justification:

The authority granted DRL disciplinary authorities to impose conditions (such as treatment, education, work reports, etc.) is set forth in terms of the authority to limit the credential. A strict construction of the current definition of "limit" to mean impose conditions AND restrict scope of practice could arguably mean that a condition imposed without a restriction of scope is a) not a limitation and/or b) not authorized by law. Changing "and" to "or" would allow flexibility to impose conditions without affecting scope of practice (and vice versa) when the facts and circumstances merit this approach.



ln: 10/4/06
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0185/21 RWR
CTS: kjf

DOA:.....Dombrowski, BB0071 - Permit department to restrict scope of practice as alternative to conditions and requirements

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

① AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DRL and examining boards and affiliated credentialing boards attached to DRL (boards) are generally authorized to limit a credential issued by DRL 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 or restricting the scope of the holder's practice.

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

2

SECTION 1. 440.01 (1) (d) of the statutes is amended to read:

1 440.01 (1) (d) "Limit", when used in reference to limiting a credential, means
2 to impose conditions and requirements upon the holder of the credential, ~~and~~ or to
3 restrict the scope of the holder's practice.

History: 1977 c. 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1991 a. 39; 1993 a. 102, 107; 1995 a. 233, 333; 1997 a. 35 s. 448; 1997 a. 237 ss. 532, 539m;
1999 a. 9 s. 2915; 2001 a. 80.

4

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0185/1

CTS:kjf:rs

DOA:.....Dombrowski, BB0071 - Permit department to restrict scope of practice as alternative to conditions and requirements

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