

2007 DRAFTING REQUEST

Bill

Received: **11/14/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

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: **don.dyke@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Change definition of "limit"

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 11/14/2006	kfollett 12/05/2006		_____			
/P1	csundber 10/26/2007	kfollett 10/30/2007	nmatzke 12/06/2006	_____	cduerst 12/06/2006		
/1			pgreensl 10/30/2007	_____	cduerst 10/30/2007	cduerst 10/30/2007	

FE Sent For:

none

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/P1		11/15/06 10/30	nmatzke 12/06/2006	19/30	cduerst 12/06/2006		

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19/30
PJ
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/?	csundber	1 P/k-f 12/5	nwn 12/5	nwn/pg 12/5			

FE Sent For:

<END>

Dyke, Don

From: Martin, Larry - DRL
Sent: Friday, October 27, 2006 4:05 PM
To: Dyke, Don
Subject: FW: Remedial Legislation Request: DRL

CGS/TRK

Attachments: Doc3.doc



Doc3.doc (118 KB)

Don:

Attached please find a minor substantive remedial measure to improve the administration of our agency that we wish to submit to the Law Revision Committee. Please contact me if I can answer any questions. Thanks!

Larry

Larry J. Martin
Executive Assistant
Office of the Secretary
Wisconsin Department of Regulation & Licensing 1400 East Washington Avenue PO Box 8935
Madison, WI 53708-8935 larry.martin@drl.state.wi.us
608-266-8608

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

Celia M. Jackson
Secretary



1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-266-2264
TTY: 608-267-2416

1. Requested change:

Amend Wis. Stat. § 440.01 (1) (d) as follows:

“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.

2. The problem with the current statutes.

Under current law, the Department of Regulation and Licensing and affiliated credentialing boards may, as one of a variety of disciplinary options against the holder of a credential, limit a person’s credential to practice a certain profession or trade. The Department and affiliated boards have long interpreted the definition of “limit” to allow for the imposition of rehabilitative requirements (such as education or treatment) without a concurrent restriction of the scope of a practice when public safety did not require such a restriction. However, the statute could be construed to require a restriction of scope of practice in order to impose rehabilitative limitations.

3. The need for the change.

The proposed amendment would eliminate any confusion or potential challenge regarding this longstanding agency and board interpretation.

4. An estimate of fiscal impact of the change.

The Department sees no fiscal impact of the proposed change.

In: 11/14/06

2007 - 2008 LEGISLATURE

0739/PI
LRB-0485/T RANR
CTS:kjf:lw

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

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

disciplinary actions by the department of regulation and licensing against credential holders

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

Analysis by the Legislative Reference Bureau (Department of Regulation and Licensing)

~~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:



In: 10/26/07
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0739/27 PMNR
CTS:kjf:awa

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 BILL

Regen

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

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, or restricting the scope of the holder's practice.

am: /rc note

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

insert note

3

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

or both

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, or both

(END)

Insert 2A

1

INSERT 2A to LRB-0739/P1

notes to d
→

26
⑤

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.

X

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0739/Plins
CTS:kjf:nwn

INSERT NOTE

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 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.

Duerst, Christina

From: Dyke, Don
Sent: Tuesday, October 30, 2007 3:25 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0739/1 Topic: Change definition of

Please jacket for Senate.
Thanks