



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 296

**Senate
Amendments 1 and 2**

Memo published: October 4, 2017

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2017 SENATE BILL 296

2017 Senate Bill 296 (the bill) requires the Department of Safety and Professional Services (DSPS) to establish and maintain an online self-certification registry, which authorizes certain individuals who are certified through an approved “supporting organization” to use the title “state certified” in their professional practice. The bill creates a process for DSPS to approve five supporting organizations for inclusion on the registry based on a number of considerations. These organizations must exist solely to serve or benefit individuals who work in occupations or professions for which no credential is currently required. Individuals who are certified through an approved supporting organization may then apply for inclusion on the registry. DSPS must post a list of registered individuals and other information on its website.

The bill includes numerous other requirements related to the registry, such as application requirements, biennial renewal requirements, provisions for removing individuals and organizations from the registry, penalty provisions, and other provisions related to implementation of the registry. In addition, DSPS is required to submit two separate reports to the Legislature regarding the status of the registry following its implementation.

SENATE AMENDMENT 1

Among other reporting requirements, the **bill** requires DSPS to submit a report one year after the bill is enacted to the Joint Committee on Finance and the appropriate standing committees regarding the following six professions: auctioneers, dietitians, landscape architects, private detectives, private security persons, and sign language interpreters. The report must include information about whether there is a supporting organization for any of these professions, and recommendations regarding whether the licensing requirements for any of

these professions should be eliminated based on a number of considerations. **Senate Amendment 1** eliminates this reporting requirement.

SENATE AMENDMENT 2

Supporting Organization Applications

Senate Amendment 2 modifies the information that a supporting organization must submit as part of its application for inclusion on the registry. Under the **bill**, DSPS must require a supporting organization applying for inclusion on the registry to include, among other application materials, certain information about the scope of practice of each occupation or profession to which the organization “relates.” **Senate Amendment 2** modifies this part of the application process to instead require the organization to include certain information about the scope of practice of each occupation or profession that the organization “certifies.”

Complaints About Individuals on the Registry

Senate Amendment 2 requires DSPS to forward a complaint about an individual who is included on the registry to the supporting organization, if the complaint is related to the individual’s professional practice. This is not required under the **bill**.

Judicial Review

Under the **bill**, a supporting organization whose application for inclusion on the registry is denied may petition the DSPS Secretary for reconsideration, and the Secretary must make a decision on the petition within 30 days. **Senate Amendment 2** adds language stating that the Secretary’s decision is not subject to review under ss. 227.52 to 227.58, Stats., which provide a general statutory right to judicial review of administrative decisions.

Penalties and Enforcement

The **bill** includes certain penalties for violations related to use of the registry. Any individual who falsely claims to be “state certified” through the registry is subject to a forfeiture of up to \$10,000. In addition, any individual who intentionally makes a misstatement or intentionally submits falsified documentation as part of an application for inclusion on the registry or renewal is subject to a forfeiture not to exceed \$1,000. These forfeitures may be recovered through a civil action under ch. 778, Stats.

Senate Amendment 2 expands the bill’s penalty provisions to also allow DSPS to assess the same forfeitures as described above. The amendment also specifies that any individual who fails to pay a forfeiture assessed by DSPS shall be removed from the registry, and may not be granted an initial credential under chs. 440 to 480, Stats., until the forfeiture has been paid.

Emergency Rules

The **bill** requires DSPS to promulgate rules related to certain aspects of the registry, including any rules necessary for creating and maintaining the registry. **Senate Amendment 2**

specifically authorizes DSPS to promulgate those as emergency rules. The emergency rules will remain in effect until May 1, 2019, or the date on which the permanent rules take effect.

Effective Date

Under the **bill**, the act's effective date is generally the first day of the seventh month after publication. Under **Senate Amendment 2**, the act's effective date is generally on the first day of the 10th month after publication.

BILL HISTORY

Senator Darling offered Senate Amendment 1 on September 11, 2017, and Senate Amendment 2 on September 27, 2017. On September 28, 2017, the Senate Committee on Public Benefits, Licensing, and State-Federal Relations unanimously recommended adoption of Senate Amendments 1 and 2. The committee then recommended passage of the bill, as amended, on a vote of Ayes 3; Noes 2.

AB:jal