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CERTIFICATE

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF REGULATION AND LICENSING ) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ann J. Haney, secretary of the Department of Regulation and Licensing, and custodian of the official records of the Department of Regulation and Licensing do hereby certify that the annexed rules relating to rules concerning procedures for pleadings and hearings, were duly approved and adopted by the department on April 2, 1982.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin, this 7th day of April, A.D. 1982.

  
\_\_\_\_\_  
Ann J. Haney  
Secretary

6-1-82

STATE OF WISCONSIN  
BEFORE THE  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE DEPARTMENT : ORDER OF THE DEPARTMENT OF  
OF REGULATION AND LICENSING : REGULATION AND LICENSING REPEALING,  
: AMENDING OR ADOPTING RULES  
:

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ORDER

NOW, THEREFORE, IT IS ORDERED That pursuant to authority vested in the Department of Regulation and Licensing in s. 440.03(1), Stats., the Department of Regulation and Licensing hereby amends, creates and adopts rules, interpreting ss. 227.01, 227.10 and 440.03(1), Stats., as follows:

Section 1. Section RL 2.01 of the Wisconsin administrative code is amended to read:

RL 2.01 AUTHORITY. The following rules and regulations in ch. RL 2 are adopted pursuant to authority in s. 440.03(1), Stats., and procedures in ch. 227, Stats.

Section 2. Section RL 2.02 of the Wisconsin administrative code is amended to read:

RL 2.02 SCOPE: KINDS OF PROCEEDINGS. The rules in this chapter govern procedures in class 2 disciplinary proceedings, as defined in s. 227.01(2)(b), Stats., against licensees before the board-of-nursing department and all examining boards attached to the department of regulation-and-licensing, except that s. RL 2.17, Wis. Adm. Code, applies also to class 1 proceedings, as defined in s. 227.01(2)(a), Stats.

Section 3. Section RL 2.03(1) of the Wisconsin administrative code is amended to read:

RL 2.03(1) "Board" means the board-of-nursing bingo control board, real estate board and any examining board attached to the department of regulation-and-licensing.

Section 4. Section RL 2.03(6) of the Wisconsin administrative code is amended to read:

RL 2.03(6) "Division" means the division of consumer-complaints enforcement in the department of regulation-and-licensing.

Section 5. Section RL 2.03(7) and (8) of the Wisconsin administrative code are renumbered to (8) and (9) respectively.

Section 6. Section RL 2.03(7) of the Wisconsin administrative code is created to read:

RL 2.03(7) "Informal complaint" means any written information submitted to the division or any board by any person which requests that a disciplinary proceeding be commenced against a licensee or which alleges facts, which if true, warrant discipline. "Informal complaint" includes requests for disciplinary proceedings as specified in s. 440.20, Stats.

Section 7. Section RL 2.035 of the Wisconsin administrative code is created to read:

RL 2.035 RECEIVING INFORMAL COMPLAINTS. All informal complaints received shall be referred to the division for filing, screening and, if necessary, investigation. Screening shall be done by the board, or, if the board directs, by a board member or the division. In this section, screening is a preliminary review of complaints to determine whether an investigation is necessary. Considerations in screening include, but are not limited to:

- (1) Whether the person complained against is licensed;
- (2) Whether the violation alleged is a fee dispute;
- (3) Whether the matter alleged, if taken as a whole, is trivial;  
and,
- (4) Whether the matter alleged is a violation of any statute, rule or standard of practice.

Section 8. Section RL 2.036 of the Wisconsin administrative code is created to read:

RL 2.036 PARTIES TO A DISCIPLINARY PROCEEDING. Parties to a disciplinary proceeding are the respondent, the division and the board before which the disciplinary proceeding is heard.

Section 9. Section RL 2.17(1) of the Wisconsin administrative code is amended to read:

RL 2.17(1) On the written request of any person filed with ~~board~~ the department, the record of any board proceeding ~~will~~ shall be transcribed into a written transcript and a copy furnished to the person making ~~such~~ the request. The fee charged to the person making the request shall be computed on the following basis:

Section 10. Section RL 2.17(1)(a) and (b) of the Wisconsin administrative code is amended to read:

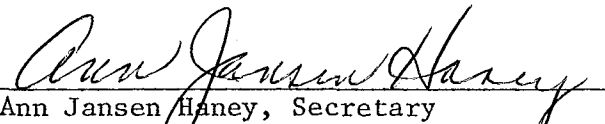
RL 2.17(1)(a) Where the person making the request requires the transcript for the purpose of appeal or judicial review and desires a copy prepared by the person transcribing the record, then the person shall be charged in the amount charged to the board department for a copy of the transcript by the person preparing the transcript, ~~the~~ . The fee is 10¢ per page for a copy of ~~such~~ a transcript made by department employes ~~is~~ 10¢ per page.

RL 2.17(1)(b) Where the person making the request requires the transcript for a purpose other than appeal or judicial review and the record has not been transcribed, the person shall be charged for the copy in the amount charged to the board department for transcribing the record into a written transcript by the person preparing the transcript. If the record has been transcribed, then the fee is 10¢ per page for a copy of ~~such transcription~~ a transcript made by department employes ~~is~~ 10¢ per page.

The rules in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 7 day of April, 1982.

By

  
Ann Jansen Haney, Secretary  
Department of Regulation and Licensing