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State of Misconsin 2017 - 2018 LEGISLATURE

LRBa1263/1 MED:kjf

SENATE AMENDMENT 2, TO SENATE BILL 296

September 27, 2017 - Offered by Senator Darling.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 9, line 5: delete lines 5 and 6 and substitute:
 - "(d) The scope of practice for each occupation or profession that the organization certifies and all of the following information about each such scope of practice:".
 - **2.** Page 10, line 8: after that line insert:
 - "(3m) The department shall forward to the appropriate supporting organization a complaint about an individual who is included in the registry that is related to the individual's practice of the occupation or profession for which he or she is included in the registry.".
- 3. Page 11, line 24: after "filed." insert "Notwithstanding s. 227.52, a decision by the secretary under this paragraph is not subject to review under ss. 227.52 to 227.58.".

- **4.** Page 15, line 10: after that line insert:
- 2 "(g) The department removes the individual pursuant to s. 475.15 (3) (b) 1.".
- **5.** Page 15, line 20: after "**Penalties**" insert "; **enforcement**".
- **6.** Page 15, line 25: after that line insert:
 - "(3) (a) The department may do any of the following:
- 1. Assess against an individual who violates s. 475.13 (5) a forfeiture not to exceed \$10,000.
 - 2. Assess against an individual who, in an application for inclusion in the registry under s. 475.13 (1) (a) or in a renewal application under s. 475.13 (2) (b), intentionally makes a material misstatement or intentionally submits falsified documentation a forfeiture not to exceed \$1,000.
 - (b) 1. The department shall, after a period prescribed by the department, remove from the registry an individual who is included in the registry and who fails to pay a forfeiture assessed by the department under par. (a) 1. or 2. The individual may again be included in the registry if otherwise eligible upon payment of the forfeiture.
 - 2. Notwithstanding any other provision of chs. 440 to 480 relating to issuance or renewal of an initial license, permit, or certificate of certification or registration under chs. 440 to 480, an individual who is assessed a forfeiture by the department under par. (a) 1. or 2. may not be granted an initial license, permit, or certificate of certification or registration under chs. 440 to 480 until he or she has paid the forfeiture."
 - **7.** Page 18, line 3: after that line insert:

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"(2m) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the department of safety and professional services may promulgate rules required under section 475.05 (3) of the statutes. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until May 1, 2019, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection."

- **8.** Page 18, line 4: delete "7th" and substitute "10th".
- **9.** Page 18, line 6: after that line insert:
 - "(1m) Section 16 (2m) of this act takes effect on the day after publication.".

14 (END)