



1995 ASSEMBLY BILL 759

January 2, 1996 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Consumer Affairs.

1 **AN ACT to repeal** 440.08 (2) (a) 2., 442.03 (2), 442.04 (3), 442.06, 442.11 (4) and
2 442.11 (6); **to renumber** 449.01 (1); **to renumber and amend** 449.01 (3); **to**
3 **amend** 45.353 (3), 66.044 (3), 100.03 (1) (e), 100.03 (1) (zp), 127.01 (1r), 127.01
4 (25m) (b), 185.982 (1), 440.05 (intro.), 440.08 (2) (a) (intro.), 442.02 (7), 442.03
5 (3), 442.04 (5), 442.07 (title), 442.07 (1), 442.07 (2), 442.07 (3), 442.08, 442.10
6 (1), 442.11 (7), 442.11 (8), 442.11 (9), 442.11 (10), 442.11 (13), 442.13, 445.045
7 (1) (f), 445.06, 448.13 (1), 449.01 (title), 449.01 (4), 449.07 (1) (intro.), 449.18 (7),
8 450.08 (2) (a), 632.87 (2), 632.87 (2m) (a) (intro.), 632.87 (2m) (a) 2. and 632.87
9 (2m) (a) 4.; and **to create** 449.01 (intro.) and 449.01 (1m) of the statutes;
10 **relating to:** requirements for person applying for a funeral director's license;
11 inactive license status for funeral directors; public accountants practicing
12 under a certificate of authority; qualifications for applicants for a certificate as
13 a certified public accountant; continuing education requirements for
14 physicians; the denial of applications for a credential by the optometry
15 examining board; the continuing education requirements for certain
16 optometrists; and examination requirements for a pharmacist who fails to

1 renew his or her license (suggested as remedial legislation by the department
2 of regulation and licensing).

Analysis by the Legislative Reference Bureau

This bill makes various changes relating to the licensure and regulation of funeral directors, accountants, pharmacists, physicians and optometrists.

Funeral director's license requirements

Under current law, a person applying for a funeral director's license (applicant) must satisfy a number of requirements relating to training and experience. Specifically, an applicant must have 2 academic years of college instruction or other equivalent education, and he or she must complete at least 9 months of instruction in a mortuary science course approved by the funeral directors examining board after completing his or her college education. In addition, an applicant must complete a one-year apprenticeship at any time after one year of his or her college education and either before or after taking the course in mortuary science.

This bill eliminates the requirement that an applicant complete his or her apprenticeship either before or after taking a course in mortuary science. Thus, under the bill an applicant can simultaneously be in an apprenticeship and enrolled in a course in mortuary science.

Inactive license status for funeral directors

Under current law, a funeral director's license must be renewed on January 1 of each even-numbered year. An applicant for renewal of a funeral director's license must furnish proof that he or she is doing business at a recognized funeral establishment. However, if the applicant is not doing business at a recognized funeral establishment at the time that he or she applies to renew his or license, the funeral director examining board must, without additional cost, give the applicant a certificate specifying that the applicant is in good standing as a funeral director (certificate of good standing). A person who has been given a certificate of good standing may be issued a renewal license without payment of any additional fee if he or she begins doing business at a recognized funeral establishment during the 2-year license period.

This bill provides that, instead of issuing a certificate of good standing to a funeral director who is not doing business at a recognized funeral establishment, the funeral directors examining board must issue a certificate stating that the funeral director is inactive. Under the bill, a funeral director who is inactive may transfer to active status during the 2-year license period upon payment of the \$10 fee for the transfer of a credential.

Public accountants practicing under a certificate of authority and qualifications for a certificate as a certified public accountant

Under current law, no person may practice public accounting as a certified public accountant unless the accounting examining board has granted the person both a certificate as a public accountant and a license as a certified public accountant.

In addition, no person may practice public accounting as a public accountant unless the accounting examining board has granted the person both a certificate of authority as a public accountant and a license as a public accountant.

Under current law, the accounting examining board may grant a certificate of authority to practice as a public accountant only to persons who applied for the certificate of authority before December 1, 1935. Thus, the accounting examining board no longer grants certificates of authority to practice as a public accountant, and there no longer are any public accountants practicing public accounting under a certificate of authority. This bill eliminates the statutes providing for the granting of certificates of authority and eliminates references in the statutes to public accountants practicing under a certificate of authority.

In addition, current statutes specify that a person who applies for a certificate as a certified public accountant before July 1, 1968, must satisfy certain education and experience requirements. This bill eliminates these obsolete requirements.

Continuing education requirements for physicians

Under current law, a physician must renew his or her certificate of registration on November 1 of each odd-numbered year. Every 2nd year, at the time a physician applies for renewal of his or her certificate of registration, he or she must submit proof of attendance at and completion of 30 hours of continuing education courses. The physician must have attended and completed the courses within the 2 calendar years preceding the calendar year for which the certificate of registration is effective.

This bill changes the time period during which a physician must attend and complete continuing education courses from the 2 calendar years preceding the date for which the certificate of registration is effective to the 2-year period preceding the date of the physician's application for renewal of his or her certificate of registration.

Denial of an application for credential by optometry examining board

Under current law, the optometry examining board (board) may deny, limit, suspend or revoke a license or certificate of registration or reprimand the holder of a license or certificate of registration if the holder of the license or certificate of registration engages in certain specified prohibited activities.

This bill defines "credential" to mean a license, certificate or certificate of registration issued by the board. The bill authorizes the board to deny a credential to an applicant for that credential if the applicant has engaged in any of the specified prohibited activities.

Continuing education requirements for certain optometrists

Current law authorizes the optometry examining board to certify an optometrist to use therapeutic pharmaceuticals and to remove foreign bodies from an eye. Such a certification expires on January 1 of each even-numbered year. Current law requires that an optometrist who applies for renewal of his or her certification must complete 30 hours of continuing education courses within the 2 calendar years immediately preceding the January 1 expiration date. This bill requires the applicant for renewal of the certification to complete the continuing education courses within the 2 years immediately preceding the date of the applicant's application for renewal.

Pharmacist license renewal

Under current law, a pharmacist who fails to renew his or her license by the date specified in the statutes (June 1 of each even-numbered year) is no longer eligible for a license and may be relicensed only after passing an examination. This bill permits the pharmacy examining board to allow a pharmacist to renew his or her license within 5 years after the renewal date of the license without having to take and pass an examination.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

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) 4., stats. After careful consideration of the various provisions of this 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.

1 **SECTION 1.** 45.353 (3) of the statutes is amended to read:
2 45.353 (3) Application by any such state veterans organization shall be filed
3 annually with the department for the 12-month period commencing on April 1 and
4 ending on March 31 of the year in which it is filed. An application shall contain a
5 statement of salaries and travel expenses paid to employes engaged in veterans
6 claims service maintained at the regional office by such state veterans organization
7 covering the period for which application for a grant is made, which statement has
8 been certified as correct by ~~an~~ a certified public accountant certified licensed under
9 ch. 442 and sworn to as correct by the adjutant or principal officer of the state
10 veterans organization. The application shall also contain the state organization's
11 financial statement for its last completed fiscal year and such evidence of claims
12 service activity as the department requires. Sufficient evidence shall be submitted
13 with an initial application to establish that the state veterans organization, or its
14 national organization, or both, has maintained a full-time service office at the

1 regional office without interruption throughout 5 years out of the 10-year period
2 immediately preceding such application. Subsequent applications must be
3 accompanied by an affidavit by the adjutant or principal officer of such state veterans
4 organization stating that a full-time service office was maintained at the regional
5 office by such state veterans organization, or by such state organization and its
6 national organization, for the entire 12-month period for which application for a
7 grant is made.

NOTE: This SECTION clarifies a reference to accountants licensed under ch. 442 so that it uses the term "certified public accountant", the only type of accountant now licensed under that chapter.

8 **SECTION 2.** 66.044 (3) of the statutes is amended to read:

9 66.044 (3) The ordinance shall provide that the governing body of the city or
10 village shall authorize an annual detailed audit of its financial transactions and
11 accounts by a certified public accountant licensed under ch. 442 and designated by
12 the governing body.

NOTE: This SECTION adds the word "certified" to a reference to a public accountant licensed under ch. 442, since that is now the only type of public accountant licensed under that chapter.

13 **SECTION 3.** 100.03 (1) (e) of the statutes is amended to read:

14 100.03 (1) (e) "Certified financial statement" means a financial statement that,
15 in the accompanying opinion of an independent certified public accountant ~~or a~~
16 ~~public accountant holding a certificate of authority~~ licensed under ch. 442, fairly and
17 in all material respects represents the financial position of the contractor, the results
18 of the contractor's operations and the contractor's cash flows in conformity with
19 generally accepted accounting principles.

NOTE: This SECTION deletes an obsolete reference to a public accountant holding a certificate of authority, since this type of accountant no longer exists.

20 **SECTION 4.** 100.03 (1) (zp) of the statutes is amended to read:

1 100.03 (1) (zp) “Verified financial statement” means a contractor’s financial
2 statement that is compiled by an independent certified public accountant ~~or a public~~
3 ~~accountant holding a certificate of authority~~ licensed under ch. 442 and that contains
4 a notarized statement, signed and sworn to by the contractor or an officer of the
5 contractor, that the financial statement is correct.

NOTE: This SECTION deletes an obsolete reference to a public accountant holding a certificate of authority, since this type of accountant no longer exists.

6 **SECTION 5.** 127.01 (1r) of the statutes, as affected by 1995 Wisconsin Act 42, is
7 amended to read:

8 127.01 (1r) “Audited financial statement” means a financial statement on
9 which an independent certified public accountant, ~~or an independent public~~
10 ~~accountant holding a certificate of authority~~ licensed under ch. 442, has expressed
11 an opinion according to generally accepted accounting principles and has conducted
12 an audit according to generally accepted auditing standards.

NOTE: This SECTION deletes an obsolete reference to a public accountant holding a certificate of authority, since this type of accountant no longer exists.

13 **SECTION 6.** 127.01 (25m) (b) of the statutes, as affected by 1995 Wisconsin Act
14 42, is amended to read:

15 127.01 (25m) (b) The financial statement is reviewed according to generally
16 accepted accounting principles by an independent certified public accountant ~~or an~~
17 ~~independent public accountant who holds a certificate of authority~~ licensed under ch.
18 442.

NOTE: This SECTION deletes an obsolete reference to a public accountant holding a certificate of authority, since this type of accountant no longer exists.

19 **SECTION 7.** 185.982 (1) of the statutes is amended to read:

20 185.982 (1) No sickness care plan or contract issued thereunder by such
21 cooperative association shall interfere with the manner or mode of the practice of

1 medicine, optometry, chiropractic or dentistry, the relationship of physician,
2 chiropractor, optometrist or dentist and patient, nor the responsibility of physician,
3 chiropractor, optometrist or dentist to patient. A plan may require persons covered
4 to utilize health care providers designated by the cooperative association. The
5 cooperative association may provide health care services directly through providers
6 who are employes of the cooperative association or through agreements with
7 individual providers or groups of providers organized on a group practice or
8 individual practice basis. In making such agreements, no plan may refuse to provide
9 coverage for vision care services or procedures provided by an optometrist licensed
10 under ch. 449 within the scope of the practice of optometry, as defined in s. 449.01
11 ~~(1)~~ (5m), if the plan provides coverage for the same services or procedures when
12 provided by another health care provider.

13 **SECTION 8.** 440.05 (intro.) of the statutes, as affected by 1995 Wisconsin Act 27,
14 is amended to read:

15 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
16 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ~~442.06~~, 444.03,
17 444.05, 444.11, 449.17, 449.18 and 459.46:

18 **SECTION 9.** 440.08 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
19 Act 27, section 6479, is amended to read:

20 440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
21 ~~442.06~~, 444.03, 444.05, 444.11, 448.065, 449.17, 449.18 and 459.46, the renewal
22 dates and renewal fees for credentials are as follows:

23 **SECTION 10.** 440.08 (2) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
24 27, is repealed.

NOTE: This SECTION repeals an obsolete reference to renewal of a license issued to a public accountant, since this type of accountant no longer exists.

1 **SECTION 11.** 442.02 (7) of the statutes is amended to read:

2 442.02 (7) Nothing contained in this chapter shall prevent the employment by
3 a certified public accountant, ~~or by a public accountant,~~ or by a firm or corporation,
4 furnishing public accounting services as principal, of persons to serve as accountants
5 in various capacities, as needed; provided, that such persons work under the control
6 and supervision of certified public accountants ~~or accountants with certificates of~~
7 ~~authority~~ as hereinafter provided, that such employes shall not issue any statements
8 or reports over their own names except such office reports to their employer as are
9 customary and that such employes are not in any manner held out to the public as
10 public accountants as described in this chapter.

NOTE: This SECTION deletes from the statute outlining the scope of practice for public accountants references to a public accountant with a certificate of authority, since this type of accountant no longer exists.

11 **SECTION 12.** 442.03 (2) of the statutes is repealed.

NOTE: This SECTION deletes the prohibition against practicing as a public accountant in this state unless the person is granted a certificate of authority. Certificates of authority for public accountants are no longer granted in this state.

12 **SECTION 13.** 442.03 (3) of the statutes is amended to read:

13 442.03 (3) No corporation or other entity and no officer, partner, stockholder
14 or employe thereof may lawfully practice in this state as a ~~public accountant~~ or a
15 certified public accountant either in the entity's or person's name, or as an employe
16 or under an assumed name, unless the natural person has been granted by this
17 examining board a certificate of authority as a certified public accountant and unless
18 the person or entity, jointly and severally, has complied with all the provisions of this
19 chapter, including licensure.

NOTE: This SECTION deletes references to a public accountant granted a certificate of authority from the statute authorizing licensure of corporations or other entities and

officers, partners, stockholders and employes thereof as certified public accountants. Certificates of authority for public accountants are no longer granted in this state.

1 **SECTION 14.** 442.04 (3) of the statutes is repealed.

NOTE: This SECTION deletes an obsolete statute which refers to qualifications for applicants for a certificate as a certified public accountant before July 1, 1968.

2 **SECTION 15.** 442.04 (5) of the statutes is amended to read:

3 442.04 (5) No certificate as a certified public accountant may be granted to any
4 person other than a person who is 18 years of age or older, does not have an arrest
5 or conviction record, subject to ss. 111.321, 111.322 and 111.335, and, except as
6 provided in s. 442.05, has successfully passed a written examination in such subjects
7 affecting accountancy as the examining board deems necessary, ~~and, if the~~
8 ~~application was made before July 1, 1968, has had at least 3 years of accounting~~
9 ~~experience, equivalent to that of a senior in public practice. The examining board~~
10 ~~may accept evidence of sufficient technical education in accountancy in lieu of 1 1/2~~
11 ~~years of public accounting experience. If the application was after that date and the,~~
12 The applicant has had shall have at least 1 1/2 years accounting experience
13 equivalent to that of a senior in public practice, the sufficiency of the experience to
14 be judged by the examining board, ~~the.~~ The examining board may supplement the
15 written examination by an interview and may use the examination service provided
16 by the American institute of certified public accountants. The examining board shall
17 ensure that evaluation procedures and examinations are nondiscriminatory, relate
18 directly to accountancy and are designed to measure only the ability to perform
19 competently as an accountant.

NOTE: This SECTION deletes obsolete references to qualifications needed for applicants for a certificate as a certified public accountant if application was made before July 1, 1968.

20 **SECTION 16.** 442.06 of the statutes is repealed.

NOTE: This SECTION deletes an obsolete statute authorizing the accounting examining board to issue certificates of authority to practice public accounting.

1 **SECTION 17.** 442.07 (title) of the statutes is amended to read:

2 **442.07 (title) Requirements for practice as certified public accountant**
3 ~~**or public accountant.**~~

4 **SECTION 18.** 442.07 (1) of the statutes is amended to read:

5 442.07 (1) Any person who has been issued a certificate of the person's
6 qualifications to practice as a certified public accountant, shall be styled and known
7 as a "certified public accountant" and no other person shall assume to use such title
8 or the abbreviation "C.P.A." or any other word, words, letters or figures to indicate
9 that the person using the same is a certified public accountant. The terms "chartered
10 accountant", "public accountant" and "certified accountant" and the abbreviation
11 "C.A." are specifically prohibited to such other persons as being prima facie
12 misleading to the public. ~~Any person who has been issued a certificate of authority,~~
13 ~~as herein provided, shall be styled and known as a "public accountant" and no other~~
14 ~~person, other than a certified public accountant, shall assume to use such~~
15 ~~designation or any other word, words, letters or figures to indicate that such person~~
16 ~~is entitled to practice as a public accountant.~~

17 **SECTION 19.** 442.07 (2) of the statutes is amended to read:

18 442.07 (2) No person may practice in this state as a certified public accountant
19 ~~or a public accountant~~, either in the person's name, under an assumed name, or as
20 a member of a partnership, except as provided in s. 442.02 (10), unless the person has
21 been granted a certificate by the examining board and secured a license for the
22 current licensure period. No person may practice in this state as a certified public
23 accountant, as an officer or director of a corporation engaged in the practice of public

1 accounting, unless the corporation has secured a license for the current licensure
2 period.

3 **SECTION 20.** 442.07 (3) of the statutes is amended to read:

4 442.07 (3) Any partnership, which is entitled to practice as certified public
5 accountants in this state or any other state, every resident member and resident
6 manager of which is a certified public accountant of this state, after registering the
7 partnership name with the examining board, may use the designation “certified
8 public accountants” in connection with the partnership name. Any partnership,
9 every member and resident manager of which is a certified public accountant of this
10 state or any other state ~~or holds a certificate of authority under this chapter~~, after
11 registering the partnership name with the examining board, may use the
12 designation “certified public accountants” in connection with the partnership name.
13 An assumed name, in use prior to September 21, 1935, may be used the same as a
14 partnership name, provided the individual persons practicing as principals under
15 that name hold certificates granted by the examining board and register the name
16 with the examining board.

NOTE: SECTIONS 16 to 19 delete references to public accountants and certificates of
authority for public accountants from the statute relating to requirements for practice,
since these terms are obsolete.

17 **SECTION 21.** 442.08 of the statutes is amended to read:

18 **442.08 Licensure.** Upon application by a holder of an unrevoked Wisconsin
19 certificate as a certified public accountant ~~or an unrevoked Wisconsin certificate of~~
20 ~~authority as provided for in this chapter~~, the department shall issue a license to the
21 holder. A license shall also be issued to any partnership or corporation, upon
22 application, which has complied with this chapter. The renewal date and renewal
23 fee for licenses issued under this chapter are specified under s. 440.08 (2) (a).

NOTE: This SECTION deletes an obsolete reference to a certificate of authority as a public accountant from the statute relating to licensure of accountants.

1 **SECTION 22.** 442.10 (1) of the statutes is amended to read:

2 442.10 (1) Whenever any person, as a certified public accountant ~~or public~~
3 ~~accountant~~, signs or certifies any report, schedule or statement relative to the affairs
4 of any corporation, association or partnership in which the person is financially
5 interested or by which the person is regularly engaged as an officer or employe, the
6 signature or certification shall be accompanied by a specific statement setting forth
7 the fact that the person is financially interested in or is an officer or regular employe
8 of the corporation, association or partnership. If the person is both financially
9 interested and an officer or regular employe, the statement shall cover both financial
10 interest and employment. In the case of a corporation holding a certificate of
11 ~~authority~~ signing or certifying as above, the interest of any of its stockholders shall
12 be disclosed.

NOTE: This SECTION deletes obsolete references to public accountants and certificates of authority from the statute relating to signing or certification of a report by an accountant, when the report relates to affairs in which the accountant has an interest.

13 **SECTION 23.** 442.11 (4) of the statutes is repealed.

NOTE: This SECTION deletes obsolete references to public accountants holding certificates of authority from the statute relating to penalties for various accounting practice violations.

14 **SECTION 24.** 442.11 (6) of the statutes is repealed.

NOTE: This SECTION deletes obsolete references to public accountants holding certificates of authority from the statute relating to penalties for various accounting practice violations.

15 **SECTION 25.** 442.11 (7) of the statutes is amended to read:

16 442.11 (7) Who shall practice as a certified public accountant ~~or as a public~~
17 ~~accountant~~ after his or her certificate has been revoked; or

NOTE: This SECTION deletes an obsolete reference to public accountants from the statute relating to penalties for various accounting practice violations.

1 **SECTION 26.** 442.11 (8) of the statutes is amended to read:

2 442.11 (8) Who shall as an individual, or, as a member of a partnership or as
3 an officer or director of a corporation, practice or permit the partnership or
4 corporation to practice as a certified public accountant ~~or as a public accountant~~
5 unless a license has been secured for the current licensure period; or

NOTE: This SECTION deletes an obsolete reference to public accountants from the statute relating to penalties for various accounting practice violations.

6 **SECTION 27.** 442.11 (9) of the statutes is amended to read:

7 442.11 (9) Who shall sell, buy, give or obtain an alleged certificate as a certified
8 public accountant, ~~or a certificate of authority,~~ or a license in any other manner than
9 is provided for by this chapter; or

NOTE: This SECTION deletes an obsolete reference to certificates of authority from the statute relating to penalties for various accounting practice violations.

10 **SECTION 28.** 442.11 (10) of the statutes is amended to read:

11 442.11 (10) Who attempts to practice as a certified public accountant ~~or as a~~
12 ~~public accountant~~ under guise of a certificate not granted by the examining board,
13 or under cover of a certificate obtained illegally or fraudulently; or

NOTE: This SECTION deletes an obsolete reference to public accountants from the statute relating to penalties for various accounting practice violations.

14 **SECTION 29.** 442.11 (13) of the statutes is amended to read:

15 442.11 (13) Who shall, as an individual, or as a member of a partnership or as
16 an officer of a corporation, permit to be announced by printed or written statement
17 that any report, certificate, exhibit, schedule or statement has been prepared by or
18 under supervision of a certified public accountant ~~or by or under supervision of a~~
19 ~~public accountant~~ when the person who prepared the same was not such certified
20 public accountant ~~or public accountant~~.

NOTE: This SECTION deletes obsolete references to public accountants from the statute relating to penalties for various accounting practice violations.

1 **SECTION 30.** 442.13 of the statutes is amended to read:

2 **442.13 Ownership of accountant's working papers.** All statements,
3 records, schedules, working papers and memoranda made by a certified public
4 accountant ~~or public accountant~~ incident to or in the course of professional service
5 to clients by such accountant, except reports submitted by a certified public
6 accountant ~~or public accountant~~ to a client, shall be and remain the property of such
7 accountant, in the absence of an express agreement between such accountant and
8 the client to the contrary. No such statement, record, schedule, working paper or
9 memorandum shall be sold, transferred or bequeathed, without the consent of the
10 client or the client's personal representative or assignee, to anyone other than one
11 or more surviving partners or new or successor partners of such accountant.

NOTE: This SECTION deletes obsolete references to public accountants from the statute relating to the ownership of an accountant's working papers.

12 **SECTION 31.** 445.045 (1) (f) of the statutes is amended to read:

13 445.045 (1) (f) Have completed one year of apprenticeship as prescribed in s.
14 445.095 at any time after having completed one year of college work or equivalent
15 education ~~and either before or after taking the course in mortuary science required~~
16 ~~by par. (e).~~

NOTE: This SECTION deletes the provision in current law relating to eligibility for a funeral director's license which requires that a funeral director's apprenticeship be completed either before or after taking the course in mortuary science required by s. 445.045 (1) (e). This will allow the apprenticeship to be done concurrently while taking the mortuary science course.

17 **SECTION 32.** 445.06 of the statutes is amended to read:

18 **445.06 Renewal of licenses.** The renewal date and renewal fee for a funeral
19 ~~directors' director's~~ license are specified under s. 440.08 (2) (a). Before any renewal
20 license is delivered to any licensed funeral director, proof must be furnished by the
21 applicant, to the satisfaction of the examining board, that the applicant is doing

1 business at a recognized funeral establishment, except that if such applicant is not
2 doing business at a recognized funeral establishment at the time of application for
3 a license, the applicant shall be given a certificate, without additional cost, to the
4 effect that the applicant is ~~in good standing as a funeral director, and inactive and~~
5 is not doing business at a recognized funeral establishment. A person who is issued
6 an inactive status certificate under this section shall be entitled to a renewal license
7 at any time during that license period, when located at a recognized funeral
8 establishment, ~~without upon~~ payment of ~~any additional renewal~~ the fee specified in
9 s. 440.05 (7). The applicant must also furnish proof of completion of at least 15 hours
10 of continuing education during the previous 2-year licensure period, except that new
11 licensees are exempt from this requirement during the time between initial licensure
12 and commencement of a full 2-year licensure period.

NOTE: This SECTION deletes a reference in current law to a funeral director in good standing and replaces it with the more accurate reference to an inactive funeral director who is not doing business at a recognized funeral establishment. It also authorizes an inactive funeral director to transfer to active status by paying the fee currently required for a transfer of a credential under s. 440.05 (7) (under current law, no fee is required).

13 **SECTION 33.** 448.13 (1) of the statutes is amended to read:

14 448.13 (1) Each physician shall, in each 2nd year at the time of application for
15 a certificate of registration under s. 448.07, submit proof of attendance at and
16 completion of continuing education programs or courses of study approved for at
17 least 30 hours of credit by the board within the 2 ~~calendar~~ years immediately
18 preceding the calendar year for which the registration is effective date of the
19 physician's application for a certificate of registration. The board may waive this
20 requirement if it finds that exceptional circumstances such as prolonged illness,
21 disability or other similar circumstances have prevented a physician from meeting
22 the requirement.

NOTE: This SECTION clarifies that a physician applying for renewal of his or her certificate of registration must submit proof that he or she has completed at least 30 hours of continuing education during the 2 years immediately preceding the date of the physician's application for renewal. Current law requires that the continuing education be completed within the 2 calendar years preceding the calendar year for which the certificate of registration is effective, which is confusing since a certificate of registration is not issued for a calendar year but for a 2-year period that begins on November 1 of each odd-numbered year.

1 **SECTION 34.** 449.01 (title) of the statutes is amended to read:

2 **449.01 (title) Definitions; discrimination prohibited.**

3 **SECTION 35.** 449.01 (intro.) of the statutes is created to read:

4 449.01 (intro.) In this chapter:

5 **SECTION 36.** 449.01 (1) of the statutes is renumbered 449.01 (5m).

6 **SECTION 37.** 449.01 (1m) of the statutes is created to read:

7 449.01 (1m) CREDENTIAL. "Credential" means a license, certification or
8 certificate of registration that is issued under this chapter.

9 **SECTION 38.** 449.01 (3) of the statutes is renumbered 449.015 and amended to
10 read:

11 **449.015 Discrimination prohibited.** Any agency of the state, county,
12 municipality or school district shall accept the optometric services, ~~as defined listed~~
13 ~~in sub. (1), of s. 449.01 (5m) that are provided by~~ optometrists licensed under this
14 chapter, on the same basis as those of any other person authorized by law to render
15 such services.

16 **SECTION 39.** 449.01 (4) of the statutes is amended to read:

17 449.01 (4) (title) EXAMINING BOARD. ~~In this chapter, "examining~~ Examining
18 board" means optometry examining board.

19 **SECTION 40.** 449.07 (1) (intro.) of the statutes is amended to read:

20 449.07 (1) (intro.) The examining board, by order, may reprimand a credential
21 holder and may deny, limit, suspend or revoke any ~~license or certificate of~~

1 ~~registration~~ credential if the licensee or registrant credential holder or applicant for
2 a credential:

NOTE: SECTIONS 34 to 40 establish the authority of the optometry examining board to deny a credential (defined as a license, certification or certificate of registration) to an applicant for a credential on the same grounds on which the optometry examining board may deny, limit, suspend or revoke the credential of a person who already holds the credential.

3 **SECTION 41.** 449.18 (7) of the statutes is amended to read:

4 449.18 (7) The examining board shall promulgate rules requiring applicants
5 for renewal under sub. (4) to attend continuing education courses approved by the
6 examining board. The rules shall establish criteria for the approval of such courses
7 and may not require an applicant for renewal to attend more than 30 hours of courses
8 within the 2 calendar years immediately preceding the expiration date specified in
9 sub. (4) of the applicant's application for renewal.

NOTE: This SECTION establishes that an optometrist who is certified to use therapeutic pharmaceuticals or to remove foreign bodies from an eye must complete at least 30 hours of continuing education during the 2-year period immediately preceding the date of his or her application for renewal of the certification. This eliminates the possibility that an optometrist applying for renewal of his or her certificate could take advantage of the 5-year credential renewal grace period created by 1991 Wisconsin Act 39 and satisfy the continuing education requirement using course work completed up to 7 years before the date of the renewal application.

10 **SECTION 42.** 450.08 (2) (a) of the statutes is amended to read:

11 450.08 (2) (a) A pharmacist's license may be renewed by paying the applicable
12 fee specified under s. 440.08 (2) (a) on or before the applicable renewal date specified
13 under s. 440.08 (2) (a). ~~Failure to obtain renewal~~ If a pharmacist fails to renew his
14 or her license within the time period specified under ~~this paragraph~~ terminates the
15 right of the person to be licensed as a s. 440.08 (3) (b), the pharmacist, and such right
16 can may restore his or her license only be acquired by passing an examination to the
17 satisfaction of the board.

NOTE: This SECTION reconciles the provision in current law that does not allow for renewal of a pharmacist's license without an examination once the license renewal date

has passed with the general 5-year credential renewal grace period, created by 1991 Wisconsin Act 39, that allows the department of regulation and licensing or an examining board to renew a credential within 5 years after the credential renewal date without requiring the credential holder to pass an examination.

1 **SECTION 43.** 632.87 (2) of the statutes is amended to read:

2 632.87 (2) No insurer may, under a contract or plan covering vision care
3 services or procedures, refuse to provide coverage for vision care services or
4 procedures provided by an optometrist licensed under ch. 449 within the scope of the
5 practice of optometry, as defined in s. 449.01 (1) (5m), if the contract or plan includes
6 coverage for the same services or procedures when provided by another health care
7 provider.

8 **SECTION 44.** 632.87 (2m) (a) (intro.) of the statutes is amended to read:

9 632.87 (2m) (a) (intro.) No health maintenance organization or preferred
10 provider plan that provides vision care services or procedures within the scope of the
11 practice of optometry, as defined in s. 449.01 (1) (5m), may do any of the following:

12 **SECTION 45.** 632.87 (2m) (a) 2. of the statutes is amended to read:

13 632.87 (2m) (a) 2. Fail to provide to persons covered by the health maintenance
14 organization or preferred provider plan, at the time vision care services or
15 procedures are needed, the opportunity to choose optometrists from the listing under
16 subd. 1. from whom the persons may obtain covered vision care services and
17 procedures within the scope of the practice of optometry, as defined in s. 449.01 (1)
18 (5m).

19 **SECTION 46.** 632.87 (2m) (a) 4. of the statutes is amended to read:

20 632.87 (2m) (a) 4. When vision care services or procedures are deemed
21 appropriate by the health maintenance organization or preferred provider plan,
22 restrict or discourage a person covered by the health maintenance organization or

1 preferred provider plan from obtaining covered vision care services or procedures,
2 within the scope of the practice of optometry as defined in s. 449.01 (1) (5m), from
3 participating optometrists solely on the basis that the providers are optometrists.

4 (END)