

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Health - public health
Occupational Reg. - prof lic**

Extra Copies: **PJH, CTS**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Jablonsky, BB0032 -

Topic:

Transfer sanitarian registration to DRL

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>
/?	dkennedy 10/05/2004	kfollett 10/28/2004		_____			State
/P1			pgreensl 10/29/2004	_____	lnorthro 10/29/2004		State
/P2	dkennedy 11/02/2004	kfollett 11/04/2004	rschluet 11/04/2004	_____	lemery 11/04/2004		State
/1	dkennedy	kfollett	rschluet	_____	lemery		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/04/2005	01/04/2005	01/04/2005	_____	01/04/2005		
/2	dkennedy 01/26/2005	kfollett 01/26/2005	rschluet 01/26/2005	_____	lemery 01/26/2005		State
/3	dkennedy 02/03/2005	kfollett 02/03/2005	pgreensl 02/03/2005	_____	mbarman 02/04/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 09/30/2004

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact: DHFS

Addl. Drafters:

Subject: Health - public health
Occupational Reg. - prof lic

Extra Copies: PJH, CTS

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

DOA:.....Jablonsky, BB0032 -

Topic:

Transfer sanitarian registration to DRL

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>
/?	dkennedy 10/05/2004	kfollett 10/28/2004		_____			State
/P1			pgreensl 10/29/2004	_____	Inorthro 10/29/2004		State
/P2	dkennedy 11/02/2004	kfollett 11/04/2004	rschluet 11/04/2004	_____	lemery 11/04/2004		State
/1	dkennedy	kfollett 13/2/3	rschluet 2/3/8	_____	lemery		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/04/2005	01/04/2005	01/04/2005	_____	01/04/2005		
/2	dkennedy 01/26/2005	kfollett 01/26/2005	rschluet 01/26/2005	_____	lemery 01/26/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Health - public health
Occupational Reg. - prof lic**

Extra Copies: ~~PIK~~, CTS

PJH

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Jablonsky, BB0032 -

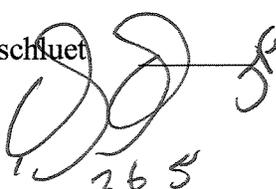
Topic:

Transfer sanitarian registration to DRL

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>
/?	dkennedy 10/05/2004	kfollett 10/28/2004		_____			State
/P1			pgreensl 10/29/2004	_____	lnorthro 10/29/2004		State
/P2	dkennedy 11/02/2004	kfollett 11/04/2004	rschluet 11/04/2004	_____	lemery 11/04/2004		State
/1	dkennedy	kfollett 12/26 1/26	rschluet  265		lemery		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/04/2005	01/04/2005	01/04/2005	_____	01/04/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 09/30/2004

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact: DHFS

Addl. Drafters:

Subject: Health - public health
Occupational Reg. - prof lic

Extra Copies: PJK, CTS

Submit via email: YES

Requester's email:

S/b PJK, CTS
PJK, CTS
PJK, CTS (w/ PJK)

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

DOA:.....Jablonsky, BB0032 -

Topic:

Transfer sanitarian registration to DRL

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>
/?	dkennedy 10/05/2004	kfollett 10/28/2004		_____			State
/P1			pgreensl 10/29/2004	_____	lnorthro 10/29/2004		State
/P2	dkennedy 11/02/2004	kfollett 11/04/2004	rschluet 11/04/2004	_____	lemery 11/04/2004		

11/4/04
11/4/04
1 4 5

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 09/30/2004

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact: DHFS

Addl. Drafters:

Subject: Health - public health

Extra Copies: ~~RLR~~ PSK, CTS

Submit via email: NO

Pre Topic:

DOA:.....Jablonsky, BB0032 -

Topic:

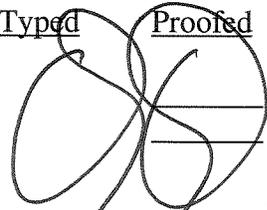
Transfer sanitarian registration to DORL

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	dkennedy	1P2 kj 11/4					
----	----------	----------------	---	--	--	--	--

FE Sent For:

11 4 4 <END> 6P6

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Health - public health
Occupational Reg. - prof lic**

Extra Copies: **RLR, PJK, CTS**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Jablonsky, BB0032 -

Topic:

Transfer sanitarian registration to DRL

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>
/?	dkennedy 10/05/2004	kfollett 10/28/2004		_____			State
/P1			pgreensl 10/29/2004	_____	Inorthro 10/29/2004		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 09/30/2004

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact: DHFS

Addl. Drafters:

Subject: Health - public health
Occupational Reg. - prof lic

Extra Copies: RLR, PJK, CTS

Submit via email: NO

Pre Topic:

DOA:.....Jablonsky, BB0032 -

Topic:

Transfer sanitarian registration to DORL

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>
1/?	dkennedy	1 PJK 10/28	19 29 P8	10/29 P8/103			State

FE Sent For:

<END>

DAK BB0032
-0347

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Transfer Sanitarian Registration
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: HRT
- SBO analyst: Susan Jablonsky
 - Phone: 7-9546
 - Email: sue.jablonsky@doa.state.wi.us
- Agency acronym: DHFS
- Agency number: 435

DHFS

Department of Health and Family Services
2005-2007 Biennial Budget Statutory Language Request
September 21, 2004

Transfer Sanitarian Registration to Department of Regulation and Licensing

Current Language

Chapter 250.05 provides authority for DHFS to register Sanitarians (R.S.).

Proposed Change

Repeal s. 250.05 Sanitarians; qualifications, duties, registration and create the authority under the Department of Regulation and Licensing (DRL).

Effect of the Change

The change will transfer the authority to register sanitarians from DHFS to DRL.

Rationale for the Change

It is likely sanitarian registration can be more efficiently and effectively administered in DRL since infrastructure to register professionals on-line, develop licensing criteria and enforce that criteria exists in DRL and does not exist in DHFS.

Desired Effective Date: Upon passage.
Agency: DHFS
Agency Contact: Cindy Daggett
Phone: 266-5380



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0347/

DAK:

SOON - In edit 10/5

D-NOTE

11/3

UPS:
Fix
request
sheet
pls.

DOA:.....Jablonsky, BB0032 - Transfer sanitarian registration to DORL
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, the Department of Health and Family Services (DHFS) must establish minimum standards for, register, and otherwise regulate sanitarians (persons who apply environmental control measures under the public health laws to prevent and control preventable diseases).

This bill transfers the duty to regulate sanitarians from DHFS to the Department of Regulation and Licensing (DORL).

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

INSECT
1-2

- 2 SECTION 21.72 (1) (a) 4. of the statutes is amended to read:
- 3 21.72 (1) (a) 4. A license, certificate of approval, provisional license, conditional
- 4 license, certification, certification card, registration, permit, training permit, or

1 approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a)
 2 or (b), (6g) (a), (7), or (8) (a) or (f), ~~250.05 (5)~~[✓], 252.23 (2), 252.24 (2), 254.176, 254.178
 3 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305
 4 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

5 History: 2001 a. 22; 2003 a. 69.
~~SECTION 2~~[✓] 49.857 (1) (d) 4. of the statutes is amended to read:

6 49.857 (1) (d) 4. A certification, license, training permit, registration, approval
 7 or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),
 8 ~~250.05 (5)~~[✓], 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)
 9 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

10 History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61.
~~SECTION 3~~[✓] 73.0301 (1) (d) 3. of the statutes is amended to read:

11 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,
 12 conditional license, certification, certification card, registration, permit, training
 13 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
 14 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or
 15 (8) (a) or (f), ~~250.05 (5)~~[✓], 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or
 16 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

17 History: 1997 a. 237 ss. 301, 307, 312; 1999 a. 9, 31, 32, 186; 2001 a. 56.
~~SECTION 4~~[✗] 250.041 (1) (a) of the statutes is repealed.

18 ~~SECTION 5~~[✗] 250.05 (title) of the statutes is renumbered 440.70 (title).

19 ~~SECTION 6~~[✗] 250.05 (1) of the statutes is renumbered 440.70 (1).

20 ~~SECTION 7~~[✗] 250.05 (2) of the statutes is renumbered 440.70 (2).

21 ~~SECTION 8~~[✗] 250.05 (3) of the statutes is renumbered 440.70 (3) and amended

22 to read:

23 ^{again} 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of the state
 24 may employ or contract for the services of sanitarians, registered under this section,

1 who shall enforce the public health statutes under chs. 250 to 255 or rules
2 promulgated under those statutes.

3 History: 1975 c. 414 s. 28; 1977 c. 39, 418; 1983 a. 189; 1985 a. 182 s. 57; 1987 a. 27; 1993 a. 27 s. 223; Stats. 1993 s. 250.05; 1997 a. 191, 237; 1999 a. 9.

SECTION ~~9~~ 250.05 (5) of the statutes is renumbered 440.70 (5) and amended

4 to read:

5 ^{← plain} 440.70 (5) REGISTRATION. Except as provided in sub. (8m) and s. 250.041 s. 440.12 or
6 440.13, the department, upon application on forms prescribed by it and payment of
7 the prescribed fee, shall register as a sanitarian any person who has presented
8 evidence satisfactory to the department that standards and qualifications of the
9 department, as established by rule, have been met.

10 History: 1975 c. 414 s. 28; 1977 c. 39, 418; 1983 a. 189; 1985 a. 182 s. 57; 1987 a. 27; 1993 a. 27 s. 223; Stats. 1993 s. 250.05; 1997 a. 191, 237; 1999 a. 9.

SECTION ~~10~~ 250.05 (6) of the statutes is renumbered 440.70 (6) and amended

11 to read:

12 440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. A fee fixed
13 by rule of the department shall accompany the application under sub. (5) and,
14 ~~beginning January 1, 1988, a biennial fee of \$25 shall be paid by every registered~~
15 ~~sanitarian who desires to continue registration.~~ The amounts amount of the fees fee
16 may be adjusted by the department by rule. All certificates of registration shall
17 expire on December 31 in each odd-numbered year. Except as provided in sub. (8m)
18 and s. 250.041 s. 440.12 or 440.13, the department may renew registrations upon
19 application made after January 1 of each even-numbered year if it is satisfied that
20 the applicant has good cause for not making application in December of the
21 immediately preceding year and upon payment of the biennial fee and ~~any~~ additional
22 fees prescribed by the department fee specified in s. 440.08 (3) (a).

23 History: 1975 c. 414 s. 28; 1977 c. 39, 418; 1983 a. 189; 1985 a. 182 s. 57; 1987 a. 27; 1993 a. 27 s. 223; Stats. 1993 s. 250.05; 1997 a. 191, 237; 1999 a. 9.

SECTION ~~11~~ 250.05 (7) of the statutes is renumbered 440.70 (7).

1 SECTION ~~12~~ 250.05 (8) of the statutes is renumbered 440.70 (8) and amended
2 to read:

3 440.70(8) REVOCATION OF REGISTRATION. The department may, after a hearing held in
4 conformance with ch. 227, ~~except as provided in sub. (8m) (c),~~ revoke or suspend
5 under this ~~section~~ subchapter the registration of any sanitarian for practice of fraud
6 or deceit in obtaining the registration or any gross professional negligence,
7 incompetence or misconduct.

8 History: 1975 c. 414 s. 28; 1977 c. ~~29~~ 418; 1983 a. 189; 1985 a. 182 s. 57; 1987 a. 27; 1993 a. 27 s. 223; Stats. 1993 s. 250.05; 1997 a. 191, 237; 1999 a. 9.
9 SECTION ~~13~~ 250.05 (8m) (title) of the statutes is renumbered 440.70 (title).

10 SECTION ~~14~~ 250.05 (8m) (a) to (c) of the statutes are renumbered 440.70 (8m)
11 (a) to (c).

12 SECTION ~~15~~ 250.05 (8m) (d) of the statutes is repealed.

13 SECTION ~~16~~ 250.05 (8m) (e) of the statutes is repealed.

14 SECTION ~~17~~ 250.05 (9) of the statutes is renumbered 440.70 (9) and amended
15 to read:

16 440.70 (9) PENALTY. No person not registered under this ~~section~~ subchapter may claim
17 to be a registered sanitarian nor append to his or her name the initials "R.S.". ~~Any~~
18 ~~person violating this subsection may be fined not more than \$100 or imprisoned not~~
19 ~~more than 6 months.~~

20 History: 1975 c. 414 s. 28; 1977 c. ~~29~~ 418; 1983 a. 189; 1985 a. 182 s. 57; 1987 a. 27; 1993 a. 27 s. 223; Stats. 1993 s. 250.05; 1997 a. 191, 237; 1999 a. 9.
21 SECTION ~~18~~ 440.08 (2) (a) (intro.) of the statutes is amended to read:

22 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 440.70
23 (6), 442.04, 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18, the renewal
24 dates and renewal fees for credentials are as follows:

25 History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233,
321, 322, 461; 1997 a. 27, 75, 81, 96, 136, 197, 237, 261, 300; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 89; 2003 a. 150, 270, 285, 327.
SECTION ~~19~~ 440.08 (2) (a) 68b. of the statutes is created to read:

1 440.08 (2) (a) 68b. Sanitarian: January 1 of each even-numbered year, \$25.

2 SECTION ~~20~~ 440.23 (1) of the statutes is amended to read:

3 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
4 or (6), 440.08, 440.70 (6), 444.03, or 444.11 by check or debit or credit card and the
5 check is not paid by the financial institution upon which the check is drawn or if the
6 demand for payment under the debit or credit card transaction is not paid by the
7 financial institution upon which demand is made, the department may cancel the
8 credential on or after the 60th day after the department receives the notice from the
9 financial institution, subject to sub. (2).

History: 1989 a. 31; 1991 a. 39, 189, 169, 278, 315; 1993 a. 16; 1995 a. 27; 1999 a. 9; 2003 a. 270, 285, 327.

10 SECTION ~~21~~ Subchapter VI of chapter 440 [precedes 440.70] of the statutes is
11 created to read:

CHAPTER 440 (B)
SUBCHAPTER VI
SANITARIANS

12
13
14 SECTION 9121. Nonstatutory provisions; health and family services.

15 (1) TRANSFER OF SANITARIAN REGISTRATION. (a) *Registered sanitarians.* All
16 persons who were registered as sanitarians under section 250.05 of the statutes, as
17 affected by this act, immediately before the effective date of this paragraph are
18 registered under section 440.70 of the statutes, as affected by this act.

19 (b) *Rules and orders.* All rules of the department of health and family services
20 regulating registration of sanitarians that are in effect before the effective date of
21 this paragraph remain in effect until their specified expiration date or until amended
22 or repealed by the department of regulation and licensing. All orders of the
23 department of health and family services regulating registered sanitarians that are
24 in effect before the effective date of this paragraph remain in effect until their

1 specified expiration date or until modified or rescinded by the department of
2 regulation and licensing.

3 (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of health and family services relating to the registration
5 of sanitarians, as determined by the secretary of administration, shall become the
6 assets and liabilities of the department of regulation and licensing.

7 (d) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the department of health and family
9 services relating to the registration of sanitarians, as determined by the secretary
10 of administration, is transferred to the department of regulation and licensing.

11 (e) *Contracts.* All contracts entered into by the department of health and family
12 services relating to the registration of sanitarians in effect on the effective date of this
13 paragraph remain in effect and are transferred to the department of regulation and
14 licensing. The department of regulation and licensing shall carry out any obligations
15 under such a contract until the contract is modified or rescinded by the department
16 of regulation and licensing to the extent all owed under the contract.

17 (f) *Pending matters.* Any matter pending with the department of health and
18 family services relating to the regulation of sanitarians on the effective date of this
19 paragraph is transferred to the department of regulation and licensing and all
20 materials submitted to or actions taken by the department of health and family
21 services with respect to the pending matter are considered as having been submitted
22 to or taken by the department of regulation and licensing.

23 **SECTION 9321. Initial applicability; health and family services.**

24 (1) TRANSFER OF SANITARIAN REGISTRATION. The treatment of sections 21.72 (1)
25 (a) 4., 49.857 (1) (d) 4., 73.0301 (1) (d) 3., 250.041 (1) (a), 250.05, 440.08 (2) (a) (intro.)

1 and 68b., 440.23 (1), and subch[✓] VI of ch[✓] 440 of the statutes first applies to X
2 applications for sanitarian registration or for renewal of sanitarian registration
3 made on the effective date of this subsection.

4 (END)

D-NOTE

~~Debit another ref~~

UPS: not in folder

INSERT 1-2

SECTION #. AM;

20.435(1)(gm)

20.435
①
②

(gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8), 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the purchase and distribution of medical supplies and to analyze and provide data under s. 250.04. All moneys received under ss. 146.50 (5) (f) and (8) (d), 250.04 (3m), ~~250.05~~ (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) (b) and ch. 69 and as reimbursement for medical supplies shall be credited to this appropriation account.

440.70

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-034779 dn
DAK: [Signature]

PI

Date

To Sue Jablonsky and Cindy Daggett:

1. I have included no employee provisions or position transfers in this bill; is that what you want?
2. Note that I have placed the sanitarian provisions in ch. 440, stats.; the consequence is that DORL, rather than an examining board, regulates sanitarians. Is that what you want? X
3. There are numerous differences between penalties for sanitarians (see s. 250.05 (9), stats.) and general penalties under ch. 440, stats. (see s. 440.48, stats). The nonstatutory, transitional provisions and initial applicability should take care of these, unless you want changes.
4. Note that I created s. 440.08 (2) (a) 68b., based on s. 250.05 (6), stats. Is this the amount of fee that you want?

Please do not hesitate to call if you have questions.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0347/P1dn
DAK:kjf:pg

October 29, 2004

To Sue Jablonsky and Cindy Daggett:

1. I have included no employee provisions or position transfers in this bill; is that what you want?
2. Note that I have placed the sanitarian provisions in ch. 440, stats.; the consequence is that DRL, rather than an examining board, regulates sanitarians. Is that what you want?
3. There are numerous differences between penalties for sanitarians (see s. 250.05 (9), stats.) and general penalties under ch. 440, stats. (see s. 440.48, stats). The nonstatutory, transitional provisions and initial applicability should take care of these, unless you want changes.
4. Note that I created s. 440.08 (2) (a) 68b., based on s. 250.05 (6), stats. Is this the amount of fee that you want?

Please do not hesitate to call if you have questions.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us



D-NOTE

DOA:.....Jablonsky, BB0032 - Transfer sanitarian registration to DRL
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS must establish minimum standards for, register, and otherwise regulate sanitarians (persons who apply environmental control measures under the public health laws to prevent and control preventable diseases).

This bill transfers the duty to regulate sanitarians from DHFS to DRL.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 20.435 (1) (gm) of the statutes is amended to read:

3 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*
4 *services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8),
5 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8),

1 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the
2 purchase and distribution of medical supplies and to analyze and provide data under
3 s. 250.04. All moneys received under ss. 146.50 (5) (f) and (8) (d), 250.04 (3m), 250.05
4 ~~440.70~~ (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181,
5 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2)
6 (b) and ch. 69 and as reimbursement for medical supplies shall be credited to this
7 appropriation account.

8 **SECTION 2.** 21.72 (1) (a) 4. of the statutes is amended to read:

9 21.72 (1) (a) 4. A license, certificate of approval, provisional license, conditional
10 license, certification, certification card, registration, permit, training permit, or
11 approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a)
12 or (b), (6g) (a), (7), or (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.178
13 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305
14 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

15 **SECTION 3.** 49.857 (1) (d) 4. of the statutes is amended to read:

16 49.857 (1) (d) 4. A certification, license, training permit, registration, approval
17 or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),
18 ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)
19 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

20 **SECTION 4.** 73.0301 (1) (d) 3. of the statutes is amended to read:

21 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,
22 conditional license, certification, certification card, registration, permit, training
23 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
24 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or

1 (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or
2 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

3 SECTION 5. 250.041 (1) (a) of the statutes is repealed.

4 SECTION 6. 250.05 (title) of the statutes is renumbered 440.70 (title).

5 SECTION 7. 250.05 (1) of the statutes is renumbered 440.70 (1).

6 SECTION 8. 250.05 (2) of the statutes is renumbered 440.70 (2).

7 SECTION 9. 250.05 (3) of the statutes is renumbered 440.70 (3) and amended
8 to read:

9 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of
10 the state may employ or contract for the services of sanitarians, registered under this
11 section, who shall enforce the public health statutes under chs. 250 to 255 or rules
12 promulgated under those statutes.

13 SECTION 10. 250.05 (5) of the statutes is renumbered 440.70 (5) and amended
14 to read:

15 440.70 (5) REGISTRATION. Except as provided in ~~sub. (8m) and s. 250.041 s.~~
16 440.12 or 440.13, the department, upon application on forms prescribed by it and
17 payment of the prescribed fee, shall register as a sanitarian any person who has
18 presented evidence satisfactory to the department that standards and qualifications
19 of the department, as established by rule, have been met.

20 SECTION 11. 250.05 (6) of the statutes is renumbered 440.70 (6) and amended
21 to read:

22 440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. A
23 fee fixed by rule of the department shall accompany the application under sub. (5)
24 and, ~~beginning January 1, 1988, a biennial fee of \$25 shall be paid by every~~
25 ~~registered sanitarian who desires to continue registration.~~ The amounts amount of

1 the fees fee may be adjusted by the department by rule. All certificates of registration
 2 shall expire on December 31 in each odd-numbered year. Except as provided in sub-
 3 ~~(8m)~~ and s. 250.041 s. 440.12 or 440.13, the department may renew registrations
 4 upon application made after January 1 of each even-numbered year if it is satisfied
 5 that the applicant has good cause for not making application in December of the
 6 immediately preceding year and upon payment of the biennial fee and any additional
 7 fees ~~prescribed by the department~~ fee specified in s. 440.08 (3) (a).

8 SECTION 12. 250.05 (7) of the statutes is renumbered 440.70 (7).

9 SECTION 13. 250.05 (8) of the statutes is renumbered 440.70 (8) and amended
 10 to read:

11 440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing
 12 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e),~~ revoke or
 13 suspend under this ~~section~~ subchapter the registration of any sanitarian for practice
 14 of fraud or deceit in obtaining the registration or any gross professional negligence,
 15 incompetence or misconduct.

16 SECTION 14. 250.05 (8m) ~~(title)~~ of the statutes is renumbered ~~440.70 (8m)~~
 17 ~~(title).~~ repealed

18 SECTION 15. 250.05 (8m) (a) to (c) of the statutes are renumbered 440.70 (8m)
 19 (a) to (c).

20 SECTION 16. 250.05 (8m) (d) of the statutes is repealed.

21 SECTION 17. 250.05 (8m) (e) of the statutes is repealed.

22 SECTION 18. 250.05 (9) of the statutes is renumbered 440.70 (9) and amended
 23 to read: repealed.

24 440.70 (9) PENALTY. No person not registered under this ~~section~~ subchapter
 25 may claim to be a registered sanitarian nor append to his or her name the initials

Change to Component

Change to Component

1 "R.S.". Any person violating this subsection may be fined not more than \$100 or
2 imprisoned not more than 6 months.

3 SECTION 19. ~~440.08 (2) (a) (intro.) of the statutes is amended to read:~~
4 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 440.70
5 (6), 442.04, 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18, the renewal
6 dates and renewal fees for credentials are as follows:

INSERT
5-6

7 SECTION ~~20~~ 440.08 (2) (a) 68b. of the statutes is created to read:
8 440.08 (2) (a) 68b. Sanitarian: January 1 of each even-numbered year, \$25.

9 SECTION ~~21~~ 440.23 (1) of the statutes is amended to read:
10 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
11 or (6), 440.08, 440.70 (6), 444.03, or 444.11 by check or debit or credit card and the
12 check is not paid by the financial institution upon which the check is drawn or if the
13 demand for payment under the debit or credit card transaction is not paid by the
14 financial institution upon which demand is made, the department may cancel the
15 credential on or after the 60th day after the department receives the notice from the
16 financial institution, subject to sub. (2).

17 SECTION ~~22~~ Subchapter VI of chapter 440 [precedes 440.70] of the statutes is
18 created to read:

19 CHAPTER 440

20 SUBCHAPTER VI

21 SANITARIANS

22 SECTION 9121. Nonstatutory provisions; health and family services.

23 (1) TRANSFER OF SANITARIAN REGISTRATION. (a) *Registered sanitarians.* All
24 persons who were registered as sanitarians under section 250.05 of the statutes, as

1 affected by this act, immediately before the effective date of this paragraph are
2 registered under section 440.70 of the statutes, as affected by this act.

3 (b) *Rules and orders.* All rules of the department of health and family services
4 regulating registration of sanitarians that are in effect before the effective date of
5 this paragraph remain in effect until their specified expiration date or until amended
6 or repealed by the department of regulation and licensing. All orders of the
7 department of health and family services regulating registered sanitarians that are
8 in effect before the effective date of this paragraph remain in effect until their
9 specified expiration date or until modified or rescinded by the department of
10 regulation and licensing.

11 (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of health and family services relating to the registration
13 of sanitarians, as determined by the secretary of administration, shall become the
14 assets and liabilities of the department of regulation and licensing.

15 (d) *Tangible personal property.* On the effective date of this paragraph, all
16 tangible personal property, including records, of the department of health and family
17 services relating to the registration of sanitarians, as determined by the secretary
18 of administration, is transferred to the department of regulation and licensing.

19 (e) *Contracts.* All contracts entered into by the department of health and family
20 services relating to the registration of sanitarians in effect on the effective date of this
21 paragraph remain in effect and are transferred to the department of regulation and
22 licensing. The department of regulation and licensing shall carry out any obligations
23 under such a contract until the contract is modified or rescinded by the department
24 of regulation and licensing to the extent allowed under the contract.

1 (f) *Pending matters.* Any matter pending with the department of health and
2 family services relating to the regulation of sanitarians on the effective date of this
3 paragraph is transferred to the department of regulation and licensing and all
4 materials submitted to or actions taken by the department of health and family
5 services with respect to the pending matter are considered as having been submitted
6 to or taken by the department of regulation and licensing.

7 **SECTION 9321. Initial applicability; health and family services.**

8 (1) TRANSFER OF SANITARIAN REGISTRATION. The treatment of sections 21.72 (1)
9 (a) 4., 49.857 (1) (d) 4., 73.0301 (1) (d) 3., 250.041 (1) (a), 250.05, 440.08 (2) (a) ~~intro~~
10 ~~and~~ 68b., 440.23 (1), and subchapter VI of chapter 440 of the statutes first applies
11 to applications for sanitarian registration or for renewal of sanitarian registration
12 made on the effective date of this subsection.

13 (END)

D-NOTE

440.03 (13) (b)
66 Ed., 440.05
(intro.)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0347/P2ins
DAK:kjf:pg

660
INSERT 5-6

1 SECTION ~~1~~ 440.03 (13) (b) ~~6b~~ d. of the statutes is created to read:

2 440.03 (13) (b) ~~6b~~ d. Sanitarian.

3 SECTION ~~2~~ 440.05 (intro.) of the statutes is amended to read:

4 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
5 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.70 (6),
6 440.9935, 444.03, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18:

History: 1977 c. 29, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1983 a. 27; 1985 a. 29; 1987 a. 264, 265, 329, 399, 403; 1989 a. 31, 229, 307, 316, 336, 340, 341, 359; 1991 a. 39, 269, 278, 315; 1993 a. 16; 1995 a. 27; 1997 a. 27, 96; 1999 a. 9; 2001 a. 16; 2003 a. 150, 270, 285, 327.

Date

D-NOTE

Sablonsky

To Sue Sablonsky and Cindy Daggett:

1. I have redrafted this bill to correct certain provisions. # 2. Section 250.05(6), stats., provides that initial registration fees are fixed by DHS rule, and that biennial renewal fees are \$25. I have specified a \$25 biennial renewal fee for sanitarians in s. 440.08(2)(a) 68b., but am unsure am unsure whether you wish to continue the

the requirement that ^(I) initial registration fees be promulgated by rule. DHS's rules, at s. HFS 160.06(1), Wis. Adm. Code, specify a \$15 "base fee," which may be

increased by \$5 increments in each year to a maximum of \$30, plus an additional fee

to cover examination costs; by contrast,

s. 440.05(1) ^(I) specifies an initial credential fee of \$53, plus an examination fee. For

this draft, I have left ^{alone} the rules requirement
for the initial registration fee in s. 250.05 (6),
stats. (renumbered to s. 440.07(6)), but need to
know what is your intent.

3. Please see s. 440.03(9), stats., in
light of my comments under ^{item} 2., above.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0347/P2dn
DAK:kjfrs

November 4, 2004

To Sue Jablonsky and Cindy Daggett:

1. I have redrafted this bill to correct certain provisions.
2. Section 250.05 (6), stats., provides that initial registration fees are fixed by DHFS rule, and that biennial renewal fees are \$25. I have specified a \$25 biennial renewal fee for sanitarians in s. 440.08 (2) (a) 68b., but am unsure whether you wish to continue the requirement that *initial* registration fees be promulgated by rule. DHFS's rules, at s. HFS 160.06 (1), Wis. Adm. Code, specify a \$15 "base fee," which may be increased by \$5 increments in each year to a maximum of \$30, plus an additional fee to cover examination costs; by contrast, s. 440.05 (1), stats., with exceptions, specifies an initial credential fee of \$53, plus an examination fee. For this draft, I have left alone the rules requirement for the initial registration fee in s. 250.05 (6), stats. (renumbered to s. 440.07(6)), but need to know what is your intent.
3. Please see s. 440.03 (9), stats., in light of my comments under item 2., above.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Jablonsky, Sue
Sent: Wednesday, December 22, 2004 11:24 AM
To: Kennedy, Debora
Subject: FW: Status of Statutory Language



PLdraftcomments.d

oc

I'm still having trouble with your email--hope you get this...

-----Original Message-----

From: Jablonsky, Sue
Sent: Wednesday, December 22, 2004 10:31 AM
To: Debora Kennedy (E-mail)
Subject: FW: Status of Statutory Language

Debora--these are comments from R&L about the sanitarian draft and should be incorporated. I'm sorry this is late--I had assumed that DHFS would work with them and come to terms and then send me something back. Sadly, no

-----Original Message-----

From: Daggett, Cynthia
Sent: Wednesday, December 22, 2004 10:24 AM
To: Jablonsky, Sue
Subject: RE: Status of Statutory Language

No, because all of our language was ok. DRL had concerns about their side of the language that should be forwarded to LRB. I attached the DRL comments so you don't have to dig through your e-mails.

>>> Jablonsky, Sue 12/22/04 09:55AM >>>

CD--did you share the DRL stuff with LRB? I didn't since I thought once you worked stuff out with them that you could forward to LRB

-----Original Message-----

From: Daggett, Cynthia
Sent: Wednesday, December 22, 2004 8:38 AM
To: Jablonsky, Sue; Johnston, James; Rhodes, Dennis; Bove, Fredi-Ellen
Subject: Status of Statutory Language

1. Transfer of Bureau of Health Information and Policy (DIN 5105)
ok as is. Sue, I did talk with Debora Kennedy and agree with her comments.

2. Tanning facilities (DIN 5107) ok as is.

3. Sanitarian Registration (DIN 5108)
Language for DHFS is ok, defer to DRL on their language.

DRL had a number of questions regarding the nonstatutory language. DHFS responses in italics.

1. DRL needs to know what orders are currently in effect.
There are currently no orders in effect. DHFS recently purchased training materials for registered sanitarians. The final invoice may not have cleared by now, but it will be the end of the fiscal year when the registration transfers to DRL.

2. DRL needs to know what assets and liabilities are contemplated for transfer. DHFS will transfer all revenue related to sanitarian registration to DRL on the effective date of the transfer. After January 1, DHFS will provide DRL with a projection of the revenue anticipated to transfer.

3. DRL needs to know what DHFS contracts exist "relating to the registration of sanitarians" and specifically what obligations DRL is proposed to assume. DHFS contracts with P.E.S. on or about July 1 of each year. This contract will not be signed for FY07 due to the anticipated transfer of the program.

4. DRL needs to know what matters are pending with DHFS regarding regulation of sanitarians. DHFS agrees that this is necessary for a smooth transition to occur. DHFS suggests that a lead contact from each department be assigned after the first of the year to make sure no details are missed.

4. Lead Registry (DIN 5109) ok as is.

5. Community Programs (DINS 5620 and 5623) Donna sent comments last week.

COMMENTS ON DRAFT 05-0347/PL

Section	Comments
1	"All moneys received" under s. 440.70(6) should be routed to DRL, not DHFS. Therefore, this entry should be included in s. 20.165, not s. 20.435.
11	a) To coordinate with other DRL initiatives on expiration dates, this the Dec. 31 expiration date should be changed to Dec. 15. b) The last sentence of this section ["Except as provided ... fee specified in s. 440.08(3)(a)."] should be deleted. DRL already has standard late fee language in s. 440.08(3).
13	a) The panoply of remedies should mirror standard DRL options, i.e., revoke, <u>deny</u> , suspend, <u>limit or reprimand</u> . In addition, <u>forfeiture</u> authority should be added. b) The bases for discipline should read: "for practice of fraud or deceit in obtaining the registration or any gross unprofessional negligence <u>conduct</u> , incompetence or misconduct <u>professional negligence</u> ."
14-15	The cited statutory sections relate to social security numbers. The issue is covered by s. 440.03(11m). The sections should be repealed.
19 18?	If the intent is to de-criminalize the misuse of the title, then the caption "PENALTY" should be deleted. Otherwise, the deleted language should be retained.
20	a) We recommend that January 1 be changed to December 16. b) The fee of \$25 should be raised to \$53 (DRL's baseline renewal fee).
9121	Non statutory provisions
(1)(b)	DRL needs to know what orders are currently in effect.
(1)(c)	DRL needs to know what assets and liabilities are contemplated for transfer.
(1)(e)	DRL needs to know what DHFS contracts exist "relating to the registration of sanitarians" and specifically what obligations DRL is proposed to assume.
(1)(f)	DRL needs to know what matters are pending with DHFS regarding regulation of sanitarians.

Fixed in 1/2 ✓

Fixed in 1/2 ✓

?

[Handwritten signature]